



Appeal Decision

Hearing held on 3 July 2025

Site visit made on 3 July 2025

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025

Appeal Ref: APP/R5510/W/25/3360212

Paddington Packet Boat Public House, High Road, Uxbridge UB8 2HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Paddington Packet Boat Developments Ltd. against the decision of the Council of the London Borough of Hillingdon.
- The application Ref is 1058/APP/2024/1013.
- The application sought planning permission for Demolition of the public house (Sui Generis) and erection of purpose-built student accommodation (Sui Generis) and associated common areas and facilities, landscaping, amenity space, bicycle and motorcycle parking, and refuse storage without complying with a condition attached to planning permission Ref 1058/APP/2021/3423 dated 8 September 2023.
- The condition in dispute is No 2 which states that: *'The development hereby approved shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 02-91-100, 02-91-102, 02-91-103, 02-91-104, 02-91-105, 02-91-106, 02-02-101 (Rev. G), 02-03-100 (Rev. J), 02-03-101 (Rev. G), 02-03-102 (Rev. G), 02-03-103 (Rev. G), 02-03-104 (Rev. G), 02-03-105 (Rev. G), 02-02-111 (Rev. D), 02-03-200, 02-03-201, 02-03-202, 02-03-203, 02-03-204, 02-04-101 (Rev. D), 02-04-102 (Rev. D), 02-05-101 (Rev. G), 02-05-102 (Rev. F), 02-05-103 (Rev. E), 02-05-104 (Rev. F), 02-05-105 (Rev. F), and 02-05-106 (Rev. E). And the submitted documents, titled :Marketing Report (August 2021), Marketing Evidence (13-12-21), Marketing Evidence (20-07-22), Student Accommodation Needs (August 2021), Phase 1 Geoenvironmental Desk Study (June 2021), Archaeological Desk-Based Assessment (June 2021), Air Quality Assessment (July 2021), Travel Plan Statement (May 2022), Transport Statement (May 2022), Planning Statement (May 2022), Car Parking Survey (05-04-22) (Ref: VRP1391-01), Daylight and Sunlight Report (June 2022), Daylight and Sunlight Supplementary Statement No. 2 (September 2022), Design and Access Statement (Rev. J) (06-10-22), Updated Noise Assessment (Ref: 20/0043/R1) (Rev. 1) (January 2022), and Draft Fire Statement Form (10-06-22).'*
- The reason given for the condition is: *'In the interests of proper planning, and to ensure the approved development complies with the provisions of the London Plan (2021), the Hillingdon Local Plan: Strategic Policies (2012), and the Hillingdon Local Plan: Development Management Policies (2020).'*

Decision

1. The appeal is allowed and planning permission is granted for demolition of the public house (Sui Generis) and erection of purpose-built student accommodation (Sui Generis) and associated common areas and facilities, landscaping, amenity space, bicycle and motorcycle parking, and refuse storage at Paddington Packet Boat Public House, High Road, Uxbridge UB8 2HT in accordance with the application Ref 1058/APP/2024/1013, without compliance with condition number 2 imposed on planning permission Ref 1058/APP/2021/3423 dated 8 September 2023 and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Council raised two issues regarding the validity of the appeal, namely a concern that the appeal has evolved since application stage, in breach of the 'Wheatcroft Principles', and also that it goes beyond the scope of what can be considered as part of a submission made under section 73 of the Town and Country Planning Act 1990 (as amended) (S73).

The extent to which the proposal has evolved at the appeal stage

3. The original grant of planning permission was for 61 self-contained Purpose Built Student Accommodation (PBSA) units, each including a kitchenette and ensuite. The permission was accompanied by a section 106 legal agreement (S106) that secured 36% of the units as affordable student accommodation and also included the requirement to secure a nominations agreement with a Higher Education Provider (HEP) for at least 51% of the rooms.
4. The appeal application sought minor changes to the building design in order to comply with Building Regulations. It also proposed to remove the obligation to provide affordable student accommodation as it was argued that this would render the scheme unviable.
5. The appeal application included revised plans which removed reference to affordable rooms. It was also supported by a Planning and Affordable Housing Statement and a Viability Report. This appraised the viability of the scheme based on four scenarios, with Scenario 4 comprising the extant permission. Scenario 1 was the approved scheme but with no requirement for a nominations agreement and no affordable housing, Scenario 2 included a requirement for a nominations agreement but with no affordable housing, and Scenario 3 comprised of a revised nominations agreement and no affordable housing.
6. The Planning and Affordable Housing Statement states that the Viability Report 'suggests' the removal of the requirement for a nominations agreement with a HEP from the application, to ensure unrestricted Market Rents. The Council used this statement to conclude that the application sought to provide a revised S106 without a nominations agreement. However, this, in my view, is not a clear indication of intent as part of the application and, moreover, I would note that discussions had not even progressed to the drafting of a legal agreement at this stage. Furthermore, two of the four options in the Viability Statement actually included a requirement for a nominations agreement.
7. Other than the statement suggesting its removal in the Viability Report, further references to the inclusion or removal of a nominations agreement are limited throughout the rest of the application documents, which primarily concentrate on demonstrating that the provision of affordable housing is unviable. Based on the evidence before me, I therefore cannot be certain that it was the appellants' intention to agree a new S106 that removed any requirement for a nominations agreement, had S106 negotiations taken place during the application process.
8. Notwithstanding this, a completed S106, dated 10 July 2025 has been provided following the Hearing. The S106 incorporates a requirement to enter into a nominations agreement with a HEP. It also requires the development to comprise of PBSA and that it is solely for the use of full-time students.

