

DATED

6th October

2020

HILLINGDON HOSPITALS NHS FOUNDATION TRUST

and

THE LONDON BOROUGH OF HILLINGDON

**SECOND DEED OF VARIATION PURSUANT TO
SECTION 106A OF THE TOWN AND COUNTRY PLANNING ACT 1990
RELATING TO THE DEVELOPMENT OF LAND AT**

HILLINGDON HOSPITAL, FIELD HEATH ROAD, UXBRIDGE

4058/APP/2020/1003

Planning and Corporate Team
Legal Services
London Borough of Hillingdon
Civic Centre
High Street
Uxbridge
Middlesex UB8 1UW
Ref: 3E/04/17043

THIS DEED IS MADE ON THE 6th DAY OF October

2020

BETWEEN

- (1) **HILLINGDON HOSPITALS NHS FOUNDATION TRUST** whose principal office is at Hillingdon Hospital, Pield Heath Road, Uxbridge UB8 3NN ("the Owner").
- (2) **THE LONDON BOROUGH OF HILLINGDON** of the Civic Centre, High Street, Uxbridge, Middlesex, UB8 1UW ("the Council")

WHEREAS

- (A) The Council is the local planning authority for the purposes of the Act in respect of the Land and by whom the obligations in this Deed are enforceable.
- (B) The Owner has the freehold interest in the Land registered under Title Nos. MX68687 and AGL30168 at Land Registry.
- (C) The Original Planning Permission was granted pursuant to the completion of the Original Deed which was entered into on 14th August 2013 between the Owner and the Council pursuant to Section 106 of the Town and Country Planning Act 1990 ("the Original Deed").
- (D) On 8th October 2019 the Owner submitted the Second Planning Application to the Council and on 4th March 2020 the Council resolved at its Central South Planning Committee that delegated powers be given to the Council's Head of Planning Transportation and Regeneration to grant the Second Planning Permission subject to the completion of First Deed of Variation. The Second Planning Permission was granted on 15 April 2020, following the completion of the First Deed of Variation on 14 April 2020.
- (E) On 23rd March 2020 the Owner submitted the Third Planning Application to the Council and on 7th May 2020 the Council resolved at its Majors Planning Committee that delegated powers be given to the Council's Head of Planning Transportation and Regeneration to grant the Third Planning Permission subject to completion of this Deed.
- (F) The Owner intends to develop the part of the Land shown on the Second Deed of Variation Plan pursuant to the Third Planning Permission.

- (G) This Deed is supplemental to the Original Deed (as already varied by the First Deed of Variation)
- (H) For the purpose of securing satisfactory arrangements for the development of the Land and without prejudice to the terms of the other covenants contained in the Original Deed (as varied by the First Deed of Variation) the Parties hereto have agreed to vary the terms of the Original Deed as hereinafter provided.

IT IS AGREED AS FOLLOWS:-

1. INTERPRETATION & DEFINITIONS

IN THIS DEED, UNLESS THE CONTEXT OTHERWISE REQUIRES:

"the Act"	means the Town and Country Planning Act 1990;
"Actual Carbon Dioxide Emission"	means the actual amount of co2 in tonnes/annum to be achieved within the Second Proposed Development as set out in the energy assessment required by condition 13 of the Third Planning Permission;
"Carbon Dioxide Emissions Target"	means the co2 reduction as required by condition 13 of the Third Planning Permission;
"Carbon off-set Contribution"	means a one off payment at £1800 per tonne for each tonne where the Actual Carbon Dioxide Emission is below the Carbon Dioxide Emissions Target;
"Deed"	means this Deed of Variation;
"First Deed of Variation"	means the Deed of Variation dated 14 April 2020 between the Owner and the Council;
"Off-Site Environmental Enhancements Contribution"	means the Index Linked sum of ten thousand pounds (£10,000) being a contribution towards environmental enhancements, including tree planting at the neighbouring public open space, Colham Green Park, to offset the tree loss in the application site and grassed areas lost by new car parking bay provision to be provided by the Owner

