



Section 78 of the Town and Country Planning Act
1990 (as amended)

London Borough of Hillingdon Appeal Statement of Case

Appeal By:

Paddington Packet Boat Developments Limited

Proposal:

Variation of Condition 2 (Accordance with Approved Plans) of planning permission ref. 1058/APP/2021/3423, dated 08-09-2023 (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) to make design changes, remove affordable student accommodation from the development and replace it with market rent student accommodation.

Appeal Site:

Paddington Packet Boat Public House, High Road, Cowley

LPA Reference: 1058/APP/2024/1013

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

1. Introduction

- 1.1 This Appeal Statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant planning permission for application reference 1058/APP/2024/1013.
- 1.2 The LPA approved planning application reference 1058/APP/2021/3423 on 08.09.2023 (see Appendix 8 and 9). This decision granted planning permission for the '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.' The LPA granted planning permission subject to the completion of a Section 106 legal agreement that secured a Nomination Agreement and 36 per cent affordable student accommodation (see Appendix 10).
- 1.3 The Appellant sought to vary this planning permission with a Section 73 application (application reference 1058/APP/2024/1013), which is the subject of this appeal. The description of development stated: 'Variation of Condition 2 (Accordance with Approved Plans) of planning permission ref. 1058/APP/2021/3423, dated 08-09-2023 (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) to make design changes, remove affordable student accommodation from the development and replace it with market rent student accommodation' (the Section 73 application).
- 1.4 The LPA refused the Section 73 application on 19.04.2024 for the following reasons (as stated on the Decision Notice, see Appendix 2):
 - (1) The proposed development would fail to provide any affordable student accommodation. Following an independent viability assessment, it is concluded that the provision of affordable student accommodation would be viable. The non-provision of affordable student accommodation is a significant planning policy conflict, which does not constitute a minor material amendment, and significantly weighs against the development in the planning balance, contrary to the objectives of the NPPF (2023), Policies H5 and H15 of the London Plan (2021), Policy H2 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMH 7 of the Hillingdon Local Plan: Part 2 (2020).

Whilst the proposed amended development would make use of a brownfield site, the non-securement of the nominations agreement means that the development does not constitute purpose-built student accommodation and does not contribute to meeting the identified need for student accommodation as was the case for the original permission granted. As per paragraph 4.15.5 of the London Plan (2021), it follows that the development instead constitutes large-scale purpose-built shared living, requiring a change to the application description which cannot be secured under Section 73 of the Town and Country Planning Act 1990. Such a proposal would not constitute a minor material amendment and is considered to be unacceptable, therefore significantly weighing against the scheme in the planning balance.

The Paddington Packet Boat Public House, which is a non-designated heritage asset, would be completely lost, and the proposal would further have a less than substantial minor impact on the setting of the Grade II listed Old Cottage to the north. As required by the NPPF, weighing up the benefits of the proposal against the harm to heritage assets, it is considered that the removal of the nominations agreement and affordable student accommodation from the proposal significantly weighs against the scheme alongside the loss of a non-designated heritage asset and less than substantial impact on a Grade II listed heritage asset. The use of a vacant brownfield site was previously identified as a public benefit but it is considered that on its own does not surmount the significant planning policy conflict identified as part of the proposed development. The development proposed is contrary to Policy HE1 of the Hillingdon Local Plan: Part 1 (2012), Policies DMHB 1, DMHB 2, DMHB 3 of the Hillingdon Local Plan: Part 2 (2020), Policy HC1 of the London Plan (2021) and the NPPF (2023). This weighs significantly against the scheme in the planning balance.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For the reasons outlined within the main body of the report, the identified conflicts with the development plan are considered to be significant and there are no material considerations to outweigh such planning policy conflict. The amendments proposed are not considered to constitute minor material amendments and the application is recommended for refusal.

- (2) The applicant has failed to secure Section 106 planning obligations required to mitigate the harm and demands created by the proposed development (in respect of securing the purpose-built student accommodation use, affordable student accommodation, 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). The scheme therefore conflicts with Policy DMCI 7 of the Hillingdon Local Plan: Part 2 (2020); the adopted Planning Obligations Supplementary Planning Document (2014); Policy DF1 of the London Plan (2021); and paragraphs 55-58 of the National Planning Policy Framework (2023).

- 1.5 The LPA's assessment and justification for refusal is detailed in the Planning Officer's Delegated Report (see Appendix 1), which should be read in conjunction with this statement.
- 1.6 Referencing Appendices 13 and 14, the LPA maintains that this appeal is invalid as the appeal submission fundamentally differs from the refused Section 73 application. The Appellant's Section 73 application, which the LPA refused, had proposed to remove the Nomination Agreement. This appeal submission proposes to retain an amended Nomination Agreement. At the time of writing this Statement of Case, the LPA has yet to receive PINS' response regarding the appeal's validity. Notwithstanding, this Appeal Statement responds to the matters raised in the Appellant's Statement of Case based on the Appellant's Section 73 appeal submission, which includes a Nomination Agreement that had not been proposed within their refused Section 73 application.