9. Having regard to the caselaw referenced by the parties¹, I am satisfied that the appeal scheme would not represent a 'substantial difference' from what was considered by the Council when it issued its decision. It follows that I am not persuaded that the provision of the S106, as worded, would represent a 'fundamental change' to the appeal application as submitted.
10. It is not unusual for a S106 to be submitted as part of an appeal to address matters that formed part of the refusal and, given its purpose, including securing the use as PBSA and identifying the extent of any affordable accommodation, I am not convinced that any other party would be prejudiced were I to take this into account as part of the appeal. My decision is on this basis.

Whether the appeal scheme would fall within the scope of S73

11. The Council states in its reasons for refusal that the proposal falls outside of the scope of S73 as it would represent a conflict with the operative part of the extant planning permission. The Council argues that the appeal should be considered invalid for this reason.
12. The principal limitation on an application submitted under S73 is that the description cannot be altered. In that regard it is important to note that a S73 application does not need to be limited to a minor material amendment. The key element of the description of the original permission in this instance, is the reference to 'purpose built student accommodation (sui generis)'. Both parties agree that there is no legal definition of PBSA, however there is a definition within the London Plan (the LP).
13. The LP and its associated guidance are important material considerations to take into account when assessing what is meant in the description by PBSA. Policy H15 of the LP makes clear that a requirement for a nominations agreement with a HEP is a key component of what comprises PBSA. The London Plan Guidance Purpose Built Student Accommodation (2024) (the SPD), adopted after the determination of the appeal application and referred to by both parties, sets out a definition of PBSA. In summary, this is housing dedicated, at least in term time, to full-time students and typically consists of one or more blocks containing a mixture of studio and multi-bedroom 'cluster flats'; and additional shared amenities targeted at student lifestyles and support (e.g. for socialising, studying, laundry, health and wellbeing). Blocks are managed by the provider, which is either a university or a specialist landlord.
14. The description of the development does not refer to affordable student accommodation. Therefore, the lack of provision of such accommodation would not represent a conflict with the description. Based on the proposed plans, and taking into account the presence of the completed S106, I see no reason to conclude that the proposal would not constitute PBSA. Mindful of the caselaw² cited by the Council, it would not represent a conflict with the description of the development of the original permission. I therefore conclude that the appeal scheme falls within the scope of S73.

¹ *Bernard Wheatcroft Ltd v Secretary of State for the Environment* [1982], *Wessex Regional Health Authority v SSE* [1984], *Wadehurst Properties v SSE & Wychavon DC* [1990] and *Breckland DC v SSE and T. Hill* [1992].

² *Finney v Welsh Ministers & Ors* [2019] and *Armstrong v Secretary of State for Levelling-Up, Housing and Communities and Another* [2023].

Planning Obligation

15. At the Hearing, both parties agreed that the signed and completed S106 addressed the Council's second reason for refusal insofar as it related to securing the obligations required in respect of highways works, parking management, lease restrictions on parking, travel planning, construction and employment training, carbon offsetting, canal towpath works, health infrastructure, public open space and project management and monitoring. It was agreed that there was now compliance with Policy DMCI 7 of the Hillingdon Local Plan: Part 2 (2020) (the HLP P2) and Policy DF1 of the LP with regard to these matters. I see no reason to disagree.
16. I consider the obligations set out in the S106 are necessary to make the development acceptable in planning terms; directly related to the development; and are fairly and reasonably related in scale and kind. I am therefore satisfied that they meet the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 58 of the National Planning Policy Framework (the Framework).

Main Issues

17. The main issues are:

- whether the appeal site would accord with development plan policies with regard to location;
- whether the proposal accords with development plan policies with regard to affordable student accommodation;
- the effect of the proposal on heritage assets, including the Paddington Packet Inn, and the Grade II listed Old Cottage and Barnacre, including settings.

Reasons

Location/Policy

18. Policy H15 of the LP supports the provision of PBSA to meet a local and strategic need. This is subject to amongst other things, the use being secured for students, the majority of the bedrooms in the development and all of the affordable accommodation being secured through a nominations agreement for occupation by students of one or more higher education provider. Both parties agree that there is a considerable unmet local and strategic need for PBSA. Based on the evidence before me and at the Hearing I see no reason to disagree.
19. The SPD advises that any S106 controlling PBSA should include a fallback cascade mechanism of direct let to firstly students at local HEPs. It also states that any S106 should include alternative allocation mechanisms such as the use of a charitable organisation acting as a proxy for one or more HEPs. It sets out that, as a minimum, developers should use reasonable endeavours to secure one or more ongoing nominations agreements by the point of first occupation.
20. The appeal has been supported by a S106 which secures the use as PBSA. The S106 includes the fallback, cascade, and reasonable endeavours clause set out in the SPD. Although the Council's statement objects to the inclusion of these

clauses, this was prior to being made aware of the SPD and these matters are no longer in dispute.