	either: a) Prior to Occupation of the Proposed Development; or b) Prior to Occupation of the Second Proposed Development; in accordance with Schedule 4 (and for the avoidance of doubt, this contribution shall be payable only in respect of the Development set out in either paragraph (a) or (b) above, and not in respect of both);
"Original Deed"	means the legal agreement dated 14 August 2013 under Section 106 of the Town and Country Planning Act 1990 between the Owner and the Council;
"Original Planning Permission"	means the planning permission granted on 14 August 2013 by the Council for the Land under the Council's reference number 4058/APP/2013/99;
"Proposed Development"	means the development authorised by the Second Planning Permission;
"Second Deed of Variation Plan"	means the plan attached to this Deed at Annex 1 numbered 19103-OA-A-B1-DR-2012-00;
"Second Planning Application"	means the application for planning permission for the erection of a temporary single storey prefabricated system building, together with a link to the AMU building, with a total floor area of 888 sq.m, to provide for a 28 bed space decant and winter overspill ward,

	including 4 parking spaces; demolition of Building 17 and the creation of 30 replacement staff car parking spaces; reconfiguration of the parking area to the east of the Womens' Services Building resulting in a net provision of 11 replacement visitor parking spaces (amended scheme) under the Council's reference number 4058/APP/2019/3286;
"Second Planning Permission"	means the planning permission granted pursuant to the Second Planning Application;
"Second Proposed Development"	means the development authorised by the Third Planning Permission;
"Third Planning Application"	means the application for planning permission for construction of a new 90-bed three-storey ward building (Ward Building South); an additional two storeys to be constructed on the site of the ground-floor 28-bed Decant Ward Building (Ward Building North) and the provision of 117 replacement car parking spaces, involving the demolition of the existing Paediatric building and relocation of the existing waste compound and its associated parking under the Council's reference number 4058/APP/2020/1003;
"Third Planning Permission"	means the planning permission to be granted pursuant to the Third Planning

	Application in the form set out in Annex 2 to this Deed and the approved plan(s);
"Updated Site Wide Travel Plan"	means a comprehensive review of the travel plan for the Hospital Site, based upon the travel plan submitted by the Owner in 2014 under planning reference 4058/APP/2014/2373 to be provided by the Owner either: a) Prior to Occupation of the Proposed Development; or b) Prior to Occupation of the Second Proposed Development; in accordance with Schedule 3 (and for the avoidance of doubt the Development set out in either paragraph (a) or (b) above shall be implemented, not both);

2. THE FOLLOWING DEFINITIONS AND RULES OF INTERPRETATION APPLY IN THIS DEED.

- 2.1 All words and phrases defined in the Original Deed (as already varied by the First Deed of Variation) shall have the same meaning in this Deed save where the context otherwise requires and for the avoidance of doubt the Original Deed shall remain in full force and effect save as varied by this Deed.
- 2.2 All references in this Deed to clauses in the Original Deed (as already varied by the First Deed of Variation) are to clauses within the Original Deed.
- 2.3 Where in this Deed reference is made to a clause schedule or recital such reference (unless the context otherwise requires) is a reference to a clause schedule or recital of this Deed.
- 2.4 Headings are for ease of reference only and are not intended to be construed as part of this Deed and shall not be construed as part of this Deed and shall not affect the construction of this Deed.

- 2.5 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 2.6 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 2.7 A reference to any party shall include that party's personal representatives, successors or permitted assigns and in the case of the Council the successors to its respective statutory functions.
- 2.8 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.
- 2.9 The provisions of the Original Deed (as already varied by the First Deed of Variation) in relation to its interpretation and in relation to statutory provisions interests bound disputes liability notices and jurisdiction apply to this Deed except to the extent that they are expressly varied by this Deed.

3. VARIATION OF THE ORIGINAL DEED

- 3.1 The Parties agree that, except as varied by this Deed, the Original Deed (as already varied by the First Deed of Variation) shall remain in full force and effect.
- 3.2 Nothing in this Deed affects the Council's powers in respect of any antecedent breach or omission in relation to the Original Deed.
- 3.3 The Parties agree that with effect from the date of this Deed, the Original Deed (as already varied by the First Deed of Variation) shall be varied as set out below:
- 3.4 Paragraph 6 of Schedule 2 to the Original Deed (as varied by the First Deed of Variation) shall be deleted and replaced with the following:

"6. Notwithstanding the provisions in this Schedule 2, the parties agree that in this instance, the restrictions set out in paragraphs 1-5 of said Schedule 2 shall not prevent the Owner from bringing forward and seeking or implementing either:

- (a) the Second Planning Application and the Second Planning Permission; or
- (b) the Third Planning Application and the Third Planning Permission.

The Original Deed (as already varied by the First Deed of Variation) and this Deed shall remain unchanged in all other respects.”

