

Report of the Head of Planning & Enforcement Services

Address TESCO STORE, TROUT ROAD, OFF YIEWSLEY HIGH STREET HIGH STREET YIEWSLEY

Development: Application to remove condition 51 (provision of a south bound bus lane) of planning permission 60929/APP/2007/3744 for the "Erection of mixed use development comprising 7,390 sq.m (gross) retail (Class A1 Use) floorspace and 97 residential units, including new access, car parking, amenity space and landscaping (Full Application) approved 31 January 2008

LBH Ref Nos: 60929/APP/2012/2118

Drawing Nos: 'Buildings C & D Detailed Elevations & Sections', ref. P3-0-352C
'Buildings C & D Detailed Elevations & Sections', ref. P3-0-353C
'Building E Detailed Elevations & Sections, ref. P3-0-354C
202227 SK31 Rev. B.
Route 222 Performance
Route U3 Performance
Highways Note in connection with condition 51 produced by Waterman Transport Consultants dated 22 August 2012
'Red Line Plan' ref. E0-0-100D
'Site Survey Plan' ref. E0-0-101A
'Proposed Location Plan' ref. P0-0-100E
'Amenity Areas Plan' ref. P0-0-200B
'Level 01 Lower Ground Floor Proposed Site Plan' ref. P1-0-100H
'Level 02 Upper Ground Floor' ref. P1-0-101H
'Building E Detailed Elevations & Sections', ref. P3-0-355C
Plan ref. ASP7: Detailing of Acoustic Fence (Rev C) prepared by Aspect Landscape Planning
Drawings prepared by EDCO Design, ref. C338-105, C338-901B and C338-501B.
'Planning Overview Statement'
'Access Statement'
'Community Involvement Report'
'Level 03 Mezzanine' ref. P1-0-102H
'Level 04' ref. P1-0-103H
'Level 05' ref. P1-0-104H
'Level 06 Roof' ref. P1-0-105H
'Tesco Store Level 01 Lower Ground' ref. P1-0-200E
'Tesco Store Level 02 Upper Ground Floor' ref. P1-0-201D
'Tesco Store Level 03 Mezzanine Level' ref. P1-0-202D
'Proposed Residential Plans Blocks A & B' ref. P1-0-300D
'Proposed Residential Plans Blocks C, D & E' ref. P1-0-301E
'Proposed Residential Plans Wheelchair Units -Private Units Level 01 Block D only' ref. P1-0-320B
'Proposed Residential Plans Wheelchair Units -Private Units Level 02 Block C or D only' ref. P1-0-321B
'Proposed Residential Plans Wheelchair Units -Affordable Units Level 01 Block E' ref. P1-0-322B
'Proposed Residential Plans Wheelchair Units - Affordable Units Level 02 Block E' ref. P1-0-323A
'Site Sectional Elevations' ref. P2-0-200E

'Sections Residential Buildings A & B' ref. P2-0-300E
 'Elevations Site Elevations' ref. P3-0-100E
 'Elevations Tesco Store' ref. P3-0-200E
 'Elevations Residential', ref. P3-0-300E
 'Building A Levels 1, 2 & 3 Floor Plans', ref. P1-0-350B
 'Building A Levels 4, 5 & 6 Roof Detailed Floor Plans', ref. P1-0-351B
 'Building B-Private Units Levels 1, 2 & 3 Detailed Floor Plans', ref. P1-0-352B
 'Building B Levels 4, 5 & 6 Roof Detailed Floor Plans', ref. P1-0-353B
 'Building C Levels 1 & 2 Detailed Floor Plans', ref. P1-0-354D
 'Building C & D Levels 3-4/Level 1 Detailed Floor Plans', ref. P1-0-355D
 'Building D Levels 2/3 & 4 Detailed Floor Plans', ref. P1-0-356D
 'Building E Levels 01 & 2, 3 & 4 Detailed Floor Plans, ref. P1-0-357D
 'Buildings A & B Detailed Elevations & Sections', ref. P3-0-350B
 'Buildings A & B Detailed Elevations & Sections, ref. P3-0-351B
 'Planning Obligations Statement and 'Retail Assessment'
 'Environmental Noise Assessment' prepared by Sharps Redmore Partnership dated 31/05/06 and addendum report dated 04/12/07
 'Flood Risk Assessment Report' prepared by Pinnacle Consulting Engineers dated September 2007
 'Transport Assessment (Volumes 1, 2 and 3)' prepared by Borehams dated November 2007
 'Updated Air Quality Assessment' prepared by Jacobs dated June 2006, addendum to the Updated Air Quality Assessment' dated July 2006, Update 'Air Quality Assessment' prepared by Jacobs and dated December 2007,
 'An Archaeological Desk Based Assessment' prepared by AOC dated June 2006 and revised September 2007
 'Initial Ecological Survey' prepared by RSK Carter Ecological Ltd dated October 2007
 'Landscape Statement' prepared by EDCO Design Limited dated December 2007
 'Yiewsley Renewable Energy Statement' prepared by Scott Wilson
 'Employment Land Study' prepared by Grant Mills Wood dated December 2007
 'Arboricultural Implications' report prepared by Simon Jones Associates Ltd, and dated December 2007
 'Design Statement' prepared by Collado Collins Architects and Masterplanners dated December 2007

Date Plans Received: 28/08/2012

Date(s) of Amendment(s):

Date Application Valid: 30/08/2012

1. SUMMARY

The application seeks to remove condition 51, namely the requirement to make provision for a bus Lane on Cowley High Street just to the north of this roads cross junction with Falling Land and Trout Road, in relation to the planning permission 60929/APP/2007/3744 granted 6 December 2007 for a mixed use scheme consisting of a 7,390sq.m A1 (Tesco) retail store, 97 residential units, associated car parking, landscaping and new vehicular access.

It is considered the evidence base does not justify the need for the introduction of the bus lane and accordingly it is considered the removal of condition and the provision of no southbound bus lane as shown on the indicative plan PO-0-100E and the 'Proposed Bus Layout Option C' is consistent with Policy AM2, AM7 and AM12 of the of the Hillingdon Local Plan: Part Two Saved UDP Policies

2. RECOMMENDATION

2.1 That subject to the Mayor not directing the Council under Article 6 of the Town and Country Planning (Mayor of London) Order 2008 to refuse the application, or under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application, delegated powers be given to the Head of Planning, Sport and Green Spaces to grant planning permission, subject to any relevant amendments agreed by the Head of Planning, Sport and Green Spaces and also those requested by the Greater London Authority and the following:

a) That the Council enters into a deed of variation to the legal agreement for planning permission 60929/APP/2007/3744 with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or Section 278 of the Highways Act 1980 (as amended) and/ or other appropriate legislation to secure the heads of terms set out within that agreement.