21. The S106 includes two options located at Schedule 7 and Schedule 7A. Schedule 7 is the Council's position, which secures 12 of the 61 units as affordable student accommodation. Schedule 7A is that of the appellant, essentially Scenario 3 in the viability assessment, and has no requirement for affordable housing. Whilst it includes a requirement for a nominations agreement in line with that in Schedule 7, it also includes provision to ensure that the owner will not be required to accept terms in a nominations agreement that reduce rental income below 'Open Market Rent'.
22. LP Policy H15 and the SPD are silent on the control over rent with regard to nominations agreements. The Council considers that the inclusion of such a clause could disincentivise HEPs from entering into the nominations agreement. However, I have been provided with limited evidence to support this and I am also mindful that the SPD sets out that some flexibility may be needed in legal agreements, having regard to commercial implications and timescales. I am satisfied that the proposal would constitute PBSA that would meet a local and strategic need. I am therefore unable to find any conflict with the content of LP Policy H15 or the SPD in that regard.
23. As such I conclude that the appeal site would accord with development plan policies with regard to location. The development would comply with LP Policy H15 insofar as it relates to securing the provision of PBSA to meet a local and strategic need. There would also be compliance with the content of the SPD, set out above.

Affordable Student Accommodation

24. LP Policy H15 sets out that where proposals for PBSA do not meet the minimum affordable requirements of 35%, applications are required to follow the Viability Tested Route Policy set out at Policy H5 of the LP. Section J of Policy H5 sets out that any proposed amendments through a S73 application or deed of variation that result in a reduction of affordable housing, should be rigorously tested under the Viability Tested Route. The full viability review is required to reconsider the value, costs, profit requirements and land value of the scheme.
25. The S106 accompanying the original planning permission secured 36% of the units as affordable student accommodation, whilst both parties have provided viability statements in support of their positions with regard to affordable housing as represented in Schedules 7 and 7A of the S106. Whilst the two parties agree in relation to some matters, there are several areas of dispute. These are Benchmark Land Value, Finance Rates, Construction Costs and Developer Profits.

Benchmark Land Value

26. The Planning Practice Guidance (PPG) sets out that viability assessments should be undertaken using benchmark land values (BLVs). Existing use value should be informed by market evidence of current uses, costs and values. Market evidence can also be used as a cross-check of BLV but should not be used in its place. The appellant's BLV is £1 million. This is based on comparable sales of similar public houses and other sites, evidenced in the viability evidence.

27. Despite the visible state of disrepair of the appeal building, the appellant sets out that the cost of refurbishment has not really changed. This is because refurbishment would always have been required as prospective purchasers seek to put their own stamp on the building. However, to my mind, the current state of the building would be likely to make the building less attractive to potential purchasers. In that regard I am mindful of the marketing exercise carried out by the appellant prior to the submission of the original application which saw a distinct lack of interest in the building over the marketing period.
28. The Council's Viability Consultant, Carter Jonas, (CJ) has made their calculation on the basis of an existing use value plus premium and calculated a BLV of £434,000. The Council cites the falling demand for public houses post-pandemic. The BLV has been revised from 2019, when the same consultant calculated a BLV of £935,000. However, based on the evidence CJ had made an assumption that, due to the recent closure of the building at that time, it was in a lettable condition. The difference in the figures reflects the current condition of the building and the different financial climate post-pandemic. I am also aware that a subsequent viability assessment carried out by a different consultant valued the building at £1.
29. The appellant's Viability Consultant, James R Brown and Co, (JRB) has sought to justify the appellant's BLV by providing details of a potential alternative use (AUV). The PPG guides that the AUV of the land may be informative in establishing BLV although it notes that these should be limited to those uses which would fully comply with up to date development plan policies, including any policy requirements for contributions towards affordable housing at the relevant levels set out in the plan. Whilst the precise detail of this alternative use is limited, I acknowledge the theoretical housing scheme for 9 units and I have taken it into account in my assessment. However, mindful of the condition of the building, the approach in the PPG and the level of demand for the existing use, I find the Council's BLV and its justification more convincing.

Finance Rate

30. CJ has supported their assumption of a 7.5% finance rate with evidence from numerous other viability assessments. The Council notes the importance of a standardised approach to viability and that all developers will be able to negotiate their own rates with banks which may differ from those provided in viability statements.
31. However, JRB has assumed a finance rate of 9%. I have been provided with examples of letters from banks and finance companies providing details of what are described as 'real world' finance rates. These vary but are generally higher than 7.5%. JRB argues that developers typically acquire 60 – 65% of funding from banks with the remainder being provided from equity and mezzanine finance, alongside other investors which generally seek much higher terms. This has the effect of increasing the real, overall finance rate. Based on the evidence considered at the Hearing, I am mindful that a higher finance rate can have a significant impact on the overall costs.
32. Moreover, I am directed to the 2019 Viability Appraisal at this site by CJ which assumed a finance rate of 7%. Given the significant increases to the Bank of England base rate since that period, albeit that the base rate now appears to be on

a downward trend, one would expect the finance rate to be higher. I am therefore more convinced by the appellant's finance inputs than those of the Council.