3.5 The definition of “Off-Site Environmental Enhancement Contribution” and “Updated Site Wide Travel Plan” in the Original Deed (as varied by the First Deed of Variation) shall be deleted and replaced as follows:

“Off-Site Environmental Enhancements Contribution”	means the Index Linked sum of ten thousand pounds (£10,000) being a contribution towards environmental enhancements, including tree planting at the neighbouring public open space, Colham Green Park, to offset the tree loss in the application site and grassed areas lost by new car parking bay provision to be provided by the Owner either: a) Prior to Occupation of the Proposed Development; or b) Prior to Occupation of the Second Proposed Development; in accordance with Schedule 4 (and for the avoidance of doubt, this contribution shall be payable only in respect of the Development set out in either paragraph (a) or (b) above, and not in respect of both);
“Updated Site Wide Travel Plan”	means a comprehensive review of the travel plan for the Hospital Site, based

	upon the travel plan submitted by the Owner in 2014 under planning reference 4058/APP/2014/2373 to be provided by the Owner either: a) Prior to Occupation of the Proposed Development; or b) Prior to Occupation of the Second Proposed Development; in accordance with Schedule 3 (and for the avoidance of doubt the Development set out in either paragraph (a) or (b) above shall be implemented, not both);
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3.6 The following definitions shall be inserted within the Original Deed (as already varied by the First Deed of Variation):

“Actual Carbon Dioxide Emission”	means the actual amount of co2 in tonnes/annum to be achieved within the Second Proposed Development as set out in the energy assessment required by condition 13 of the Third Planning Permission;
“Carbon Dioxide Emissions Target”	means the co2 reduction as required by condition 13 of the Third Planning Permission;
“Carbon off-set Contribution”	means a one off payment at £1800 per tonne for each tonne where the Actual Carbon Dioxide Emission is below the Carbon Dioxide Emissions Target;
“Second Deed of Variation Plan”	means the plan attached to this Deed at Annex 1 numbered 19103-OA-A-B1-DR-2012-00;
“Second Proposed Development”	means the development authorised by the

	Third Planning Permission;
“Third Planning Application”	means the application for planning permission for construction of a new 90-bed three-storey ward building (Ward Building South); an additional two storeys to be constructed on the site of the ground-floor 28-bed Decant Ward Building (Ward Building North) and the provision of 117 replacement car parking spaces, involving the demolition of the existing Paediatric building and relocation of the existing waste compound and its associated parking under the Council’s reference number 4058/APP/2020/1003;
“Third Planning Permission”	means the planning permission to be granted pursuant to the Third Planning Application in the form set out in Annex 2 to this Deed and the approved plan(s);

3.6.1 Schedule 3 of the Original Deed (as varied by the First Deed of Variation) shall be deleted and replaced as follows:

3.6.2

“SCHEDULE 3

UPDATED SITE WIDE TRAVEL PLAN

The Owner hereby covenants with the Council as follows:

1. Prior to Occupation of the Proposed Development or prior to Occupation of the Second Proposed Development (as the case may be) to submit the Updated Site

Wide Travel Plan to the Council for its written approval (such approval not to be unreasonably withheld or delayed).

2. Not to Occupy or cause or allow or permit to be Occupied any part of the Proposed Development or the Second Proposed Development (as the case may be) until the Updated Site Wide Travel Plan is approved by the Council in writing.
3. The Owner will have regard to any reasonable recommendations made by the Council as to further requirements that should be included in the Updated Site Wide Travel Plan.
4. To observe and perform the requirements, objectives, recommendations and principles of the Updated Site Wide Travel Plan for the ten year period to which it applies."

3.6.3 Schedule 4 of the Original Deed (as varied by the First Deed of Variation) shall be deleted and replaced as follows:

"SCHEDULE 4
OFF-SITE ENVIRONMENTAL ENHANCEMENT CONTRIBUTION

The Owner hereby covenants with the Council as follows:

- 1 Prior to Commencement of the Proposed Development or prior to Commencement of the Second Proposed Development (as the case may be) to pay to the Council the Off-Site Environmental Enhancement Contribution; and
- 2 Not to Commence or cause or allow or permit Commencement of the Proposed Development or the Second Proposed Development (as the case may be) before the Off-Site Environmental Enhancement Contribution has been paid."