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

c) That officers be authorised to negotiate and agree the detailed terms of the proposed agreement.

d) That if any of the heads of terms set out above have not been agreed and the S106 legal agreement has not been finalised by the 28th March 2013, or any other period deemed appropriate by the Head of Planning, Sport and Green Spaces then delegated authority be granted to the Head of Planning, Sport and Green Spaces to refuse the application for the following reason:

'The development has failed to secure obligations relating to affordable housing, education, healthcare, public transport, community facilities, recreational open space, town centre improvements, community safety, canalside improvements, highways works or travel plans. Accordingly, the proposal is contrary to policies R2, R3, R7, R17, EC3, BE19, BE32, AM1, AM2, AM7, AM11 and AM12 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), the Council's Planning Obligations SPD and Air Quality SPG.'

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

f) That if the application is approved, the following conditions be imposed:

1 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the

Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

2 T8 Time Limit - full planning application 3 years

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

REASON

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

3 ST1 Standard Condition

No development shall take place until details and/or samples of all materials, colours and finishes, detailed landscape design proposals including hard landscaping materials, street furniture, lighting and signage to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Unitary Development Plan Saved Policies September 2007.

4 ST1 Standard Condition

Before the development is commenced details of boundary fencing or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be erected before the development is occupied and shall be permanently retained thereafter.

REASON

To safeguard privacy to adjoining properties in accordance with Policy BE24 and to maintain the landscape and amenity values of the adjoining canal in accordance with Policy BE32 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

5 ST1 Standard Condition

No raw materials, finished or unfinished products, parts, crates, packing materials or waste shall be kept on the site except within the buildings or storage areas specified on the approved plans.

REASON

In order to safeguard the amenities of the area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

6 ST1 Standard Condition

No floodlighting or other form of external lighting shall be installed unless it is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and in consultation with British Waterways. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting that is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance that does not change its details.

REASON

To safeguard the amenity of surrounding properties in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies September 2007 and in the interests of highway safety.

7 ST1 Standard Condition

Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 (or any others revoking and re-enacting this provision with or without modification), no additional internal floorspace shall be created in excess of that area expressly authorised by this permission.

REASON

To enable the Local Planning Authority to assess all the implications of the development and to ensure that adequate parking and loading facilities can be provided on the site, in accordance with of the Hillingdon Unitary Development Plan 1998.

8 ST1 Standard Condition

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 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 3998 (1989) 'Recommendations for Tree Work' 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.

REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 of the Hillingdon Unitary Development Plan and to comply with Section 197 of the Town and Country Planning Act 1990.

9 ST1 Standard Condition

Prior to the commencement of any site clearance or construction work, 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. 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:

- There shall be no changes in ground levels;
- No materials or plant shall be stored;
- No buildings or temporary buildings shall be erected or stationed;
- No materials or waste shall be burnt; and
- No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

REASON

To ensure that trees and other vegetation to be retained are not damaged during construction work and to ensure that the development conforms with policy BE38 of the Unitary Development Plan Saved Policies September 2007.

10 ST1 Standard Condition

No development shall take place until a landscape scheme providing full details of hard and soft landscaping works has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The scheme shall include:

- Planting plans (at not less than a scale of 1:100),
- Written specification of planting and cultivation works to be undertaken,
- Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate,
- Implementation programme

The scheme shall also include details of the following:

- Proposed finishing levels or contours
- Means of enclosure,
- Car parking layouts,
- Other vehicle and pedestrian access and circulation areas,
- Hard surfacing materials proposed,
- Minor artefacts and structures (such as play equipment, furniture, refuse storage, signs, or lighting),
- Existing and proposed functional services above and below ground (e.g. drainage, power cables or communications equipment, indicating lines, manholes or associated structures),
- Retained historic landscape features and proposals for their restoration where relevant.

Any scheme submitted in relation to this condition shall demonstrate additional tree planting and cover within the retail store car park.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality in compliance with policy BE38 and in the interest of preserving open views to and from the canal, the living environment for future residents and the canal setting in accordance with Policy BE31 and BE32 of the Unitary Development Plan Saved Policies September 2007.

11 ST1 Standard Condition

All hard and soft landscaping shall be carried out in accordance with the approved landscaping scheme. Furthermore before the development hereby permitted is

commenced details of a landscape phasing implementation plan shall be submitted to and agreed in writing by the Local Planning Authority. The landscape phasing implementation plan shall indicate areas of the development that when buildings within that phase are completed or occupied, whichever is sooner, all landscaping will be completed within the first planting and seeding season.

The new planting and landscape operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently retained.

Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which within a period of 5 years from the completion of development dies, is removed or in the opinion of the Local Planning Authority becomes seriously damaged or diseased shall be replaced in the same place in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to any variation.

REASON

To ensure that the landscaped areas are laid out and retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Unitary Development Plan Saved Policies September 2007.

12 ST1 Standard Condition

No development shall take place until a schedule of landscape maintenance, which should be applied for as long as the proposed buildings remain in use, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.

REASON

To ensure that the approved landscaping is properly maintained in accordance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

13 ST1 Standard Condition

None of the dwellings hereby permitted shall be occupied, until the outdoor amenity area serving the dwellings as shown on the approved plans (including balconies where these are shown to be provided) has been made available for the use of residents of the development. Thereafter, the amenity areas shall so be retained.

REASON

To ensure the continued availability of external amenity space for residents of the development, in the interests of their amenity and the character of the area in accordance with policy BE23 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

14 ST1 Standard Condition

The rating level of the noise emitted from the site or plant determined using the guidance of BS 4142:1997, 1 metre from the façade of the nearest noise sensitive premises, shall be at least 5 dB(A) below the existing background LA90 noise level and this shall be determined at or over the most noise sensitive time period that the plant operates over.

REASON

To safeguard the amenity of the surrounding area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

15 ST1 Standard Condition

No vehicles delivering to or collecting from the retail superstore shall enter the site (as defined by the red line boundary on the application drawing 'Site Plan' ref. E0-0-100D), and no deliveries or collections (including loading or unloading) to the retail superstore, including waste collections, shall be permitted between 2300 and 0700 hours on any day (subject to the additional restrictions specified herein on Sundays and Bank Holidays). Deliveries and collections on Sundays shall only be permitted between 1000 and 1600 hours. No deliveries or collections shall be permitted on Bank Holidays. Outside of the permitted delivery hours only vehicles in association with the residential units hereby permitted shall be allowed into the site. Furthermore details shall be submitted to the Local Planning Authority before the development commences of a scheme of measures including signage and access barriers (which should be lockable and capable of operation by disabled users) to ensure that out of hours deliveries cannot occur on site. The development shall then be carried out strictly in accordance with the agreed measures.

REASON

To safeguard the amenity of the surrounding area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

16 ST1 Standard Condition

Before the development hereby permitted commences full details of acoustic fencing proposals, including specification for the fencing and shall be submitted to and agreed in writing by the Local planning Authority.