Construction Cost

33. CJ and JRB are around £85,000 apart with regard to build costs. JRB sets out that build costs will have increased further since publication of the data.
34. Given that there is not a huge difference between the two figures, this does not significantly impact on the overall costs of the development. Mindful of the rising costs of development and the time that has elapsed since the reports were produced, I am minded to accept the appellant's figure in this regard.

Profit Requirements

35. JRB considers that a profit of 20% on costs and 17.5% on GDV is necessary due to increased risk as a result of the current financial climate. On this basis, only the scenario that includes no affordable housing is viable.
36. However, CJ considers that a 15% profit is sufficient in this instance and would ensure that the provision of 12 affordable units would be viable. I would note that 15% is similar to that which has been agreed for other PBSA schemes, examples of which have been provided. I accept that the financial climate may be difficult and both parties agree that the development secured by the original permission is not viable. However, I am not convinced on the basis of the evidence before me that a profit limited to 15% of GDV would render the scheme unviable.

Conclusion

37. Whilst I acknowledge my above assessment with regard to build costs and finance, there is, to my mind, a significant difference between 15% and 17.5%/20% profit. I would also note that I was more persuaded by the Council's BLV figure than that of the appellant. Overall, therefore, I find the Council's viability assessment and position more convincing than that of the appellants. As such, I do not consider that it has been adequately demonstrated that the scheme will remain unviable if a reduced number of affordable units were provided.
38. The signed and completed S106 allows for my discretion as to whether I consider that a reduced number of affordable units (12) are to be provided in line with the Council's viability evidence or whether no affordable units should be provided (and the owner permitted control over rents for those rooms covered by a nominations agreement), in line with the appellant's viability evidence. On this basis I consider that a reduced number of affordable units should be provided in line with Schedule 7 of the S106. For the avoidance of doubt, Schedule 7A does not apply.
39. As set out above, Policies H15 and H5 of the LP allow for flexibility in affordable student accommodation, taking into account financial viability. With a reduced contribution secured through the S106, the proposed development would therefore accord with the development plan policies regarding the delivery of affordable housing, namely Policy H2 Hillingdon LP Part 1 (2012), Policy DMH7 Hillingdon LP Part 2 which seek to maximise affordable housing provision subject to viability. There would also be compliance with Policies H15 and H5 of the LP, set out above, and the guidance contained within the SPD.

Heritage Assets

Paddington Packet Boat

40. The appeal site is the Paddington Packet Boat, a former public house (public house) located in a prominent position on High Road. The building has stood empty for some time since its closure in 2018 and is in poor condition. The surrounding area comprises of predominantly residential development.
41. The Council concluded that the submitted marketing evidence demonstrates that there is little interest in continuing to use the site as a public house, and given the number of public houses in the surrounding area, the loss of this one pub would not lead to a shortfall in the area. I see no reason to disagree.
42. The former public house is a white painted brick and render building with a slate roof. It lies in a prominent position within the streetscene, close to a bend in High Road. It is visible from a considerable distance in views from the north, although it is less prominent from the south due to its orientation and the bend in the road.
43. The building is considered by both parties to be a non-designated heritage asset. It dates to the early nineteenth century. Its front elevation comprises of the earlier part of the building which is broadly symmetrical, comprising of a two bay central section flanked by two narrow gables with steep roofs, and a later frontage addition added to the west between 1885 and 1895. The building received extensive alterations in the nineteenth and twentieth centuries. These resulted in the introduction of a new facade, internal reordering and the loss of historic fabric and fixtures, with major extensions. The extent of these alterations ensured that the building today has the character and appearance of a mid to late nineteenth century public house rather than of an older building.
44. As such, when considered by Historic England in 2019 it was determined that it did not have sufficient architectural or historic interest to warrant listing. Historic England could also not find any clear historic connection with the historic packet boat service.
45. Nonetheless, despite the insensitive alterations over time the building has a moderate level of heritage significance as a non-designated heritage asset. This derives, in part, from its nineteenth century public house architecture, its overall form and scale, reflective of an earlier building pattern and its prominent position in the streetscene, as well as its name which reflects the Paddington arm of the Grand Union Canal and its packet boat service.
46. The proposal would result in the total loss of the non-designated heritage asset of the Paddington Packet Boat public house. On this basis there would not be compliance with Policy HE1 of Hillingdon Local Plan Part 1 (2012) (HLP P1) and Policy HC1 of the LP, both of which seek to ensure heritage assets are conserved.

Listed buildings

47. The Grade II listed Old Cottage is set down on a lower ground level, fronting High Road. It is a two storey, late medieval hall house built in the Wealden style. Its special interest and significance derive, in part, from its age, its Wealden character and its use of traditional construction methods. The building is surrounded by relatively modern suburban development which does not contribute positively to its special interest or significance. The appeal building lies further away, also

surrounded by predominantly modern development. Given the dominance of modern development, the distance between them, and the lack of any historic relationship between the two buildings, the appeal building makes little contribution to the special interest or significance of The Old Cottage.