3.6.4 The following schedule shall be added to the Original Deed (as varied by the First Deed of Variation):

"SCHEDULE 5
CARBON OFF-SET CONTRIBUTION

The Owner hereby covenants with the Council as follows:

1. Where the report submitted pursuant to condition 13 of the Third Planning Permission does not show that the Owner has met the Carbon Dioxide Emissions Target, the Owner and the Council shall agree the amount of the Carbon Off-Set Contribution before the discharge by the Council of condition 13 of the Third Planning Permission.
2. a. Prior to Occupation of the Development to pay to the Council the Carbon Off-Set Contribution agreed pursuant to paragraph 1 above; or

b. Prior to Occupation of the Development to agree with the Council how an alternative carbon savings can be secured on the Site and used to improve the buildings thereon.
3. Not to Occupy or cause or allow or permit Occupation of the Development or any part of the Development before the Carbon Off-Set Contribution agreed pursuant to paragraph 1 above is paid or the alternative carbon saving equivalent pursuant to paragraph 2 (b) has been agreed with the Council.
4. For the avoidance of doubt either the Carbon Off-Set Contribution agreed pursuant to paragraph 1 shall be paid by the Owner or an alternative carbon savings secured on Site pursuant to paragraph 2 (b) above shall be required (not both), with either option to be agreed in writing with the Council."

4. STATUTORY PROVISION

This Deed is made pursuant to Sections 106 and 106A of the Act, Section 111 of the Local Government Act 1972, Section 16 of the Greater London Council (General Powers) Act 1974, Section 1 of the Localism Act 2011 and any other enabling powers, to the intent that it will bind the Owner and their successors in title to the Land.

5. COVENANTS TO THE COUNCIL

The Owner covenants to observe and perform the covenants, restrictions and obligations contained in the Original Deed as varied by the First Deed of Variation and this Deed.

6. REGISTRATION AS LOCAL LAND CHARGE

The covenants in the Original Deed as modified by the First Deed of Variation and this Deed are planning obligations for the purposes of Section 106 of the Act and are enforceable by the Council as provided in the Original Deed as modified by the First Deed of Variation and this Deed and the Council shall register this Deed in its register of Local Land Charges.

7. THIRD PARTIES

A person who is not a party to this Deed shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this Deed.

8. INVALIDITY OF CERTAIN PROVISIONS

If any of this Deed or the application thereof to any person or circumstances shall to any extent be invalid or unenforceable the same shall be severable and the remainder of this Deed as to the application of such term to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby and each term and provision of this Deed shall be valid and enforced to the fullest extent permitted by law.

9. CONFIRMATION

It is hereby declared by the parties to this Deed saving and excepting for as is expressly provided for by the provisions of this Deed the covenants and provisions contained in the Original Deed continue to have full force and effect.

10. COSTS

On or before the completion of this Deed the Owner shall pay to the Council the Council's reasonable legal costs in this matter.

11. VALUE ADDED TAX

11.1 All consideration given in accordance with the terms of this Deed shall be exclusive of any VAT properly payable.

11.2 If at any time VAT is or becomes chargeable in respect of any supply made in accordance with the terms of this Deed then to the extent that VAT has not been previously charged in respect of that supply the party making the supply shall have the right to issue a VAT invoice to the party to whom the supply was made and the VAT shall be paid accordingly.

12. JURISDICTION

This Deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England.

In witness whereof this document has been executed and delivered as a deed on the date first stated above.

ANNEX 1

SECOND DEED OF VARIATION PLAN

ANNEX 2

DRAFT THIRD PLANNING PERMISSION

DRAFT

Mr Adrian Keal
Nexus Planning
Fifth Floor, Thames Tower
Station Road
Reading RG1 1LX

Application Ref: 4058/APP/2020/1003

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

GRANT OF PLANNING PERMISSION

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and associated Orders **GRANTS** permission for the following:-

Description of development:

Construction of a new 90-bed three-storey ward building (Ward Building South); an additional two storeys to be constructed on the site of the ground-floor 28-bed Decant Ward Building (Ward Building North) and the provision of 117 replacement car parking spaces, involving the demolition of the existing Paediatric building and relocation of the existing waste compound and its associated parking.

Location of development: Hillingdon Hospital Field Heath Road Hillingdon

Date of application: 26 March 2020

Plan Numbers: See attached Schedule of plans

Permission is subject to the condition(s) listed on the attached schedule:-

Draft Decision Notice produced: 7 May 2020

Checked by:..... **Date:**.....

Amendments required: YES / NO

NOTES: (i) Please also see the informatives included in the Schedule of Conditions.

(ii) Should you wish to appeal against any of the conditions please read the attached sheet which explains the procedure.

(iii) This decision does not convey any approval or consent which may be required under any by-laws, building regulations or under any Act other than the Town and Country Planning Act 1990 (as amended).