2. LPA Comments on Appellant's Statement of Case

- 2.1 The Appellant's Statement of Case (SoC) disputes refusal reasons (1) and (2) of the LPA's decision notice, and summarises the matters that they state are in dispute between the parties as follows:
- (i) *Whether the proposal provides a sufficient level of affordable student housing;*
 - (ii) *Whether the proposal can be defined as offering Purpose Built Student Accommodation through a suitable Nominations Agreement;*
 - (iii) *Whether, in the absence of Affordable Student Accommodation, the impact on the non-designated asset, or nearby Listed Buildings, would outweigh the previous reasons for Approval; and*
 - (iv) *Whether the proposal is capable of securing Section 106 planning obligations.*
- 2.2 With regard to (i) and viability matters, the LPA instructed Carter Jonas to undertake an independent assessment of the Appellant's viability appraisal. See Appendix 16 for Carter Jonas' full report. The LPA disputes four key points of the Appellant's viability appraisal, namely, the Appellant's Benchmark Land Value (BLV), Finance Rate, Developer's Profit, and Construction Costs. Notwithstanding that the Appellant submitted four 'scenarios' in their Viability Report, the LPA concludes that the scheme, in all but one 'scenario', is viable when using market-appropriate inputs. Carter Jonas' review demonstrates that the development can viably deliver affordable student housing if a reasonable and evidence-based approach is taken.
- 2.3 With regard to (ii), the LPA upholds that the Appellant's Section 73 application sought to remove the Nomination Agreement (see Appendix 13 and 14).
- 2.4 The Appellant's Statement of Case argues that the Appellant 'considered that *[at the time of determination]* it was still negotiating the viability position and had not taken the principle of a Nominations Agreement off the negotiating table.' The LPA disagrees with this position as explained in the representation and email to PINS reproduced in Appendices 13 and 14.
- 2.5 The Planning Officer's delegated report (see Appendix 1) explains how the proposed removal of affordable student accommodation and Nomination Agreement from the Original Planning Permission (through the submitted Section 73 application and associated Deed of Variation to the legal agreement) would fundamentally change the proposed development from purpose-built student accommodation (PBSA), which is subject to the requirements of Policy H15 of The London Plan (2021) (see Appendix 17), to a large-scale purpose-built shared living development, which would be subject to the requirements of Policy H16 of The London Plan (2021) (see Appendix 18) and The Large-Scale Purpose-Built Shared Living (LSPBSL) London Plan Guidance (LPG).
- 2.6 Paragraph 4.15.3 of Policy H15 of The London Plan (2021) states, 'To demonstrate that there is a need for a new PBSA development and ensure the accommodation will be supporting London's higher education providers, the student accommodation must either be operated directly by a higher education provider or the development must have an agreement in place from initial occupation with one or more higher education providers, to provide housing for its students, and to commit to having such

an agreement for as long as the development is used for student accommodation. This agreement is known as a nomination agreement. A majority of the bedrooms in the development must be covered by these agreements. Therefore, the borough should ensure, through condition or legal agreement, that the development will, from the point of occupation, maintain a nomination agreement or enter a new nomination agreement with one or more higher education provider(s) for a majority of the bedrooms in the development, for as long as it is used as student accommodation. There is no requirement for the higher education provider linked by the agreement to the PBSA to be located within the borough where the development is proposed.' Paragraph 4.15.4 states that 'Where all the bedrooms in the PBSA development are provided at a rental cost that qualifies as affordable student accommodation as defined in paragraph 4.15.8 and maintained in perpetuity through legal agreement or condition, there is no requirement for it to have a nomination agreement with a higher education provider.' Paragraph 4.15.5 states that 'If the accommodation is not secured for use by students and secured through a Nomination Agreement for occupation by students of one or more higher educational providers as set out in paragraph 4.15.3 or is exempt from this requirement as set out in paragraph 4.15.4, it will not be considered as purpose-built student accommodation or meeting a need for purpose-built student accommodation; and the development proposal will normally be considered large-scale purpose-built shared living and be assessed by the requirements of Policy H16 Large-scale purpose-built shared living.'