48. Barnacre is a two-storey seventeenth century house lying broadly opposite The Old Cottage. It is Grade II listed. Its special interest and significance insofar as it relates to this appeal derives from its architectural and historic interest as a good example of a seventeenth century dwelling that has evolved over time.
49. It is set back some distance from High Road in substantial grounds behind a tall brick wall with an almost continuous belt of trees behind. As such, there is little intervisibility or visual connection between the appeal building and Barnacre. I am not directed to any historic connection between the two buildings. The appeal building thus makes little to no contribution to its setting.
50. Owing to its limited contribution to their setting, the loss of the appeal building would not adversely affect the special interest or significance of the Grade II listed buildings of The Old Cottage or Barnacre.
51. The proposed PBSA block, sited in place of the former public house in a prominent position within the streetscene would be easily visible from The Old Cottage and the two buildings would, at some distance, be seen together in the streetscene. However, whilst the Council found very minor harm to the significance of the Old Cottage, given the extent of the intervening modern development, I am satisfied that the appeal scheme would not adversely affect the setting of the listed building.
52. Owing to the level of detachment of Barnacre from the existing streetscene, its existing boundary treatment, and the aforementioned intervening development, I am satisfied that the appeal scheme would not adversely affect the setting of this listed building. As such, the proposal would comply with the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Heritage Balance

53. Paragraph 216 of the Framework sets out that where weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. These provisions are also included in Policy DMH1 of the HLP P2. In that regard, I have found that the appeal building has a moderate level of significance albeit limited by its overall later appearance and the extent of its surviving fabric.
54. As a result of my conclusions in the main issue above, the appeal scheme is supported by a S106 that secures the appeal proposal as PBSA. It is clear from the evidence that there are considerable benefits to providing PBSA, owing to the significant contribution higher education providers make to the economy, whilst also helping to free up traditional self-contained housing from being used as student HMOs. These benefits would be secured by the S106.
55. The S106 also includes an obligation to agree a nominations agreement and the requirement for 12 of the 61 units to be affordable student accommodation. This is a reduction on the policy compliant 22 affordable units that were secured as part of the original permission. Nonetheless the 12 units would still contribute towards the

unmet need for affordable student accommodation which amounts to a significant benefit of the appeal scheme.

56. The proposal would involve the redevelopment of a vacant brownfield site which would also represent a public benefit.
57. I acknowledge that there would be fewer affordable units compared to the original scheme. Nonetheless, the aforementioned would considerably outweigh the harm arising from the permanent loss of the non-designated heritage asset, having regard to its moderate level of significance.
58. On this basis I conclude that the proposal would comply with Policy DMHB 1 of HLP P2 which seeks to avoid a loss of significance or harm to heritage assets, unless it can be demonstrated that it will provide public benefit that would outweigh the harm or loss, in accordance with the provisions of the Framework. The proposal would comply with Policy DMHB2 of HLP P2 which seeks, amongst other things, to ensure new development preserves the setting of listed buildings.
59. Policy DMHB 3 of HLP P2 relates to locally listed buildings. As the public house is not locally listed, this policy weighs neither for nor against the appeal scheme.

Other Matters

60. I acknowledge the extent of local objection to the proposal, with many of the issues raised such as living conditions and highway safety considered as part of the original extant permission. The appeal scheme proposes no changes to the scale of the proposed PBSA block, its proximity to neighbouring properties or to the position of any of its windows. I am therefore satisfied that the appeal scheme would not introduce any new concerns with regard to living conditions, taking into account the extant permission. Highway concerns with regard to the demolition of the building, can be mitigated through compliance with the Construction Management Plan required under condition 4 of the original planning permission, which has already been discharged.

Conditions

61. The guidance in the PPG makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. I have not included all of the pre-commencement conditions as both parties agree that these have been discharged, although compliance with the details approved as part of those conditions continues to take effect.
62. Nonetheless, some of these pre-commencement conditions require additional details to be supplied or actions completed once development has begun or immediately prior to commencing works on site, such as conditions 3, 5 and 7. I have therefore retained these conditions. In circumstances where conditions included below have in fact been discharged, that is a matter which can be addressed by the parties. I have ensured that the time limit, condition 1, runs from the date of the original permission.
63. At the Hearing both parties agreed that Condition 12 needed to be varied to allow for details to be supplied of a fall arrest system which is required in the interests of health and safety for when maintenance is carried out to the building. This avoided the need for a prominent rail on the exterior of the building.

Conclusion

64. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission without condition 2 but substituting others and restating those undisputed conditions that are still subsisting and capable of taking effect. In coming to this decision, I have taken into account the content of Schedule 7 of the legal agreement dated 10 July 2025. Schedule 7A does not apply for the reasons set out in my decision.

Paul Martinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin before the expiration of 3 years from 8 September 2023.
- 2) The development hereby approved shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

02-91-100, 02-91-102, 02-91-103, 02-91-104, 02-91-105, 02-91-106, 02-02-101 (Rev. G), 02-03-100 (Rev. J), 02-03-101 (Rev. G), 02-03-102 (Rev. G), 02-03-103 (Rev. G), 02-03-104 (Rev. G), 02-03-105 (Rev. G), 02-02-111 (Rev. D), 02-03-200, 02-03-201, 02-03-202, 02-03-203, 02-03-204, 02-04-101 (Rev. D), 02-04-102 (Rev. D), 02-05-101 (Rev. J), 02-05-102 (Rev. H), 02-05-103 (Rev. G), 02-05-104 (Rev. H), 02-05-105 (Rev. H), and 02-05-106 (Rev. G).