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

GRANT OF PLANNING PERMISSION

Application Ref: 4058/APP/2020/1003

SCHEDULE OF CONDITIONS

1. The 90-bed three-storey ward building (Ward Building South) and Decant Ward Building (Ward Building North) and use hereby permitted shall be discontinued and the land restored to a condition to be agreed with the Local Planning Authority on or before the expiration of the period of 5 years from the date of this decision, in accordance with a scheme of work that shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON

1. The development is by definition a non permanent fixture and the ward buildings are not envisaged as permanent structures; in order to comply with the terms of the application; in order not to prejudice the outcome of a future masterplan and to accord with Policies DMTC 1, DMHB 1, DMHB 4, DMHB 11 of the Hillingdon Local Plan: Part Two -Development Management Policies (2020).

SCHEDULE OF CONDITIONS

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

50598-IBI-WB-ZZ-EL-A-200-002
50598-IBI-WB-ZZ-EL-A-200-003
50598-IBI-WB-ZZ-EL-A-200-004
50598-IBI-WB-ZZ-EL-A-200-006
50598-IBI-XX-PL-A-250-301
50598-IBI-XX-PL-A-250-302
50598-IBI-XX-PL-A-250-303
50598-IBI-XX-PL-A-250-304
50598-IBI-XX-PL-A-250-305
50598-IBI-WB-ZZ-EL-A-200-501
50598-IBI-WB-ZZ-EL-A-200-502
19131-OA-A-B1-DR-0002-00 P4
19131-OA-A-B1-DR-0001-00 P2
19131-OA-A-B2-DR-5006-00 P2
19131-OA-A-B2-DR-5007-00 P2
19131-OA-A-B2-DR-5008-00 P3
19131-OA-A-B2-DR-5009-00 P3
50598-IBI-WS-XX-DR-A-100-4000_P3
Car Parking replacement diagram
19103-OA-A-B1-DR-3001-00 P3
19103-OA-A-B1-DR-3002-00 P3
19103-OA-A-B1-DR-3003-00 P3
19103-OA-A-B1-DR-3004-00 P3
19103-OA-A-B1-DR-4003-00 P3
19103-OA-A-B1-DR-5007-00 P3
19103-OA-A-B1-DR-5008-00 P3.
50598-IBI-WB-ZZ-EL-A-200-001
50598-IBI-WS-XX-DR-A-100-3000_P3
50598-IBI-WS-XX-DR-A-100-0002_P1
50598-IBI-WS-XX-DR-A-100-1000_P6
50598-IBI-WS-XX-DR-A-100-0001_P1
50598-IBI-WS-XX-DR-A-100-2000_P33

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

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two -Development Management Policies (2020) and the London Plan (2016).

SCHEDULE OF CONDITIONS

- 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:

Addendum to Workplace Travel Plan

Flood Risk Assessment (Ref: CV8190857/AQ/DW/007) Issue3 dated 16 March 2020

Appendix K (Proposed Surface Water Drainage Strategy) Issue3 dated 16 March 2020

Relocation of Waste Compound 17/12/2019

Hillingdon Ward Block Arb Impact Assessment 05-03-DAS part 1

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 Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012), Policy 5.12 Flood Risk Management of the London Plan (March 2016), Policies DMEI 9, DMEI 10 and DMEI 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy 5.15 Water use and supplies of the London Plan (March 2016), the National Planning Policy Framework and the Planning Practice Guidance (March 2014).

SCHEDULE OF CONDITIONS

4. No site clearance or construction work shall take place until the details have been 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.

REASON

To ensure that trees and other vegetation can and will be retained on site and not damaged during construction work and to ensure that the development conforms with Policy DMHB 1 of the Hillingdon Local Plan: Part Two Development Management Policies (2020).

SCHEDULE OF CONDITIONS

5. A landscape scheme shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the work is begun. The scheme shall include:
1. Details of Soft Landscaping
 - 1.a Planting plans (at not less than a scale of 1:100),
 - 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 Car Parking Layouts for 117 parking bays, including 12 disabled parking bays and demonstration that 12 of the parking spaces are served by an electrical charging point (6 active and 6 passive) and 8 motor cycle bays.
 - 2.c Hard Surfacing Materials
 - 2.d External Lighting
 - 2.e 7 Secure cycle storage bays
 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 surfing/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
 - 5.b Proposed finishing levels or contours

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 DMHB 1, DMHB 4, DMHB 11 DMHB 14 of the Hillingdon Local Plan: Part Two Development Management Policies (2020) and Policy 5.17 (refuse storage) of the London Plan (2016).