- 2.7 Accordingly, the amendment as proposed within the Appellant's Section 73 application would have required a fundamental change to the approved description of development and operative part of the development. The Section 73 application proposed LSPBSL; not PBSA. It would have been unlawful for the LPA to approve such proposed amendments under Section 73 of the Town and Country Planning Act 1990.
- 2.8 The LPA upholds that the LPA acted reasonably in interpreting the Appellant's Section 73 application to vary the permission by, inter alia, proposing to remove the Nomination Agreement, thus, amending the scheme to no longer be defined as offering PBSA. Accordingly, the LPA refused the application for the two reasons detailed in the Decision Notice (see Appendix 2).
- 2.9 With regard to the Appellant's appeal Statement of Case that now proposes to retain a Nomination Agreement, the LPA notes that the Appellant seeks to introduce the following amended wording into the legal agreement:

1. Not to first Occupy or permit first Occupation or first use the Student Accommodation unless reasonable endeavours have been used to complete a Nominations Agreement for the Student Accommodation Bedspaces PROVIDED THAT where (after using reasonable endeavours) it has not been possible to enter into a Nominations Agreement, the Student Accommodation may be Occupied and the Owner is permitted to let directly to Students as follows (in order of priority):

- 1.1. full-time higher-education Students at local Higher Education Institution;*
- 1.2. Students enrolled (or due to be enrolled) at other Higher Education Institutions in London with good sustainable transport connections to the Site;*
- 1.3. any other higher-education Student enrolled (or due to be enrolled) at any Higher Education Institution in London;*

1.4. any other Student with a need to reside in London.

PROVIDED THAT prior to such occupation, the Owner shall notify the Council together with evidence to demonstrate that reasonable endeavours have been taken and the obligation to enter into a Nominations Agreement shall continue until satisfied.

2. The parties agree that nothing in this Agreement restricts the Student Accommodation Bedspaces from being let at Open Market Rents and the rents that apply to Nominations Units will be Open Market Rent.

- 2.10 The LPA has significant concerns with and cannot agree to the Appellant's proposed nominations wording, which does not meet the requirements of London Plan Policy H15. The LPAs main concerns are summarised as follows¹:
- 2.11 Paragraph 6.10 of the Appellant's Planning Statement submitted in support of the approved full application had stated 'The Applicant has been involved in detailed discussions with Brunel University accommodation team as well as a purpose-built student accommodation provider, to ensure that the site is well suited to the provision of student accommodation. Discussions with the accommodation team at Brunel University to date have been very positive and a letter of support has been provided, and is submitted with the application.' Paragraph 6.19 further stated, 'The use would be secured for use of students, and would be the subject of a nomination agreement with a local university, with the current expectation that the agreement would be made with Brunel University.' The Appellant's Section 73 application and appeal do not explain why – despite having already secured the interest of Brunel University – the Appellant now considers it necessary to insert a 'reasonable endeavours' clause. For the avoidance of doubt, the LPA firmly objects to the insertion of a reasonable endeavours clause. The insertion of a reasonable endeavours clause would enable the development to operate in direct conflict with the requirements of London Plan Policy H15, Part A, 3 which requires that: *'the majority of the bedrooms in the development including all of the affordable student accommodation bedrooms are secured through a nomination agreement for occupation by students of one or more higher education provider'*, as it would facilitate a situation where the development is not bound by a Nominations Agreement.
- 2.12 In addition to the above, the LPA submits that the Appellant's proposed wording conflicts with the requirements of London Plan Policy H15 as it would not secure a Nomination Agreement with **one or more higher education provider**. The Appellant's proposed wording would allow the Nomination Agreement to be limited to one Higher Education Institution and/or [emphasis added] a Student Housing Management Company, i.e., it would permit a situation where there is no Nomination Agreement with a Higher Education Institution. This is quite clearly contrary to the requirements of Policy H15 of The London Plan (2021).
- 2.13 The proposed Nomination Agreement wording would remove the incentive for a Higher Education Institution to sign a Nomination Agreement as there is no option for favourable terms, such as discounted rent, and nominations could be open to any Higher Education Institution student, for example, through the Student Housing

¹ The LPA reserves the right to raise further comments in respect of the proposed nominations wording as negotiations on drafting the Section 106 legal agreement progress.

Management Company. It is considered that this would increase the likelihood that the Appellant would subsequently claim it has not been possible to enter into a Nomination Agreement and seek to invoke their proposed reasonable endeavours clause.