And the submitted documents, titled:

Marketing Report (August 2021), Marketing Evidence (13-12-21), Marketing Evidence (20-07-22), Student Accommodation Needs (August 2021), Phase 1 Geoenvironmental Desk Study (June 2021), Archaeological Desk-Based Assessment (June 2021), Air Quality Assessment (July 2021), Travel Plan Statement (May 2022), Transport Statement (May 2022), Planning Statement (May 2022), Car Parking Survey (05-04-22) (Ref: VRP1391-01), Daylight and Sunlight Report (June 2022), Daylight and Sunlight Supplementary Statement No. 2 (September 2022), Design and Access Statement (Rev. L) (24-03-2024), Updated Noise Assessment (Ref: 20/0043/R1) (Rev. 1) (January 2022), Draft Fire Statement Form (10-06-22), Viability Report (January 2024), Planning and Affordable Housing Statement (April 2024).

- 3) (Part 1) Prior to the commencement of the development hereby approved (including demolition within any part of the site), the results of a Bat Survey, carried out by a suitably qualified Ecologist, shall be submitted to, and approved in writing by, the Local Planning Authority.

The Bat Survey shall include the following:

- (A) Objectives of the survey.
- (B) Time and date of the survey, and who carried the survey out.
- (C) Brief descriptions of weather conditions at the time of the survey.

(D) Description of the proposed works including timings and stages.

(E) Sources of pre-existing information together with local sightings of bats.

(F) Description of the buildings (including type of structure and materials) and/or trees being surveyed and their suitability as a bat roost for all locally recorded species of bat.

(G) Habitat description of the site and surrounding area for context. This should include information on exposure of the site, proximity to water courses and water features, trees/hedgerows/woodland or other semi-natural habitat.

(H) Methods of survey including dawn and dusk emergence survey or daytime inspection of building. Justification should be provided for the method of survey used and details of any equipment used.

(I) Results of survey including sufficient evidence to justify conclusions in point (H) above. Results should include: -

- Species present and approximate numbers;
- Details found of signs of usage by bats; and
- How habitats or features present are used by bats and an indication of level of use.

(J) Interpretation and evaluation. These details should include: -

- Presence or absence;
- Constraints and limitations of survey. This should include factors influencing the survey results such as temperature and weather, and any limitations on accessibility to areas of the building. 05.06.2025
- Assessment of usage by bats including sex of bats present, type of roosts i.e. winter site or maternity roost, and approximate size of roost; and
- Site status assessment - importance of roost to the local bat species population.

(K) Impact assessment either at the time of development and/or long term. In order to assess this accurately, adequate information on the proposed development will have to be made available to the surveyor. If bats are present, a summary of impacts should be provided including details of type, magnitude and duration of long term and short-term impact. This should consider impact at site level in a wider context.

(L) Mitigation and compensation - essential where bats are present and will be affected by the development. These details should include: -

- Mitigation strategy - overview of how the impacts will be addressed with justification for timings of works if this is to be used to avoid disturbance to bats;
- Roost creation or restoration and/or enhancement;
- Exclusion - timing and methods;
- Post development site safeguard and monitoring;
- Work schedule with phasing; and
- Relevant maps or plans or diagrams.

(M) References.

(N) Photographs, grid references and maps of key features of structure and surrounding habitat.

(O) Qualifications and experience of surveyor including relevant licences.

(P) Summary of survey findings at the beginning of the report.

(Part 2) Upon Approval of the above and prior to the commencement of the development including demolition within any part of the site, if Bats have been found on site, the hereby approved Mitigation Strategy (Part L above) shall be implemented in full and details of implementation shall be submitted to, and approved in writing by, the Local Planning Authority.

- 5) Prior to the commencement of the development hereby approved (including demolition), a scheme to deal with contamination shall be submitted to and approved in writing by, the Local Planning Authority (LPA). All works which form part of the remediation scheme shall be completed before any part of the development is occupied. The scheme to deal with contamination shall have five parts (i - v), and shall include all of the following measures:
- (i) A supplementary site investigation, carried out by a suitably qualified and accredited consultant/contractor, including where relevant soil, soil gas, surface water and groundwater sampling, together with results of the analysis and a risk assessment. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make the site suitable for the proposed use;
 - (ii) A written method statement providing details of the remediation scheme and how the completion of the remedial works will be verified, along with the details of a watching brief to address undiscovered contamination;
 - (iii) Upon completion of the approved remedial works, a comprehensive verification report shall be submitted to and approved in writing by the LPA. The report shall include full details of the final remediation works conducted, to show that they 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; and
 - (v) If during remedial or development works, contamination not addressed in the submitted remediation scheme is identified, then all works on-site shall cease and an addendum to the remediation scheme shall be agreed with the LPA prior to works carrying on.
- 7) (A) Prior to the commencement of the development hereby approved (including demolition), a detailed noise survey (spanning at least a 48-hour weekday period) shall be submitted to, and approved in writing by, the local planning authority to identify the ambient background noise levels and required mitigation.