SCHEDULE OF CONDITIONS

- 6 · 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.

REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with Policies DMHB 1, DMHB 4, DMHB 11 DMHB 14 of the Hillingdon Local Plan: Part Two -Development Management Policies (2020) and to comply with Section 197 of the Town and Country Planning Act 1990.

- 7 · 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 facilities can be provided on the site, in accordance with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two -Development Management Policies (2020).

SCHEDULE OF CONDITIONS

- 8 · Notwithstanding the submitted plans, prior to commencement of external works, 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 clearly demonstrate how it manages water and demonstrate ways of controlling the surface water on site, in accordance with Policy 5.15 of the London Plan and will:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:
- iv. provide details of water collection facilities to capture excess rainwater;
 - v. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall proceed in accordance with the approved scheme.

REASON

- i) To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding in accordance with Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012) and Policy 5.12 Flood Risk Management of the London Plan (March 2016), Policies DME1 9 and DME1 10 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020)
- ii) To ensure that surface water run off is handled as close to its source as possible in compliance with Policy 5.13 Sustainable Drainage of the London Plan (March 2016), and
- iii) To conserve water supplies in accordance with Policy 5.15 Water use and supplies of the London Plan (March 2016), the National Planning Policy Framework (March 2012), and the Planning Practice Guidance (March 2014).

- 9 · The building 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.

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, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with London Plan (2016) Policies 7.1 and 7.3.

SCHEDULE OF CONDITIONS

- 10 · Notwithstanding the submitted plans, the approved development shall not be brought into use until the traffic arrangements (including where appropriate carriageways, footways, turning space, safety strips, sight lines at road junctions, kerb radii, car parking areas and marking out of spaces, loading facilities, closure of existing access and means of surfacing) have been constructed in accordance with the approved details. Thereafter, the parking areas, sight lines and loading areas must be permanently retained and used for no other purpose for the lifetime of the development. Disabled parking bays shall be a minimum of 4.8m long by 3.6m wide, or at least 3.0m wide where two adjacent bays may share an unloading area.

REASON

To ensure pedestrian and vehicular safety and convenience and to ensure adequate off street parking, and loading facilities in compliance with Policies DMT 1, DMT 2 and DMT6 of the the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Chapter 6 of the London Plan (2016)).

- 11 · A Car Parking Management Strategy (CPMS), to include details on how car parking will be managed during the transition period whilst the ward buildings hereby approved are under construction and thereafter shall be submitted to and approved by the Local Planning Authority prior to commencement of the development hereby approved. The strategy should include the programme of demolition and construction and timing for the removal of car parking spaces and re-provision of spaces.

REASON

To control the phasing of the temporary parking arrangements on the hospital site, to ensure pedestrian and vehicular safety and convenience and to ensure adequate off street parking, and loading facilities are provided, in compliance with Policies DMT 1, DMT 2 and DMT6 of the the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Chapter 6 of the London Plan (2016).

- 12 · Notwithstanding the submitted plans details of a fire strategy and how the fire exits meet the needs of people with disabilities shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to the occupation of the development and shall be retained thereafter.

REASON

To ensure that the use of the wards are fully inclusive for people with disabilities in accordance with Policy CI1 of the Hillingdon Local Plan: Part One (Strategic Policies) 2012, Policy 7.2 of the London Plan 2016 and the Accessible Hillingdon Supplementary Planning Document 2017.

SCHEDULE OF CONDITIONS

- 13 · Prior to commencement of development an Energy Assessment for the ward buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall set out the annual baseline regulated energy demand (kwhr) as per 2013 Building Regulations (or subsequent amendments) and associated carbon emissions (kgCO₂ and tCO₂). The assessment shall then set out the measures and technology required to achieve a 35% improvement on 2013 building regulations in the CO₂ associated with the baseline regulated energy demand; these measures must be sufficiently evidenced with corresponding details and specifications, including the location of low carbon technology (i.e. roof plans showing the inclusion of PV panels). The Energy Assessment must clearly set out any shortfall (tCO₂) of the 35% improvement on 2013 building regulations carbon standard. The development must proceed in accordance with the approved Energy Assessment.

REASON

To ensure the proposals contribute to a reduction in CO₂ in accordance with London Plan Policy 5.2 (2016).

- 14 · The development hereby approved shall ensure that all patient bathrooms are designed to be step free throughout, accord with Health Building Note 00-02: Sanitary spaces (May 2016 - Department of Health), and should remain in place for the life of the building/s.