- 2.14 The LPA submits, that if the Planning Inspector were minded to accept the Appellant's proposed nominations wording and grant planning permission on that basis, then for the reasons explained above, the development would no longer be purpose-built student accommodation as defined by The London Plan Policy H15; it would instead be large-scale shared living accommodation. As discussed, that would directly conflict with the approved description of development, which cannot be altered by a Section 73 application. This fundamental and material change to the development would require a new 'major' full application for large-scale shared living accommodation, which the LPA would duly assess against Policy H16 of The London Plan (2021) and The Large-Scale Purpose-Built Shared Living (LSPBSL) London Plan Guidance (LPG), rather than Policy H15 of The London Plan (2021) which pertains to purpose-built student accommodation standards.
- 2.15 With regard to (iii), please refer to Sections 7.2 and 7.6 of the Planning Officer's delegated report (see Appendix 1) for the LPA's consideration of the principle of development and the weighing of material planning considerations resulting in a planning balance decision to refuse planning permission. The Officer's delegated report addresses the complete loss of a non-designated heritage asset (Paddington Packet Boat Public House), less than substantial harm to the setting of the Grade II Listed 'Old Cottage', the loss of cultural, social, and community value though the demolition of Paddington Packet Boat Public House, and the provision of student accommodation, and, in particular, the provision (or non-provision) of affordable student accommodation. The original permission was finely balanced in planning terms, but the LPA approved it, on balance, determining that the public benefit of delivering a development with a 36 per cent affordable student accommodation component outweighed the proposal's harm. The removal or reduction of affordable student accommodation materially impacts that close planning balance. The LPA upholds its decision to refuse the Section 73 application, on balance.
- 2.16 Though the Appellant's stated fallback position to demolish the existing non-designated heritage asset may potentially be possible, it is unlikely, as doing so would remove the asset and potentially devalue the Site. Accordingly, the LPA affords little weight to the Appellant's stated fallback position.
- 2.17 With regard to refusal reason (2), and the Appellant's SoC point (iv), please refer to Section 7.6 of the Planning Officer's delegated report (see Appendix 1) detailing the LPA's consideration of the necessary planning obligations directly related and reasonable to mitigate the harms identified in the LPA's assessment and necessary to make the proposed development acceptable in planning terms.
- 2.18 As per Policy DMCI 7 of the Hillingdon Local Plan: Part 2 (2020), applications that fail to secure appropriate planning obligations to make the proposal acceptable will be refused. Failure to secure the necessary planning obligations constitutes an appropriate refusal reason.

- 2.19 If the Planning Inspector were minded to allow the Appellant's appeal, this would necessitate the need for a new Section 106 legal agreement as the allowed development would not meet the approved description of development. It is intended that an agreed and signed Section 106 agreement will be submitted to the Planning Inspectorate (subject to cooperation from the Appellant) no later than two weeks before the hearing opens.
- 2.20 The LPA will cite the following relevant case law in support of its position:
- 2.21 As established by Bernard Wheatcroft Ltd v Secretary of State for the Environment [1982], the Wheatcroft Principles guide whether amendments to a planning application can be accepted during an appeal process. The appeal process should not be used to evolve a scheme, and there are no provisions within the Rules for amendments to be submitted. The Inspector's consideration at appeal must be essentially the same as the scheme considered by the LPA and interested parties at the application stage. Any substantial changes to an application should not be allowed if they would deprive those who should have been consulted of the opportunity to make representations. The test is whether the changes alter the substance of the application so significantly that it would be unfair to proceed without further public consultation. This decision has since been confirmed in Wessex Regional Health Authority v SSE [1984] and Wadehurst Properties v SSE & Wychavon DC [1990] and Breckland DC v SSE and T. Hill [1992]. It has subsequently been established that the power to consider amendments is not limited to cases where the effect of a proposed amendment would be to reduce the development (See Breckland DC v. Secretary of State for the Environment (1992) 65 P&CR.34).
- 2.22 High Court cases of Finney v Welsh Ministers & Ors [2019] EWCA Civ 1868 and Armstrong v Secretary of State for Levelling-Up, Housing and Communities and Another [2023] EWHC 176 (Admin) establish the description of development cannot be amended under Section 73 of the Town and Country Planning Act 1990.
- 2.23 Site History:
- 1058/APP/2021/3423
Approved on 08.09.2023
- '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.'
- 1058/APP/2018/4486
Withdrawn on 07.05.2019
- 'Redevelopment of the site including the demolition of existing public house (Use Class A4) and erection of a building of staggered height up to 7-storeys comprising 36 units (14 x 1 bed, 16 x 2 bed, 2 x 3 bed and 4 maisonettes) including the excavation of a 2-storey basement, associated access, car parking and landscaping.'

3. Conclusion

- 3.1 For the reasons detailed in the Planning Officer's delegated report (see Appendix 1) and this Statement of Case, the proposed Section 73 application is unacceptable, and the LPA respectfully requests that PINS dismiss the appeal.
- 3.2 Without prejudice to the LPA's case, in the event that the Planning Inspector is minded to grant planning permission, a list of the LPAs recommended planning conditions is included at Appendix 15. Separate conditions and legal agreement clauses would need to be secured if a large-scale purpose-built shared living development were to be allowed; however, that would constitute an unlawful change of description. Therefore, the LPA has not provided recommended planning conditions for a large-scale purpose-built shared living development.