The acoustic screen shall be designed to reduce noise levels at the top floor of the flats at 7-15 Gurnard Close by 5 dB, to the following levels:

- 50 dB LAeq, 16 Hr external, facade, daytime.
- 47 dB LAeq, 16 Hr external, free-field, daytime.
- 35 dB LAeq, 16 Hr internal (with window open for ventilation), daytime.
- 42 dB LAeq, 8 Hr external, facade, night.
- 56 dB LAMAX external, facade, night.
- 41 dB LAMAX internal, night.

REASON

To safeguard the amenity of the surrounding area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

17 ST1 Standard Condition

Before the development hereby permitted commences a scheme to restrict parking of customers vehicles between the hours 2300-0700 hours of the parts of the car park adjacent to existing and proposed residential units shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented upon commencement of the use of the superstore and shall be maintained thereafter unless agreed in writing by the Local Planning Authority.

REASON

To safeguard the amenity of the surrounding area in accordance with Policy OE1 of the

Unitary Development Plan Saved Policies September 2007.

18 ST1 **Standard Condition**

Before the development hereby permitted commences a noise report detailing noise mitigation measures for the service yard (in particular with regard to residential properties in Kingsville Court) and proposed recycling facility shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented upon commencement of the use of the superstore and shall be maintained thereafter unless agreed in writing by the Local Planning Authority.

REASON

To safeguard the amenity of the surrounding area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

19 ST1 **Standard Condition**

Before development commences, a scheme of proposed noise mitigation measures shall be submitted to and approved by the Local Planning Authority. This scheme shall include acoustic ventilators in windows to ventilate the rooms without being opened and secondary or triple glazing in the windows of the elevations facing onto Trout Road and those noise sensitive units located in Blocks A and B, with standard openable thermal glazing provided elsewhere. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

REASON

To ensure that the amenities of occupiers are not prejudiced by road traffic and mixed use noise in the immediate surroundings in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

20 ST1 **Standard Condition**

Prior to development commencing, the applicant shall submit an expanded schedule of sustainability measures to be incorporated into the development. The schedule shall draw on the principles set out in the report titled 'Yiewsley Renewable Energy Statement' prepared by Scott Wilson, received 06/12/2007. The schedule shall also have regard to the Mayor's Sustainable Design and Construction Supplementary Planning Guidance, and shall incorporate provision for infrastructure for alternative fuels within the development (including, but not limited to, electric points for the charging of electric vehicles). The approved measures shall thereafter be incorporated into the development prior to the commencement of use and permanently retained.

REASON

To ensure compliance with the Mayor's sustainability objectives under Policy 4A.7 Renewables of the London Plan (2008).

21 ST1 **Standard Condition**

Before the development hereby permitted is commenced, a construction management plan shall be submitted to, and approved in writing by the Local Planning Authority. The construction management plan shall be prepared on the basis that all construction traffic shall be restricted to utilise the High Street entrance of the site during the construction phase, unless otherwise approved in writing by the Local Planning Authority. The plan shall thereafter be implemented in its entirety for the duration of the development process. The plan shall include details of:

- (i) The phasing of development works.
- (ii) Measures to protect sensitive surrounding areas from dust arising from the

development process activities, having regard to the Code of Construction Best Practice.
(iii) Measures to prevent mud and dirt tracking onto adjoining roads.
(iv) Measures to protect sensitive surrounding areas from noise and vibration arising from the development process.
(v) Access arrangements and parking provisions during the development process.
(vi) Measures to prevent delivery vehicles visiting the site at peak hours.

REASON

To ensure residential amenity in accordance with Policy OE1 and to ensure that construction traffic does not impact upon highway safety in accordance with Policy AM7 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

22 ST1 Standard Condition

All the facilities designed specifically to meet the needs of people with disabilities that are shown on the approved plans shall be provided prior to the occupation of the development and thereafter permanently retained.

REASON

To ensure that adequate facilities are provided for people with disabilities in accordance with policy AM13 of the Unitary Development Plan Saved Policies September 2007.

23 ST1 Standard Condition

Signplates, incorporating a representation of the Universal Wheelchair Symbol, should be displayed to indicate the location of convenient facilities to meet the needs of people with disabilities. Such signplates should identify or advertise accessible entrances to buildings, reserved parking spaces, accessible lifts and lavatory accommodation, manageable routes through buildings and availability of special services. Signs for direction and location should have large characters or numerals and clearly contrast with the background colour.

REASON

To ensure that people with disabilities are aware of the location of convenient facilities in accordance with policy AM13 of the Unitary Development Plan Saved Policies September 2007.

24 ST1 Standard Condition

No building, structure or crane exceeding 68m AOD shall be constructed within the application boundary.

REASON

To ensure that the development does not breach the Obstacle Limitation Surfaces detailed in CAA publication CAP168 Licensing of Aerodromes.

25 ST1 Standard Condition

No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

REASON

To ensure that the future development of this site does not impact upon archaeological remains in accordance with Policy BE3 of the Unitary Development Plan Saved Policies September 2007.

ST1

~~26~~ ~~Standard Condition~~
Before any part of this development is commenced, details of a scheme for the disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall adopt sustainable drainage solutions, such as porous surfaces, for all car park areas within this part of the site. All works that form part of this drainage scheme shall be carried out before any part of the approved development is occupied unless otherwise agreed in writing by the Local Planning Authority.

REASON

To prevent the increased risk of flooding in accordance with Policy OE8 of the Unitary Development Plan Saved Policies September 2007 and in accordance with Policy 4A.14 of the London Plan (2008).

27 ST1 **Standard Condition**

Surface water source control measures shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before development commences.

REASON

To prevent the increased risk of flooding and to improve water quality in accordance with Policies OE7 and OE8 of the Unitary Development Plan Saved Policies September 2007.

28 ST1 **Standard Condition**

Before the development is commenced a detailed site investigation shall be carried out to establish if the site is contaminated, to assess the degree and nature of the contamination present, and to determine its potential for the pollution of the water environment. The method and extent of this site investigation shall be agreed in writing with the Local Planning Authority prior to the commencement of the work. Details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring, shall then be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall then proceed in strict accordance with the measures approved.

REASON

To prevent pollution of the water environment in accordance with Policy 4A.17 of the London Plan (2008).

29 ST1 **Standard Condition**

No soakaways shall be constructed in contaminated ground.

REASON

To prevent pollution of groundwater in accordance with Policy 4A.17 of the London Plan (2008).

30 ST1 **Standard Condition**

No development shall be commenced until the applicant has submitted details to the Local Planning Authority demonstrating that adequate sewerage infrastructure will be in place to receive foul water discharged from the site for its approval. No buildings hereby permitted shall be occupied until the approved infrastructure is in place.

REASON

To prevent pollution of the water environment in accordance with Policy 4A.17 of the London Plan (2008).

ST1

31 The construction of the ~~Standard Condition~~ **Standard Condition** system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development commences.