The Survey should confirm the typical external environmental sound levels around the proposed building and within external amenity areas. The survey should also be sufficient to adequately describe the baseline noise conditions at the nearest elements of the neighbouring receptors most exposed to any plant noise associated with the proposed development. Sound generated within the development from any associated building services plant should be controlled in accordance with the guidance within Figure 3-4 and Figure 3-5 of the Acoustics Ventilation and Overheating Residential Design Guide (AVO Guide, 2020).

(B) Prior to any above ground works for the development hereby approved (excluding demolition) a Sound Insulation Scheme and any other control measures shall be submitted to, and approved in writing by the local planning authority, to demonstrate how acceptable internal conditions can be achieved following occupation, to meet the relevant internal noise targets within Hillingdon's Development Control for Noise Generating and Noise Sensitive Development SPD (2016) and the ProPG: Planning & Noise (Professional Practice Guidance on Planning & Noise, 2017) during both ventilation and overheating conditions, and to minimise levels within amenity areas as far as practicable.

Any approved noise control measures, including sound insulation, shall be implemented in accordance with the approved details prior to the occupation of the development and thereafter permanently retained.

- 8) Prior to the commencement of the development hereby approved (excluding demolition), the principles of a Fire Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The statement shall detail how the development will function in terms of:
 - (i) the building's construction: methods, products and materials used, including manufacturers' details
 - (ii) the means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach
 - (iii) features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans
 - (iv) access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these
 - (v) how provision will be made within the curtilage of the site to enable fire appliances to gain access to the building
 - (vi) ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.

B) Prior to occupation of the development hereby approved, the final comprehensive Fire Statement shall be submitted to and approved in writing by the Local Planning Authority. This should be accompanied by the Building

Control Decision Notice or equivalent. Thereafter the development shall be carried out and maintained in full accordance with the approved details.

- 9) Prior to the commencement of the development hereby approved (excluding demolition), a Piling Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The Piling Method Statement shall detail the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works.

No piling shall take place until a piling method statement has been approved by the local planning authority in consultation with Thames Water and any piling must be undertaken in accordance with the terms of the approved piling method statement.

- 10) Prior to the commencement of the development hereby approved (excluding demolition), a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

(i) Demonstrate a run-off rate of 2l/s in the 1:100 year (+40% allowance for climate change), or alternative as agreed in writing with the Local Planning Authority, through the use of sustainable drainage systems

(ii) Provide details of the 1:30 year and 1:100 year storm event including conveyance routes and any areas of ponding.

(iii) Provide details of sustainable drainage and attenuation features in accordance with the London Plan drainage hierarchy that result in run-off rates from the site in a 1:100 year (plus 40% allowance for climate change) storm event.

(iv) Provide drainage calculations and modelling outputs to demonstrate the capacity of the drainage solution and the operation (including outfalls, overflows, and drainage network connections)

(v) Provide details of water collection, storage and reuse (e.g. through large scale water butts)

(vi) Provide a maintenance and adoption strategy

The development must proceed and operate in accordance with the approved details.

- 11) Prior to above ground works for the development hereby approved (excluding demolition), the details of any building services mechanical plant associated with the operation of the development with the potential to emit sound external to the building, alongside associated noise control measures, where necessary, to meet the requirements of Hillingdon's Development Control for Noise Generating and Noise Sensitive Development SPD (2016) and in keeping with the guidance in 'BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound', shall be submitted to, and approved in writing by, the local planning authority. The approved details shall thereafter be implemented on site prior to occupation and so maintained.

- 12) Prior to above ground works for the development hereby approved (excluding demolition), details of all materials and external surfaces, including

fenestration, balconies, boundary treatments, balustrades, and fall arrest system shall be submitted to, and approved in writing by, the Local Planning Authority. Details should include information relating to make, product, type, colour and can include photographs and images. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

- 13) Prior to above ground works for the development hereby approved (excluding demolition), details of covered and secure facilities to be provided for the screened storage of refuse bins within the site shall be submitted to, and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained. The details should demonstrate that there is sufficient space for the separate collection of general waste, recycling, and food waste.
- 14) Prior to above ground works for the development hereby approved (excluding demolition), further details of the proposed cycle storage facilities shall be submitted to, and approved in writing by, the Local Planning Authority.

The cycle parking details shall demonstrate that:

- at least the minimum quantum of short-stay and long-stay cycle spaces are provided, as identified in Policy T5 of the London Plan (2021) (61 short-stay and 6 long-stay spaces);
- no less than 5% of all provision within each cycle store is available on Sheffield stands with wide spacing (1.8m spacing, or 900mm side space if wider cycles are expected just on one side of a stand) for larger/wider cycles;
- no less than 20% of all cycle parking spaces are provided on Sheffield stands at a minimum of 1.0m spacing;
- all other matters are in accordance with the London Cycling Design Standards; and
- cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.