Appendices

- Appendix 1 – Section 73 Planning Officer's Delegated Report (1058/APP/2024/1013)
- Appendix 2 – Section 73 Decision Notice (1058/APP/2024/1013)
- Appendix 3 – Appellant's Section 73 Application Form (1058/APP/2024/1013)
- Appendix 4 – Appellant's Section 73 Cover Letter (1058/APP/2024/1013)
- Appendix 5 – Extract from Appellant's Section 73 Design and Access Statement (1058/APP/2024/1013)
- Appendix 6 – Extracts from Appellant's Section 73 Planning Statement (1058/APP/2024/1013)
- Appendix 7 – Extracts from Appellant's Section 73 Viability Report (1058/APP/2024/1013)
- Appendix 8 – Full Application Planning Officer's Delegated Report (1058/APP/2021/3423)
- Appendix 9 – Full Application Decision Notice (1058/APP/2021/3423)
- Appendix 10 – Full Application (1058/APP/2021/3423) Section 106 Agreement
- Appendix 11 – Site Photos, 12.09.2024
- Appendix 12 – Site Photos, dated June 2025
- Appendix 13 – Email by Hillingdon Council to PINS Regarding the Validity of the Appeal, dated 12.03.2025
- Appendix 14 – Hillingdon Council Representation on Validation of Appeal
- Appendix 15 – The LPAs Recommended Conditions
- Appendix 16 – Carter Jonas Viability Report
- Appendix 17 – Policy H15 of The London Plan (2021)
- Appendix 18 – Policy H16 of The London Plan (2021)

Appendix 1 – Section 73 Planning Officer's Delegated Report (1058/APP/2024/1013):

Development Management	APP REF No. 1058/APP/2024/1013
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DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
- Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL		Select an Option
1.	No valid planning application objection in the form of a petition of 20 or more signatures, has been received	☐
2.	Application complies with all relevant planning policies and is acceptable on planning grounds	☐
3.	There is no Committee resolution for the enforcement action	☐
4.	There is no effect on listed buildings or their settings	☐
5.	The site is not in the Green Belt (but see 11 below)	☐
REFUSAL RECOMMENDED: GENERAL		
6.	Application is contrary to relevant planning policies/standards	☐
7.	No petition of 20 or more signatures has been received	☐
8.	Application has not been supported independently by a person/s	☐
9.	The site is not in Green Belt (but see 11 below)	☐
RESIDENTIAL DEVELOPMENT		
10.	Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha	☐
11.	Householder application in the Green Belt	☐
COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT		
12.	Change of use of retail units on site less than 1 ha or with less than 1000 sq. m other than a change involving a loss of A1 uses	☐
13.	Refusal of change of use from retail class A1 to any other use	☐
14.	Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.	☐
CERTIFICATE OF LAWFULNESS		
15.	Certificate of Lawfulness (for proposed use or Development)	☐
16.	Certificate of Lawfulness (for existing use or Development)	☐
17.	Certificate of Appropriate Alternative Development	☐
CERTIFICATE OF LAWFULNESS		
18.	ADVERTISEMENT CONSENT (excluding Hoardings)	☐
19.	PRIOR APPROVAL APPLICATION	☐
20.	OUT-OF-BOROUGH OBSERVATIONS	☐
21.	CIRCULAR 18/84 APPLICATION	☐
22.	CORPSEWOOD COVENANT APPLICATION	☐
23.	APPROVAL OF DETAILS	☐
24.	ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval	☐
25.	WORKS TO TREES	☐
26.	OTHER (please specify)	☐

The delegation powers schedule has been changed. Interim Director of Planning, Regeneration & Public Realm can determine this application

Case Officer:

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

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Item No.	Report of the Head of Development Management and Building Control
Address:	PADDINGTON PACKET BOAT PUBLIC HOUSE HIGH ROAD COWLEY UXBRIDGE
Development:	Variation of Condition 2 (Accordance with Approved Plans) of planning permission ref. 1058/APP/2021/3423, dated 08-09-2023 (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) to make design changes, remove affordable student accommodation from the development and replace it with market rent student accommodation.
LBH Ref Nos:	1058/APP/2024/1013
Drawing Nos:	Energy Statement (Dated March 2024) 2061655-RSKA-RP-002-(03) Noise Break-In Assessment (Dated January 2024) Planning and Affordable Housing Statement (Dated April 2024) Transport Statement (Dated February 2024) Travel Plan Statement (Dated February 2024) Viability Report (Dated January 2024) Viability Response Letter (Dated 26th July 2024) Daylight and Sunlight Supplementary Statement No. 2 (September 2022) Draft Fire Statement Form (10-06-22) Daylight and Sunlight Report (June 2022) Car Parking Survey (05-04-22) (Ref: VRP1391-01) 02-04-101 (Rev. D) 02-04-102 (Rev. D) Updated Noise Assessment (Ref: 20/0043/R1) (Rev. 1) (January 2022) 02-91-100 02-91-102 02-91-103 02-91-104 02-91-105 02-91-106 Construction Logistics Plan (August 2021) Design and Access Statement Air Quality Assessment (Dated February 2024) Archaeological Desk-Based Assessment (Dated February 2024)