REASON

To prevent pollution of the water environment in accordance with Policy 4A.17 of the London Plan (2008).

32 ST1 **Standard Condition**

The construction of storage facilities for oils, fuels or chemicals shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before development is commenced.

REASON

To prevent pollution of the water environment in accordance with Policy 4A.17 of the London Plan (2008).

33 ST1 **Standard Condition**

Prior to development commencing, the applicant shall submit details of the proposed pedestrian footway between Trout Road and the retail superstore and the pedestrian way leading from the Grand Union Canal under the superstore to the Local Planning Authority for approval. Details should include paving, vehicle control barriers, signage, lighting and CCTV coverage, and any other measures deemed necessary by the Local Planning Authority to ensure the safe and efficient use of the footway. The approved details shall be installed prior to first occupation of the retail superstore and thereafter permanently maintained.

REASON

To ensure the provision of a safe and secure pedestrian link, in accordance with Policies BE18 and AM8 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

34 ST1 **Standard Condition**

The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Such details shall include measures specifically designed to ensure security of the children's play area to the rear of Block E. Details of security measures shall be submitted and approved in writing by the Local Planning Authority before development commences. Any security measures to be implemented in compliance with this condition shall reach the standard necessary to achieve the 'Secured by Design' accreditation award by the Hillingdon Metropolitan Police.

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, and to reflect the guidance contained in Circular 5/94 'Planning Out Crime' and the Council's SPG on Community Safety By Design.

35 ST1 **Standard Condition**

Notwithstanding drawing P1-0-100 Rev H received 18/04/08 the applicant shall, prior to development commencing, submit to the Local Planning Authority for its approval, amended drawings illustrating:-

- (i) 396 car parking spaces (5 of which should be allocated for motorcycles) for the retail superstore
- (ii) Disabled car parking spaces should be, marked out in accordance with the dimensions for disabled drivers specified in the Council's Parking Standards, for the retail superstore. The total number of disabled car parking spaces shall be no less than 10% of the total number of car parking spaces provided.

The approved details shall thereafter be installed and permanently retained.

REASON

To ensure the provision of adequate car parking facilities in accordance with Policy AM15 of the Unitary Development Plan Saved Policies September 2007.

36 ST1 Standard Condition

The 97 residential parking spaces numbered 1-67 and 72 to 101 and directly referenced to named flats (excluding the visitor spaces numbered 68 to 71) shown on drawing number P1-0-100 Revision H received 18/04/2008, shall be provided for the exclusive use of the allocated residential occupiers of Block's A, B, C, D and E and shall thereafter be permanently maintained for their use.

REASON

To ensure the provision of adequate car parking spaces are made available in accordance with Policy AM14 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

37 ST1 Standard Condition

Prior to first occupation of the retail superstore no less than 60 Sheffield style cycle stands shall be provided in accordance with drawing P1-0-100 Rev H received 18/04/08. The cycle stands shall thereafter be permanently retained.

REASON

To ensure the provision of adequate cycle parking facilities in accordance with Policy AM9 of the Unitary Development Plan Saved Policies September 2007.

38 ST1 Standard Condition

Prior to first occupation of the residential units:

- (i) No less than 97 secure internal cycle stands shall be provided in accordance with drawing P1-0-100 Rev H received 18/04/08.
- (ii) No less than 10 car parking spaces marked in accordance with the dimensions for disabled drivers specified in the Council's Parking Standards, shall be provided in accordance with drawing P1-0-100 Rev H received 18/04/08.

The cycle parking facilities and parking bays for people with disabilities shall thereafter be permanently retained.

REASON

To ensure the provision of adequate cycle parking facilities in accordance with Policy AM9, and parking spaces for drivers with disabilities, in accordance with Policy AM15 of the Unitary Development Plan Saved Policies September 2007.

39 ST1 Standard Condition

The buildings hereby approved shall not be occupied until the means of access for

vehicles, pedestrians and cyclists has been constructed in accordance with the approved plans.

REASON

To ensure that safe access is provided in accordance with Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

40 ST1 Standard Condition

The development shall not be occupied until the access roads, parking and servicing areas shown on the approved plans have been drained, surfaced and marked out in accordance with details to be submitted to and approved in writing by the local planning authority. Thereafter these areas shall be permanently retained and used for no other purpose.

REASON

To ensure that the vehicular access, servicing and parking areas are satisfactorily laid out on site in accordance with Policy AM14 of the adopted Hillingdon Unitary Development Plan.

41 ST1 Standard Condition

Unobstructed visibility shall be provided and permanently maintained in accordance with the details submitted as part of the report titled 'Transport Statement (Update of Transport Assessment June 2006)' prepared by Borehams dated 28/11/07 received 06/12/07.

REASON

To ensure that adequate sight lines are provided and thereafter retained in the interests of highway safety in accordance with Policy AM7 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

42 ST1 Standard Condition

The existing vehicular access at the site, shall be closed, the dropped kerb removed and the footway reinstated to match the adjoining footway within one month of the new access hereby approved being completed.

REASON

To ensure that pedestrian and vehicular safety is not prejudiced in accordance with Policies AM3 and AM8 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

43 ST1 Standard Condition

No gates shall be installed which open outwards over the highway/footway.

REASON

To ensure that pedestrian and vehicular safety is not prejudiced in accordance with Policies AM3 and AM8 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

44 ST1 Standard Condition

No more than 30% of the retail floor space (defined using MapInfo) contained within the retail superstore hereby approved shall be used for the display or sale of comparison goods. Furthermore the total gross floorspace of the retail store shall not exceed 7390sqm.

REASON

To ensure the vitality and viability of the Yiewsley Town Centre in accordance with Policies 2A.8 and 3D.1 of the London Plan (2008) and PPS6.

45 ST1 **Standard Condition**

The public operation of the retail superstore hereby approved shall not commence until public operation of the existing Tesco Metro store, located on Fairfield Avenue, Yiewsley has ceased.

REASON

To ensure the vitality and viability of the Yiewsley Town Centre in accordance with Policies 2A.8 and 3D.1 of the London Plan (2008) and PPG13.

46 ST1 **Standard Condition**

Prior to the commencement of development, details of a trolley trap to prevent shopping trolleys entering the canal towpath shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the retail store.

REASON

To prevent the abandonment of shopping trolleys on the canal towpath or in the canal and associated anti-social behaviour, to the detriment of Health and Safety and the character and appearance of the canal environment in accordance with Policy BE32 of the Unitary Development Plan Saved Policies September 2007.

47 ST1 **Standard Condition**

Prior to the commencement of the development hereby permitted, full details of the proposed CCTV scheme shall be submitted to and approved in writing by the Local Planning Authority in consultation with British Waterways and the Metropolitan Police. The CCTV should be implemented prior to first occupation of the development.

REASON

In the interest of crime prevention, ecology, visual amenity and the canal setting in accordance with Policies BE31 and BE32 of the Unitary Development Plan Saved Policies September 2007.