The cycle parking provision shall be fully implemented as approved, prior to the first occupation of the development, and so maintained in good working order and shall not be used for any other purpose for the lifetime of the development.

- 15) Prior to above ground works for the development hereby approved (excluding demolition), a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to, and approved in writing by, the local planning authority. The BEMP shall demonstrate how the development hereby approved shall seek to maximise the delivery of on-site biodiversity improvements, including through the delivery of new trees, flower-rich perennial planting, mature shrubs, green roofs, and bird or batboxes.

In addition, the proposal shall achieve an Urban Greening Factor (UGF) of at least 0.59, as shown at section 7.3 of the Design and Access Statement (Rev. J) (06-10-22).

The development shall thereafter be implemented in accordance with the approved BEMP.

- 16) Prior to above ground works for the development hereby approved (excluding demolition), a scheme of landscaping shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include:
- A. Details of Soft Landscaping
 - A.a Planting plans (at not less than a scale of 1:100),
 - A.b Written specification of planting and cultivation works to be undertaken,
 - A.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
 - B. Details of Landscape Maintenance
 - B.a Landscape Maintenance Schedule for a minimum period of 5 years.
 - B.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
 - C. Schedule for Implementation
- Thereafter the development shall be carried out and maintained in full accordance with the approved details.
- 17) Prior to the occupation of the development hereby approved, a Parking Design and Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. It shall include the following:
- (i) The arrangements for all on-site parking and include provisions for managing, monitoring, enforcement and review. All on-site parking spaces shall be solely for use by the development hereby approved (e.g. staff, visitors, residents) and shall not be used for any other purpose or leased/sub-let.
 - (ii) Details of 1 wheelchair accessible space, to be permanently retained
 - (iii) Details of 1 active electric vehicle charging point
 - (iv) Details of 3 motorcycle spaces.
- The vehicle parking provision shall be fully implemented as approved prior to the first occupation of the development, and so maintained in good working order, and shall not be used for any other purpose for the lifetime of the development.
- 18) Prior to the occupation of the development hereby approved, a Delivery and Servicing Plan, including tracked vehicle movements where necessary, shall be submitted to, and approved in writing by, the Local Planning Authority.
- Thereafter the development shall be carried out and maintained in full accordance with the approved details.
- 19) Prior to the occupation of the development hereby approved, a Low Emission Strategy (LES) shall be submitted to, and approved in writing by, the Local Planning Authority. The LES shall include details of (but not necessarily restricted to):
- (i) compliance with Policy SI 1 of the London Plan (2021) and associated Planning Guidance requirements;

(ii) a clear and effective strategy to encourage users to use public transport, cycle or walk to work where practicable, enter car share schemes or purchase zero emission vehicles;

(iii) confirmation that the measures outline in (ii) have been implemented.

The measures in the agreed scheme shall be maintained throughout the life of the development.

- 20) Prior to the occupation of the development hereby approved, evidence shall be submitted to, and approved in writing by, the local planning authority which demonstrates that the development has either:
- (a) been built so that 10% of new bedrooms are wheelchair-accessible in accordance with Figure 52, incorporating either Figure 30 or 33, of British Standard 'BS8300-2:2018. Design of an accessible and inclusive built environment. Buildings. Code of practice'; or (b) 15% of new bedrooms have been built to be accessible rooms in accordance with the requirements of 19.2.1.2 of British Standard 'BS8300-2:2018. Design of an accessible and inclusive built environment. Buildings. Code of practice'.
- In addition, evidence that a minimum of two student bedrooms have been built to have an interconnecting door to an adjacent bedroom for a companion or personal care assistant and evidence that one evacuation lift per core has been installed as an evacuation lift specified to meet 'BS EN 81-76 Safety rules for the construction and installation of lifts' shall be submitted to, and approved in writing by, the local planning authority, prior to the first occupation of the development.
- 21) Prior to the occupation of the development hereby approved, a plan for monitoring and annual reporting of energy demand and carbon emissions post-construction for five years after the practical completion and occupation of the buildings shall be completed in line with the GLA 'Be seen' energy monitoring guidance document. The plan is to be submitted to the local planning authority for approval in consultation with the GLA prior to the occupation of the development.
- 22) The development hereby approved 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 part of the development hereby approved shall be occupied until accreditation has been achieved.
- 23) Prior to the occupation of the development hereby approved, a Site Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. It shall include the following:
- (i) The arrangements for dealing with neighbour disputes, including contact details of relevant party.
- (ii) Details of where this information will be displayed (website and on-site) to allow residents to contact Management Company.
- (iii) Details of times that external areas can be used; communal amenity areas and how this is communicated to occupants.
- (iv) Details of how access onto the communal areas will be restricted outside of (3).

The Management Plan shall be fully implemented as approved prior to the first occupation of the development, and so maintained for the lifetime of the development.

END OF SCHEDULE

APPEARANCES

Appellant:

Rob Pearson	Planning Consultant
James Brown	Viability Consultant
Paul Thompson	Planning Solicitor

Council:

Michael Briginshaw	Planning Officer
Alan Corcoran	Planning Officer
Linda Boateng	Planning Solicitor
Guy Ingham	Viability Consultant

Local Residents:

Ian Dixon Potter
Alan Jefferson