Cover Letter (Dated 18th April 2024)
02-02-101 (Rev. G)
02-03-100 (Rev. J)
02-03-101 (Rev. G)
02-03-102 (Rev. G)
02-02-111 (Rev. D)
Heritage Statement
Phase 1 Geoenvironmental Desk Study (June 2021)
Student Accommodation Needs (August 2021)
Thermal Comfort Appraisal (August 2021)
Marketing Report (August 2021)
Marketing Evidence (13-12-21)
Marketing Evidence (20-07-22)
02-03-103 (Rev. J)
02-03-104 (Rev. J)
02-03-105 (Rev. J)
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)
02-05-106 (Rev. G)

Date Plans received:	19-04-24	Date(s) of Amendments(s):	10-09-21
Date Application valid	19-04-24		10-09-21
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			10-09-21
			25-07-22
			25-07-22

1. SUMMARY

This application seeks permission under Section 73 of the Town and Country Planning Act 1990 to vary Condition 2 (Accordance with Approved Plans) of planning permission ref.

1058/APP/2021/3423, dated 08-09-2023 (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) to make design changes, remove affordable student accommodation from the development and replace it with market rent student accommodation.

The development which has been approved on this site would demolish the existing pub, and erect a part-three, four and five-storey block of purpose-built student accommodation (PBSA) comprising 61 studio rooms, which would have a sui generis use class. The existing pub has been vacant since its closure in 2018, and the submitted marketing information demonstrates that there is little meaningful market interest in the site and it is unlikely to be brought into operational use in the foreseeable future.

The development would introduce a form of residential accommodation onto the site, as PBSA, and would be laid out in an 'L' shape, with its two main elevations facing towards Packet Boat Lane and High Road. Under the original approval, 22 of the 61 student rooms (36%) have been secured as affordable student accommodation. The provision for any affordable student accommodation has been removed from the current application proposal. The Applicant submits that the provision of any affordable student accommodation would be unviable. The development has been independently viability tested and Officers conclude that provision of affordable student accommodation would in fact be viable, although at a reduced amount compared to that previously secured (this being at 36% of all units). The non-provision of affordable student accommodation is a significant planning policy conflict which significantly weighs against the development in the planning balance.

There is a strategic demand for new student accommodation across London, recognising the important role that higher education providers make to London's economy and society, and recognising that the function of universities should not be hindered by a lack of appropriately priced and good quality accommodation. One of the main benefits of PBSA is that it frees up housing stock elsewhere in the borough from being used as a shared HMO by students, and therefore the proposal indirectly improves access to larger homes locally for existing or new residents.

Whilst the proposed amended development would make use of a brownfield site, the non-securement of the nominations agreement means that the development does not constitute purpose-built student accommodation and does not contribute to meeting the identified need for student accommodation as was the case for the original permission granted. As per paragraph 4.15.5 of the London Plan (2021), it follows that the development instead constitutes large-scale purpose-built shared living, requiring a change to the application description which cannot be secured under Section 73 of the Town and Country Planning Act 1990. Such a proposal would not constitute a minor material amendment and is considered to be unacceptable, therefore significantly weighing against the scheme in the planning balance.

As a result of the development, the existing pub, which is considered to be a non-designated heritage asset, would be completely lost, and the proposal would further have a less than substantial minor impact on the setting of the Grade II listed Old Cottage to the north. As required by the NPPF, weighing up the benefits of the proposal against the harm to heritage assets, it is considered that the removal of the nominations agreement and affordable student accommodation from the proposal significantly weighs against the scheme alongside the loss of a non-designated heritage asset and less than substantial impact on a Grade II listed heritage asset. The use of a vacant brownfield site was previously identified as a public benefit but it is considered that on its own does not surmount the significant planning policy conflict identified as part of the proposed development.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For the reasons outlined above and within the main body of the report, the identified conflicts with the development plan are considered to be significant and there are no material considerations to outweigh such planning policy conflict. The amendments proposed are not considered to constitute minor material amendments and the application is recommended for refusal.

As the application is recommended for refusal, the applicant has also failed to secure Section 106 planning obligations required to mitigate the harm and demands created by the proposed development. This represents a further reason for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1. NON2 Reason for Refusal - Planning Balance

The proposed development would fail to provide any affordable student accommodation. Following an independent viability assessment, it is concluded that the provision of affordable student accommodation would be viable. The non-provision of affordable student accommodation is a significant planning policy conflict, which does not constitute a minor material amendment, and significantly weighs against the development in the planning balance, contrary to the objectives of the NPPF (2023), Policies H5 and H15 of the London Plan (2021), Policy H2 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMH 7 of the Hillingdon Local Plan: Part 2 (2020).