48 ST1 **Standard Condition**

Before the development hereby permitted is commenced, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority detailing the provision of canal side improvements outside of the red line (as defined by the red line boundary on the application drawing 'Site Plan' ref. E0-0-100D). The approved means and timescale of providing the proposed improvements shall then be implemented in accordance with the agreed scheme.

REASON

To ensure that the landscape outcomes promoted within this application provide for improvements to the canalside environment consistent with Policies BE32 and OL11 of the Unitary Development Plan Saved Policies September 2007.

49 ST1 **Standard Condition**

Prior to first opening of the retail development for trade, the customer recycling centre shown on drawing P1-0-100 Rev H shall be provided and retained permanently thereafter.

REASON

To ensure that the store is supported by an appropriate recycling centre for the benefit of the wider community and in accordance with Policy 4A.22 of the London Plan (2008).

50 ST1 **Standard Condition**

Customers to the retail superstore shall benefit from a minimum of 2 hours free parking from the time of entry into the superstore car park for so long as the superstore remains in existence.

REASON

To ensure the vitality and viability of the Yiewsley Town Centre in accordance with Policies 2A.8 and 3D.1 of the London Plan (2008) and PPS6.

51 ST1 **Standard Condition**

Before the development hereby permitted is commenced details of the design of refuse and recycling stores to serve the development shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the approved refuse and recycling facilities to service it have been provided on site. Thereafter the facilities shall be permanently maintained.

REASON

To provide a designated area where occupiers can store and handle refuse and recycled waste before it is removed from the site, in accordance with Policy OE1 of the adopted Hillingdon Unitary Development Plan Saved Policies September 2007 and Policy 4A.2 of the London Plan.

52 ST1 **Standard Condition**

Before the development hereby permitted is commenced, a scheme shall be submitted to, and approved in writing by the Local Planning Authority detailing how the refuse and recycling facilities located within Blocks A and B will be managed and maintained. The scheme shall remain in operation for as long as the use hereby permitted remains on the site. The management scheme shall be implemented before the development is occupied and thereafter shall be maintained as such unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure that Blocks A and B are supported by a management service which provides regular refuse and recycling collection services consistent with Policy 4A.22 of the London Plan (2008).

53 ST1 **Standard Condition**

Notwithstanding the submitted plans no signage or decorative logos of any type or size shall be erected on the western façade of the store building facing the Grand Union Canal without the prior approval in writing of the local Planning Authority.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the canalside setting in compliance with policy BE32 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

54 ST1 **Standard Condition**

All residential units within the development hereby approved shall be built in compliance with 'Lifetime Homes' standards and prior to the commencement of any development on

site details demonstrating the design of 10% of the residential units hereby approved to be fully wheelchair accessible, or easily adaptable for residents who are wheelchair users shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall be built in accordance with the approved details.

REASON

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with London Plan (February 2008) Policies 3A.5, 3A.14, 3A.17 and 4B.5 and the Hillingdon Design and Accessibility Statement (HDAS) Accessible Hillingdon Supplementary Planning Document.

55 ST1 Standard Condition

No development shall take place until an initial design stage assessment by an accredited assessor for the Code for Sustainable Homes and an accompanying interim certificate stating that each dwelling has been designed to achieve level 3 of the Code has been submitted to, and approved in writing, by the local planning authority. No dwelling shall be occupied until it has been issued with a final Code certificate of compliance.

REASON

To ensure that the objectives of sustainable development identified in policies 4A.1 and 4A.3 of the London Plan (February 2008) are met.

56 ST1 Standard Condition

The air quality statement supporting the application advocates the use of bio-diesel as a fuel, which may have negative effects on air quality. Before the development hereby permitted commences a fleet management strategy incorporating a detailed emissions inventory of the Tesco fleet accessing the store should be submitted to and approved in writing by the Local Planning Authority. The emissions inventory justifying the fuel strategy for the fleet with respect to air quality targets should be agreed in writing with the Local Planning Authority.

The strategy should also include driver training, vehicle maintenance, targets for reductions in emissions from the fleet (via initiatives such as the use of proven, low emission technologies) and strategies to ensure the evaluation and monitoring of delivery routes to ensure minimum mileage. The strategy should also incorporate use of proven, recognised low emission vehicles for all home deliveries (this links to the Air Quality Action Plan measures and Local Implementation Plan measures for restricting polluting vehicles, encouraging the use of cleaner vehicle technology and, promoting more sustainable modes of transport).

The strategy should strive to achieve ISO14001 accreditation. The agreed strategy shall be brought into use as soon as the store opens and continued thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure that all delivery vehicles are operating within a framework that seeks to encourage sustainable operations and reductions in air quality in accordance with London Plan policy 4A.19.

57 ST1 Standard Condition

The air quality statement supporting the application advocates the use of bio-diesel as a fuel, which may have negative effects on air quality. Before the development hereby

permitted commences the proposed fuel for any boiler or heating mechanism within the superstore shall be submitted to and agreed in writing by the Local Planning Authority. The agreed strategy shall be brought into use as soon as the store opens and continued thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure that all boiler or heating mechanisms within the superstore are operating within a framework that seeks to encourage sustainable operations and reductions in air quality in accordance with London Plan policy 4A.19.

58 ST1 **Standard Condition**

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

REASON

To protect groundwater from the effects of historic contamination in accordance with guidance in PPS 25 (development and Flood Risk) and policies 4A.17 and 4A.33 of the London Plan (2008).

59 ST1 **Standard Condition**

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

REASON

To protect groundwater from the effects of historic contamination in accordance with guidance in PPS 25 (development and Flood Risk) and policies 4A.17 and 4A.33 of the London Plan (2008).

60 ST1 **Standard Condition**

Surface water drainage works and source control measures shall be carried out in accordance with details which have been submitted to and approved in writing by the

Local Planning Authority before development commences.

REASON

To prevent the increased risk of flooding in accordance with guidance in PPS 25 (development and Flood Risk) and policy 4A.12 of the London Plan (2008).

61 ST1 Standard Condition

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

- Management of any flat/shallow pitched roofs on buildings within the site that may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'.
- Signs deterring people from feeding the birds to be placed along the canal bank
- Confirmation that the grass alongside the canal banks will be maintained as a long sward to deter feral geese and waterfowl from grazing.

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

REASON

It is necessary to manage the development in order to minimise its attractiveness to birds that could endanger the safe movement of aircraft and the operation of Heathrow Airport.

62 ST1 Standard Condition

The proposed trading hours of the store shall be restricted to (i.e. not exceed) 07:00am to 23.00pm Monday to Saturday and 10.00am to 17.00pm on Sundays and Bank Holidays

REASON

To control the use of the store in the interest of neighbouring residential amenity in accordance with OE1, OE3 and OE5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

63 ST1 Standard Condition

Prior to the commencement of the development hereby permitted, details of the recruitment, training and staff development programmes for local people shall be submitted to and approved in writing by the Local Planning Authority. This shall be achieved by giving priority to local people for employment by utilising local recruitment initiatives for as long as the development remains. The approved programmes shall be implemented upon commencement of the use of the superstore and shall continue to be implemented unless agreed in writing by the Local Planning Authority.