REASON

To ensure suitable access for older and disabled people in compliance with London Plan policies 3.1 and 7.2.

SCHEDULE OF CONDITIONS

- 15 (i) The development shall not commence until a scheme to deal with contamination has been submitted to and approved by the Local Planning Authority (LPA). All works which form part of a remediation scheme shall be completed before any part of the development is occupied or brought into use unless the LPA 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 desk-top study carried out by a competent person to characterise the site and provide information on the history of the site/surrounding area and to identify and evaluate all potential sources of contamination and impacts on land and water and all other identified receptors relevant to the site;

b) 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

(c) 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.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Hillingdon Local Plan: Part 2 (January 2020) Policies - DMEI 11: Protection of Ground Water Resources and DMEI 12: Development of Land Affected by Contamination.

SCHEDULE OF CONDITIONS

- 16 . Before the development hereby approved commences, 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. 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.

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.

REASON

To safeguard the amenity of surrounding areas in accordance with Hillingdon Local Plan: Part 2 (2020) Policies DMEI 12, DMT 1, DMT 2, DMT6, DMHB 1, DMHB 4, DMHB 11 and DMHB 14.

INFORMATIVES:

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

DMCI 2	New Community Infrastructure
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMHB 14	Trees and Landscaping
DMT 2	Highways Impacts
DMEI 10	Water Management, Efficiency and Quality
DMEI 2	Reducing Carbon Emissions
DMEI 9	Management of Flood Risk
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMEI 12	Development of Land Affected by Contamination
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
SPD-PO	Planning Obligations Supplementary Planning Document, adopted

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July 2008

LPP 5.12	(2016) Flood risk management
LPP 5.3	(2016) Sustainable design and construction
LPP 7.3	(2016) Designing out crime
LPP 7.14	(2016) Improving air quality
LPP 8.3	(2016) Community infrastructure levy
LPP 3.2	(2016) Improving health and addressing health inequalities
LPP 5.13	(2016) Sustainable drainage
LPP 5.16	(2016) Waste net self-sufficiency
LPP 5.19	(2016) Hazardous waste
NPPF	National Planning Policy Framework

- 3 . On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant the Hillingdon Local Plan: Part Two Development Management Policies (2020), then London Plan Policies (2016).
- 4 . Demolition and removal of any material containing asbestos must be carried out in accordance with guidance from the Health and Safety Executive and the Council's Environmental Services. For advice and information contact: - Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 277401) or the Health and Safety Executive, Rose Court, 2 Southwark Bridge Road, London, SE1 9HS (Tel. 020 7556 2100).
- 5 . The Council's Commercial Premises Section and Building Control Services should be consulted regarding any of the following:-
The installation of a boiler with a rating of 55,000 - million Btu/hr and/or the construction of a chimney serving a furnace with a minimum rating of 1/4 million Btu/hr;
The siting of any external machinery (eg air conditioning);
The installation of additional plant/machinery or replacement of existing machinery.
Contact:- Commercial Premises Section, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190). Building Control Services, 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).
- 6 . Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British

SCHEDULE OF CONDITIONS

Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

- 7 .
1. The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.
 2. Fixtures, fittings and furnishings, particularly hard materials should be selected to ensure that sound is not adversely reflected. The design of all learning areas should be considerate to the needs of people who are hard of hearing or deaf. Reference should be made to BS 8300:2009+A1:2010, Section 9.1.2, and, BS 223 in selecting an appropriate acoustic absorbency for each surface.
 3. Care should be taken to ensure that the internal decoration achieves a Light Reflectance Value (LRV) difference of at least 30 points between floor and walls, ceiling and walls, including appropriate decor to ensure that doors and door furniture can be easily located by people with reduced vision.
 4. Induction loops should be specified to comply with BS 7594 and BS EN 60118-4, and a term contract planned for their maintenance.
 5. Care must be taken to ensure that overspill and/or other interference from induction loops in different / adjacent areas does not occur.
 6. Flashing beacons/strobe lights linked to the fire alarm should be carefully selected and installed to ensure they remain within the technical thresholds not to adversely affect people with epilepsy.
 7. It is recommended that the Hospital Trust takes full advantage of the opportunity that this development offers, to improve the accessibility of the premises to people with mobility and sensory impairments. Such provisions should include height adjustable adult sized beds, and track ceiling hoists within the larger examination cubicles. Policies, practices and procedures should be put in place and training provided to ensure that staff are familiar with the protocols to direct disabled people to a larger, accessible cubicle.
- 8 . In accordance with the provisions of the NPPF, the Local Planning Authority has actively engaged with the applicant both at the pre application and application stage of the planning process, in order to achieve an acceptable outcome. The Local Planning Authority has worked proactively with the applicants to secure a development that improves the economic, social and environmental conditions of the area. In assessing and determining the development proposal, the Local Planning Authority has applied

SCHEDULE OF CONDITIONS

the presumption in favour of sustainable development. Accordingly, the planning application has been recommended for approval.