Whilst the proposed amended development would make use of a brownfield site, the non-securement of the nominations agreement means that the development does not constitute purpose-built student accommodation and does not contribute to meeting the identified need for student accommodation as was the case for the original permission granted. As per paragraph 4.15.5 of the London Plan (2021), it follows that the development instead constitutes large-scale purpose-built shared living, requiring a change to the application description which cannot be secured under Section 73 of the Town and Country Planning Act 1990. Such a proposal would not constitute a minor material amendment and is considered to be unacceptable, therefore significantly weighing against the scheme in the planning balance.

The Paddington Packet Boat Public House, which is a non-designated heritage asset, would be completely lost, and the proposal would further have a less than substantial minor impact on the setting of the Grade II listed Old Cottage to the north. As required by the NPPF, weighing up the benefits of the proposal against the harm to heritage assets, it is considered that the removal of the nominations agreement and affordable student accommodation from the proposal significantly weighs against the scheme alongside the loss of a non-designated heritage asset and less than substantial impact on a Grade II listed heritage asset. The use of a vacant brownfield site was previously identified as a public benefit but it is considered that on its own does not surmount the significant planning policy conflict identified as part of the proposed development. The development proposed is contrary to Policy HE1 of the Hillingdon Local Plan: Part 1 (2012), Policies DMHB 1, DMHB 2, DMHB 3 of the Hillingdon Local Plan: Part 2 (2020), Policy HC1 of the London Plan (2021) and the NPPF (2023). This weighs significantly against the scheme in the planning balance.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications

should be determined in accordance with the development plan unless material considerations indicate otherwise. For the reasons outlined within the main body of the report, the identified conflicts with the development plan are considered to be significant and there are no material considerations to outweigh such planning policy conflict. The amendments proposed are not considered to constitute minor material amendments and the application is recommended for refusal.

2. NON2 Reason for Refusal - Planning Obligations

The applicant has failed to secure Section 106 planning obligations required to mitigate the harm and demands created by the proposed development (in respect of securing the purpose-built student accommodation use, affordable student accommodation, 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). The scheme therefore conflicts with Policy DMCI 7 of the Hillingdon Local Plan: Part 2 (2020); the adopted Planning Obligations Supplementary Planning Document (2014); Policy DF1 of the London Plan (2021); and paragraphs 55-58 of the National Planning Policy Framework (2023).

INFORMATIVES

1. I52 Compulsory Informative (1)

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

2. I71 LBH worked applicant in a positive & proactive (Refusing)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer during the processing of the application to identify the amendments to address those elements of the scheme considered unacceptable which the applicant chose not to implement.

3. I74 Community Infrastructure Levy (CIL) (Refusing Consent)

This is a reminder that Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), should an application for appeal be allowed, the proposed development would be deemed as 'chargeable development' and therefore liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This would be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL

Charging Schedule 2012.

For more information on CIL matters please visit the planning portal page at:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (2021) and national guidance.

DMAV 1	Safe Operation of Airports
DMCI 1	Retention of Existing Community Sport and Education Facilities
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 3	Decentralised Energy
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMH 7	Provision of Affordable Housing
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 2	Listed Buildings
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists

DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D11	(2021) Safety, security and resilience to emergency
LPP D12	(2021) Fire safety
LPP D13	(2021) Agent of change
LPP D14	(2021) Noise
LPP D2	(2021) Infrastructure requirements for sustainable densities
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP D8	(2021) Public realm
LPP DF1	(2021) Delivery of the Plan and Planning Obligations
LPP E6	(2021) Locally Significant Industrial Sites
LPP G5	(2021) Urban greening
LPP GG1	(2021) Building strong and inclusive communities
LPP GG2	(2021) Making the best use of land
LPP GG4	(2021) Delivering the homes Londoners needs
LPP H1	(2021) Increasing housing supply
LPP H15	(2021) Purpose-built student accommodation
LPP H16	(2021) Large-scale purpose-built shared living
LPP H4	(2021) Delivering affordable housing
LPP H5	(2021) Threshold approach to applications
LPP H6	(2021) Affordable housing tenure
LPP H7	(2021) Monitoring of affordable housing
LPP HC1	(2021) Heritage conservation and growth
LPP HC7	(2021) Protecting public houses

LPP S1	(2021) Developing London's social infrastructure
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI17	(2021) Protecting and enhancing London's waterways
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP SI3	(2021) Energy infrastructure
LPP SI7	(2021) Reducing waste and supporting the circular economy
LPP T1	(2021) Strategic approach to transport
LPP T2	(2021) Healthy Streets
LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP T7	(2021) Deliveries, servicing and construction

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a two-storey building sited on the corner of Packet Boat Lane and High Road, which is currently vacant following its closure in September 2018, but which formerly operated as the Paddington Packet Boat public house (*sui generis*). The existing building has both architectural interest, as result of its prominent siting and large gable ends, and historical interest, as a result of its age (dating from 1804), associated with the opening of the Paddington arm of the Grand Union Canal, which opened in 1801.