REASON

To ensure that the development is supported by appropriate recruitment, training and staff development programmes consistent with the London Borough of Hillingdon's Draft Planning Obligations SPD March 2008 for Training and Employment initiatives.

64 ST1 Standard Condition

Before any part of this development is commenced a site survey to assess the land contamination levels shall be carried out to the satisfaction of the Council and a

remediation scheme for removing or rendering innocuous all contaminants from the site shall be submitted to and approved by the Local Planning Authority. The remediation scheme shall include an assessment of the extent of site contamination and provide in detail the remedial measures to be taken to avoid risk to the occupiers and the environment when the site is developed. All works which form part of this remediation scheme shall be completed before any part of the development is occupied (unless otherwise agreed in writing by the Local Planning Authority). Any imported material i.e. soil shall be tested for contamination levels therein to the satisfaction of the Council.

REASON

To ensure that the occupants of the development are not subjected to any risks from land contamination in accordance with Policy OE11 of the Unitary Development Plan Saved Policies September 2007.

65 ST1 Standard Condition

Prior to the occupation of any part of the development hereby approved a servicing and delivery management plan shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Transport for London. The plan shall identify how deliveries to the store, and waste activity relating to both the store and residential uses can be coordinated to avoid activity at peak periods. The plan shall also specify restrictions on the use of Trout Road by Heavy Goods Vehicles exceeding 7.5 tonnes to service the retail superstore. Thereafter, deliveries and waste collections servicing the development shall take place in accordance with the approved details.

REASON

To ensure that the servicing of the development does not have a detrimental impact on the operation of the highway network, or pedestrian and vehicular safety in accordance with policies AM7 and AM8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

66 ST1 Standard Condition

The customer recycling facility shown on drawing P1-0-100 Rev H shall not be used before 0800 hours and after 2100 hours on Mondays to Saturdays, and not before 1000 hours and after 1600 hours on Sundays and Public Holidays.

REASON

To ensure that the facilities provided would not give rise to an increase in noise, crime and anti-social behaviour within the locality in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies September 2007 and the Council's Supplementary Planning Document 'Community Safety by Design'.

67 ST1 Standard Condition

The applicant is to prepare a selective programme (or demolition protocol) to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed from the site safely and intact for the later re-use or processing, which is to be submitted to, and approved by, the Local Planning Authority prior to the commencement of demolition work.

REASON

To establish an 'audit trail' for demolition materials based on an established demolition protocol which will encourage more effective resource management in demolition and new builds.

INFORMATIVES

1 152 **Compulsory Informative (1)**

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

2 153 **Compulsory Informative (2)**

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

OL11 Green Chains

EC1 Protection of sites of special scientific interest, nature conservation importance and nature reserves

EC2 Nature conservation considerations and ecological assessments

EC3 Potential effects of development on sites of nature conservation importance

EC5 Retention of ecological features and creation of new habitats

BE13 Layout and appearance of new development

BE18 Design considerations - pedestrian security and safety

BE19 New development within residential areas - complementing and improving amenity and character of the area

BE20 Daylight and sunlight considerations

BE21 Siting, bulk and proximity of new buildings/extensions

BE23 External amenity space and new residential development

BE24 Design of new buildings - protection of privacy

BE25 Modernisation and improvement of industrial and business areas

BE31 Facilities for the recreational use of the canal

BE32 Development proposals adjacent to or affecting the Grand Union Canal

BE38 Retention of topographical and landscape features, and provision of new planting and landscaping in developments proposals

OE1 Protection of the character and amenities of surrounding properties and the local area

OE3 Buildings or uses likely to cause noise annoyance - mitigation measures

OE5 Siting of noise-sensitive developments

OE7 Development in areas likely to flooding - requirement for flood protection measures

OE8 Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures

H4 Mix of housing units

H5 Dwellings suitable for large families

H8 Change of use from non-residential to residential

R17 Use of planning obligations to supplement the provision of recreation, leisure and community facilities

LE1 Proposals for industry, warehousing and business development

LE2 Development in designated Industrial and Business Areas

AM1 Developments that serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations

AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity

AM7 Consideration of traffic generated by proposed developments

AM8 Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes

AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities

AM12 Promotion of traffic management measures which give priority to buses

AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -

(i) Dial-a-ride and mobility bus services

(ii) Shopmobility schemes

(iii) Convenient parking spaces

(iv) Design of road, footway, parking and pedestrian and street furniture schemes

AM14 New development and car parking standards

AM15 Provision of reserved parking spaces for disabled persons

AM16 Availability for public use of parking spaces in commercial developments in town centres and other areas

AM17 Provision of short stay off-street parking space for town centres

AM18 Developments adjoining the Grand Union Canal - securing facilities for canal borne freight

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM12	Promotion of traffic management measures which give priority to buses

3

It is noted that details in respect of a number of conditions may have already been approved in respect of the equivalent condition on planning permission 60929/APP/2012/2118 and the Local Planning Authority is of the view that in such cases it will not be necessary to resubmit details.

3. CONSIDERATIONS

3.1 Site and Locality

The application site relating to the original application is located immediately north of the Yiewsley/West Drayton Town Centre, and is bordered to the west by the Grand Union Canal, to the south by Trout Road, to the east by the High Street and to the north by industrial and retail premises. The red line of the development includes the access road for the superstore up the re-configured and traffic signalled operated road junction with the High Street.

3.2 Proposed Scheme

Condition 51 of the original planning permission states:

"Before the development hereby permitted is commenced, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority and Transport for London detailing the relocated southbound bus lane as shown on the indicative plans PO-0-100 E and the 'Proposed Bus Layout Plan Option C' contained within the report titled 'Transport Statement (Update of Transport Assessment June 2006)' prepared by Borehams dated 28/11/07 received 06/12/07.

The detailed design is to include:

- a) Appropriate amendments to the bus lane setback to maintain bus journey time reliability and an acceptable level of general traffic operation.
- b) Installation of Selective Vehicle Detection (SVD) on the proposed new site access signalised junction so that buses can be progressed through the network without undue delay.
- c) A continuous advisory cycle lane between the termination of the bus lane and the stop line.
- d) Installation of MOVA in the signal control method.
- e) A programme of monitoring involving post-implementation surveys, these should be for a minimum of 5 years, although the scale and duration is to be agreed with LB Hillingdon and TfL.

The superstore shall not be opened or brought into use until the alternative bus lane has been completed in its entirety.

REASON

To ensure traffic management measures which give priority to buses are adopted prior to the operation of this development in accordance with Policy AM12 of the Hillingdon Unitary Development Plan Saved Policies September 2007."