END OF SCHEDULE

Address:

Residents Services

London Borough of Hillingdon

3 North Civic Centre, High Street, Uxbridge UB8 1UW

Tel: 01895 250230

www.hillingdon.gov.uk

GRANT OF PLANNING PERMISSION

Application Ref.No.: 4058/APP/2020/1003

SCHEDULE OF PLANS

50598-IBI-WB-ZZ-EL-A-200-002 - received 23 Mar 2020
50598-IBI-WB-ZZ-EL-A-200-003 - received 23 Mar 2020
50598-IBI-WB-ZZ-EL-A-200-004 - received 23 Mar 2020
50598-IBI-WB-ZZ-EL-A-200-006 - received 23 Mar 2020
50598-IBI-XX-PL-A-250-301 - received 23 Mar 2020
50598-IBI-XX-PL-A-250-302 - received 23 Mar 2020
50598-IBI-XX-PL-A-250-303 - received 23 Mar 2020
50598-IBI-XX-PL-A-250-304 - received 23 Mar 2020
50598-IBI-XX-PL-A-250-305 - received 23 Mar 2020
50598-IBI-WB-ZZ-EL-A-200-501 - received 23 Mar 2020
50598-IBI-WB-ZZ-EL-A-200-502 - received 23 Mar 2020
19131-OA-A-B1-DR-0002-00 P4 - received 23 Mar 2020
19131-OA-A-B1-DR-0001-00 P2 - received 23 Mar 2020
19131-OA-A-B2-DR-5006-00 P2 - received 23 Mar 2020
19131-OA-A-B2-DR-5007-00 P2 - received 23 Mar 2020
19131-OA-A-B2-DR-5008-00 P3 - received 23 Mar 2020
19131-OA-A-B2-DR-5009-00 P3 - received 23 Mar 2020
Planning Statement - received 23 Mar 2020
Planning application waste compound 17 12 2019 - received 23 Mar 2020
Hillingdon Ward Block Arb Impact Assessment 05-03- - received 23 Mar 2020
DAS part 1 - received 23 Mar 2020
DAS part 2 - received 23 Mar 2020
Clinical Justification for additional ward accommo - received 23 Mar 2020
50598-IBI-WS-XX-DR-A-100-4000_P3 - received 23 Mar 2020
Car Parking replacement diagram - received 23 Mar 2020
19103-OA-A-B1-DR-3001-00 P3 - received 23 Mar 2020
19103-OA-A-B1-DR-3002-00 P3 - received 23 Mar 2020
19103-OA-A-B1-DR-3003-00 P3 - received 23 Mar 2020
19103-OA-A-B1-DR-3004-00 P3 - received 23 Mar 2020
19103-OA-A-B1-DR-4003-00 P3 - received 23 Mar 2020

19103-OA-A-B1-DR-5007-00 P3 - received 23 Mar 2020

19103-OA-A-B1-DR-5008-00 P3. - received 23 Mar 2020

50598-IBI-WB-ZZ-EL-A-200-001 - received 23 Mar 2020

Cover letter 16th March 2020 - received 23 Mar 2020

50598-IBI-WS-XX-DR-A-100-3000_P3 - received 23 Mar 2020

50598-IBI-WS-XX-DR-A-100-0002_P1 - received 23 Mar 2020

50598-IBI-WS-XX-DR-A-100-1000_P6 - received 23 Mar 2020

50598-IBI-WS-XX-DR-A-100-0001_P1 - received 23 Mar 2020

50598-IBI-WS-XX-DR-A-100-2000_P3 - received 23 Mar 2020

THE COMMON SEAL of the
**MAYOR AND BURGESSES OF
HILLINGDON** was duly affixed to
this Deed in the presence of:

STEVE TUCKWEN


MEMBER OF THE COUNCIL

C. E. G.

AUTHORISED OFFICER

THE COMMON SEAL of
**HILLINGDON HOSPITALS
NHS FOUNDATION TRUST**
was duly affixed to this Deed
in the presence of two
Authorised Signatories:

YJ

Authorised Signatory

Matthew...

Authorised Signatory