The application seeks to remove condition 51 as the applicant considers, with the benefit of the superstore having been open since Spring 2011, not to be deemed necessary to safeguard either (i) the safe operation of the highway for vehicles including buses or pedestrians or (ii) to ensure the efficient operation, namely timely movement, of the buses and other vehicular traffic through this immediate section of the High Street and the neighbouring junction with Trout Road and Falling Lane.

Condition 51 was physically in respect of the introduction of 250m southbound bus lane on the High Street to substitute for a previous 60 metre length of bus lane. To date the bus lane, that was the subject of both the Grampian condition and Section 278 agreement, has not been implemented. However the mixed use scheme is fully operational and the access road to the superstore has been remodelled according to agreed plans and the required junction works have all been implemented.

3.3 Relevant Planning History

60929/APP/2007/3744 West Of High Street, North Of Trout Road And East Of Grand Union
ERECTION OF MIXED USE DEVELOPMENT COMPRISING 7,390 SQ.M (GROSS) RETAIL (CLASS A1) FLOORSPACE AND 97 RESIDENTIAL UNITS, INCLUDING NEW ACCESS, CAR PARKING, AMENITY SPACE AND LANDSCAPING (FULL APPLICATION)

Decision: 28-11-2008 Approved

Comment on Relevant Planning History

The relevant details of the planning history are dealt with elsewhere in the report

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

- AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
- AM7 Consideration of traffic generated by proposed developments.
- AM12 Promotion of traffic management measures which give priority to buses

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **9th October 2012**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A press advertisement was placed. A site notice was displayed. The owner/occupiers of 70 surrounding properties were consulted individually in writing.

2 written responses were received to the application from members of the public. One of these responses sought information on the location of the proposed bus lane to which the condition related. The other response was seeking something to be done about the dangerous right hand turn from Falling Lane towards the Tesco Store and a opinion there is not enough room provided for two vehicles to turn and results in one car cutting the path of the adjacent.

TRANSPORT FOR LONDON (TfL):

I have spoken to my colleagues in buses. TfL support the removal of the condition subject to the 5 year monitoring post implementation remaining and should any detriment to bus performance be highlighted then appropriate mitigation measures should be identified, and implemented at developers cost.

Internal Consultees

HIGHWAY ENGINEER:

Further to TfL's comments regarding discharge of condition 51 above, my comments are:

Condition 51a

this relates to proposal to implement maximum of 250m southbound bus lane north of the new signalised T junction entrance to Tesco replacing the 60m bus lane at the junction of High street/Falling Lane/ Trout Road).

with reference to Waterman's Highways Note, dated 22 August 2012, and their subsequent emails dated 26 October 2012, based on reliability performance report prepared by the TfL, and considering that the scheme had been implemented for over one year, I am convinced that the signal installation has had no detrimental impact on the routes and therefore no objection is raised in discharging condition 51a.

Condition 51e

I am in agreement with James Forrest of TfL, that condition 51e should still be valid for at least five years for developer to monitor post implementation survey of traffic to ensure that bus journey times are not affected as a result of Tesco development, and therefore is not recommended to be discharged.

Condition 51b, "installation of Selective Vehicle Detection (SVD) on the proposed new site access had been replaced with I BUS in agreement with TfL who designed and incorporated I BUS system, which is a priority system to allow buses through the signals as confirmed by Andy Digweed of Waterman (email dated 19 October 2012), and therefore no objection is raised in discharging condition 51b.

Condition 51C is implemented and therefore can be discharged

Condition 51d "Installation of MOVA in the signal control".

It is my understanding that TfL signal have agreed with Tesco development to design the traffic light and as such a MOVA was not designed for the traffic signals. This is because TfL signal design officer/s believed that from a technical point of view MOVA would not work where 2 sets of signals are operating so closely, and signals are currently designed for UTC via a BT line. No objection is therefore raised for discharge of condition 51d above as the traffic signals had been designed and implemented by TfL signal control section with exception of duct laying.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of the development does not apply to this application that relates to the removal of a condition.

7.02 Density of the proposed development

Not applicable.

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

Not applicable.

7.04 Airport safeguarding

Not applicable.

7.05 Impact on the green belt

Not applicable.

7.06 Environmental Impact

Not applicable.

7.07 Impact on the character & appearance of the area

A decision not to impose a bus lane on the High Street is considered to have no adverse impact on the character of the area or the streetscene.

7.08 Impact on neighbours

The application relates to a bus lane and its construction or otherwise will raise no amenity impact to neighbours subject to it being satisfactory from a highway safety perspective.

7.09 Living conditions for future occupiers

Not applicable.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The application is accompanied by a substantive transport report. Alongside this both Transport for London's Bus Operation Team and the Council's Highway Engineer have had the opportunity to experience first hand the actual operation of the signalled junction serving the superstore's access road from the High Street, and operation of the neighbouring signalled cross junction of the High Street with Trout Road and Falling Lane.

Both TfL and the Council's Highway Engineer are of the professional opinion that the analysis presented to date for these junctions plus the first hand monitoring of the junctions since the opening of this retail development and the implemented improvements made to the road junctions in completion of the mixed use scheme do not justify the need for the introduction of the originally proposed bus lane as described in condition 51. Data from TfL buses regarding the operation of the affected bus routes confirms that no unacceptable delays are arising to buses in the existing situation.

It is noted that despite this evidence and a professional view that buses are not being unduly delayed both TfL and the Council's Highways Engineer have requested that the monitoring requirement (condition 51 part e) be retained and should harm be identified at a later date further works be requested from the developer. This request would however, be problematic and needs to be considered with respect to the existing situation and planning requirements.

The condition as currently worded requires monitoring of the junction but does not require any works other than those identified within parts (a) to (b). As such, to reword the condition as requested would effectively introduce a potential requirement for additional highways works which were not identified at planning stage and are as yet unclear. This is clearly not the applicants intention in applying for the variation and needs to be considered against Circular 11/95 identifies that all conditions must be:

- i. necessary;
- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;
- v. precise; and
- vi. reasonable in all other respects.

These tests will be addressed in turn below.

- i) necessary;

The store has been open since Spring 2011 and monitoring has been carried out over this period with a detailed Transport Assessment Supporting the development (this is a third of the overall period initially required). Both TfL and the Council's Highways Engineer have both reviewed this data and the operation of the highways network and confirmed no detrimental impacts on bus operation have arisen. Given the lack of any detrimental impact, the potential requirement for further works would not meet the test of necessity.

- ii. relevant to planning;
Not relevant to planning of not necessary.

- iii. relevant to the development to be permitted;
As mentioned already the impacts of the development on the operation of buses were initially undertaken at application stage and potential requirements identified, this situation has been updated by the current application which has demonstrated there is no detrimental impact on the operation of buses arising from the development and that further works are not necessary. Were monitoring to be continued, it is highly likely that any further detrimental impacts on the operation of buses would be as a result of other developments in the borough which might be increasing traffic generation. Accordingly, any highways works identified at a later stage would not be relevant to this development.

- iv. enforceable;
N/A.

v. precise; and vi. reasonable in all other respects.

The proposed amendment would introduce an unknown requirement for potential future works, which have yet to be identified and would have unknown cost implications. Further, as discussed above it is highly likely that any works which might be requested as a result of further monitoring would not relate solely to this development. Accordingly, the amendment requested by TfL and the Council's Highways Officer would fail the test of precision and reasonableness.

In summary, it has been accepted by both TfL and the Council's Highways Engineer that in the current situation there is no unacceptable delay to buses and that neither the introduction of a bus lane or further works are necessary. The Local Planning Authority is required to determine the application before it on the basis of the available information. Any request for further monitoring or works would not appear to be justified on the evidence before officers and any additional/amended condition would not meet the tests set out in Circular 11/95.

Accordingly it is recommended the condition is removed . The variation is considered to be consistent with Policy AM2, AM7 and AM12 of the of the Hillingdon Local Plan: Part Two Saved UDP Policies.

7.11 Urban design, access and security

Not applicable.

7.12 Disabled access

The proposal presents no access issues.

7.13 Provision of affordable & special needs housing

Not applicable.

7.14 Trees, landscaping and Ecology

Not applicable.

7.15 Sustainable waste management

Not applicable.

7.16 Renewable energy / Sustainability

Not applicable.

7.17 Flooding or Drainage Issues

Not applicable.

7.18 Noise or Air Quality Issues

Not applicable.

7.19 Comments on Public Consultations

With respect to the points raised by the 2 members of the public:

Point 1: For information purposes only the case officer placed on the application documents (and viewable in the Council website within this application) the original plan for the proposed 250m long bus lane.

Point 2: The concerns raised over highway safety from a car manoeuvring from Falling Lane north along High road to travel into the access road is not material as this application and the bus lane relates only to vehicles journeying south along the High Road. Nonetheless the junction referenced was subject to stringent safety considerations as part of the earlier approval process.

7.20 Planning obligations

The applicant has agreed to the necessary a variation of deed to the section 106 relating

to the original approval.

7.21 Expediency of enforcement action

None.

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 evidence of the efficient operation of the junction for over 12 months for both TfL buses and other vehicles and pedestrians without the implementation of the bus lane demonstrates the requirement for the bus lane is unjustified. This opinion is shared by the Council's Highway Engineer and Transport for London. The scheme is consistent with Policies AM2, AM7 and AM12 of the of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and accordingly is recommend the removal of the condition is approved, subject to the formal variation to the legal agreement.

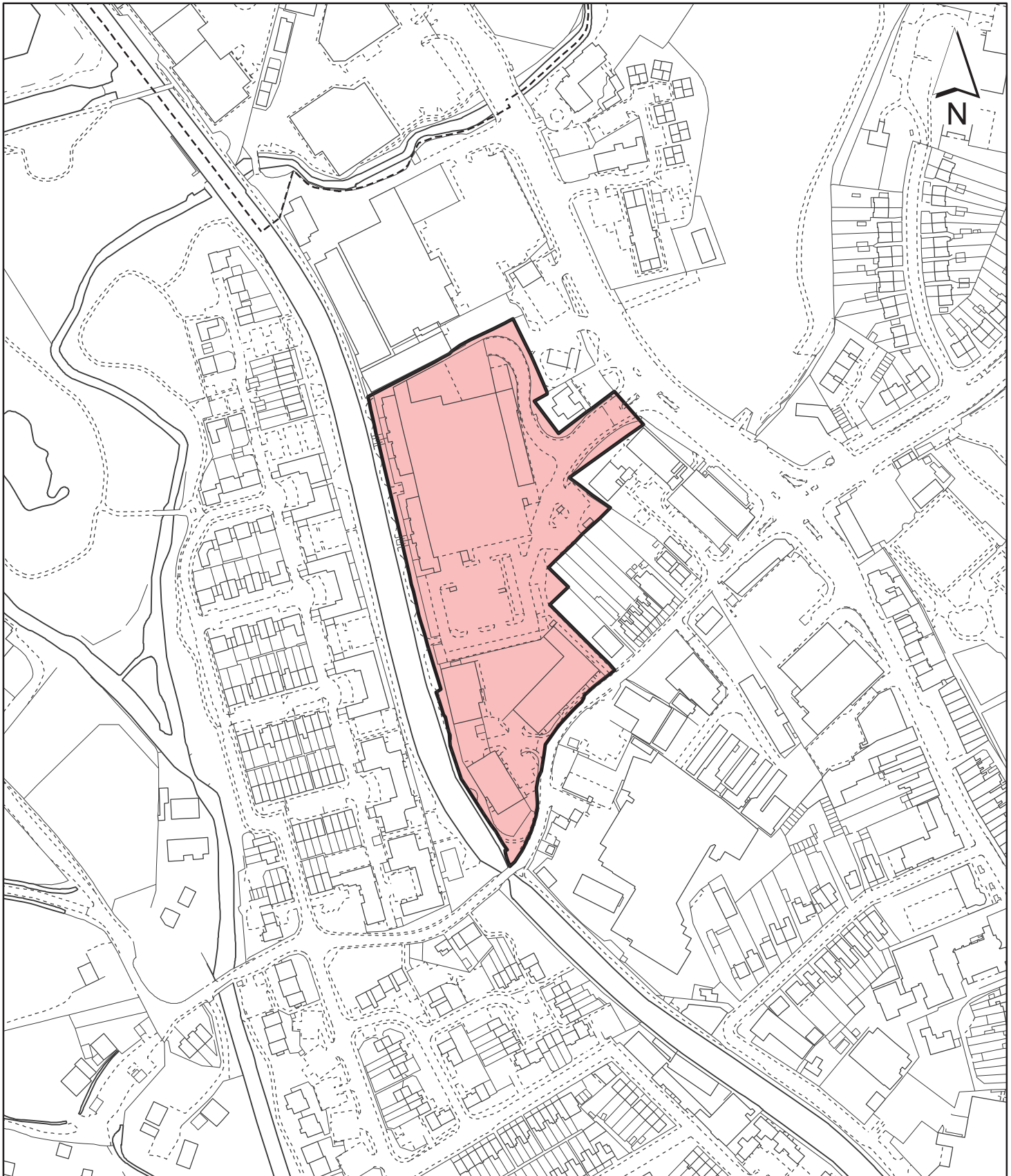
11. Reference Documents

London Plan (July 2011)
National Planning Policy Framework (March 2012)
Hillingdon Local Plan: Part One (November 2012)

Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

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Notes

 Site boundary

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Planning Application Ref:

60929/APP/2012/2118

Scale

1:3,000

Planning Committee

Central and South

Date

**December
2012**



HILLINGDON
LONDON