The surrounding area has a mixed and varied appearance, with detached bungalows immediately opposite the site on the eastern side of High Road, detached and semi-detached two-storey houses on the northern side of Packet Boat Lane, two-storey terraced housing to the south on Linden Terrace, and five-storey blocks of flats immediately to the west of the site on Packet Boat Lane, and slightly further west at Union Place. Additionally, the application site backs onto Packet Boat Lane Locally Significant Industrial Site (LSIS), which comprises several relatively low-rise industrial sheds and warehouses positioned between High Road and the Grand Union Canal. Overall, however, despite the industrial uses to the south, the area has a generally residential character.

3.2 Proposed Scheme

This application seeks permission under Section 73 of the Town and Country Planning Act 1990 to vary Condition 2 (Accordance with Approved Plans) of planning permission ref. 1058/APP/2021/3423, dated 08-09-2023 (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) to make design changes, remove affordable student accommodation from the development and replace it with market rent student accommodation. The nominations agreement is also proposed to be removed from the offer for student accommodation.

3.3 Relevant Planning History

1058/APP/2021/3423 PADDINGTON PACKET BOAT PUBLIC HOUSE HIGH ROAD
COWLEY UXBRIDGE

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.

Decision: 09-11-2022 Approval

1058/APP/2018/4486 PADDINGTON PACKET BOAT PUBLIC HOUSE HIGH ROAD
COWLEY UXBRIDGE

Redevelopment of the site including the demolition of existing public house (Use Class A4) and erection of a building of staggered height up to 7-storeys comprising 36 units (14 x 1 bed, 16 x 2 bed, 2 x 3 bed and 4 maisonettes) including the excavation of a 2-storey basement, associated access, car parking and landscaping

Decision: 07-05-2019 Withdrawn (P)

Comment on Planning History

Application reference 1058/APP/2018/4486 was submitted in December 2018 for the redevelopment of a residential scheme up to seven storeys in height, plus two basement levels. The application was subsequently withdrawn on the 7th May 2019, following a recommendation of refusal by the local planning authority.

Application reference 1058/APP/2021/3423 sought permission for the 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. The application was approved on 8th September 2023. Significantly, the application secured the provision of 22 of the 61 student rooms (36%) would be secured as affordable student accommodation. This is particularly pertinent to the current application which removes all affordable student accommodation from the proposals and replaces it with market student accommodation. The affordable student accommodation was considered to be a significant benefit of the approved scheme and weighed in favour of the proposal in the planning balance.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date: Not applicable

4.2 Site Notice Expiry Date: **24th May 2024**

5. Comments on Public Consultation

A total of 32 objections have been received as part of the public consultation process and are summarised as follows:

- There are too many flats with student accommodation.
- There is not enough housing.
- Student accommodation causes mess, graffiti and noise disturbance.
- The development will cause traffic.
- The building would be better served as a public house.
- The development was refused under a previous application.
- The building structure is sound and could be renovated.
- The development should not demolish an attractive and historic building.
- Approval of the development would run contrary to the wishes of the local community.
- The additional demand on public transport, healthcare, and other community services has not been adequately addressed in the proposal.
- A community use would better serve the community.
- The design changes are not clear and the proposed building would look out of place.
- The building is too tall and would set a negative precedent.
- New development should incorporate green spaces, promote biodiversity, and adhere to high environmental standard.
- The community will not feel safe.
- The removal of affordable student accommodation is unacceptable.
- The removal of the nominations agreement would essentially mean that the proposal would no longer be secured as student accommodation and would essentially be uncontrolled sub-standard market residential units.
- The Applicant had no intention of delivering 35% affordable housing.
- The original application approved was finely balanced in favour of the proposal whereas the current application removes any public benefit. The planning balance weighs against the application and should be refused.
- The development will be further value engineered if approved.
- The lack of any affordable accommodation would mean that this scheme does not (and arguably cannot) meet the wider objectives of the development plan.
- The proposal would not only fail to promote social cohesion but would in fact place additional barriers in front of young people from disadvantaged backgrounds, as no rooms would be available at a rate which is even remotely feasible for prospective students, and in turn this would contribute to wider barriers in place across society preventing young people from less wealthy backgrounds from progressing to further education.
- In many instances, the revised FVA returns to points which were disputed under application reference 1058/APP/2021/3423 and it is queried whether, in doing this, the FVA consultant has complied with RICS code of conduct, where it requires that all inputs into an appraisal must be reasonably justified.

PLANNING OFFICER COMMENTS:

All resident comments and objections are taken into consideration. All material planning considerations are addressed within the main body of the report.

EXTERNAL CONSULTATION

NATIONAL AIR TRAFFIC SERVICES:

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

MINISTRY OF DEFENCE:

I can confirm that, following review of the application documents, the proposed development would be considered to have no detrimental impact on the operation or capability of a defence site or asset. The MOD has no objection to the development proposed.

GLAAS:

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

The site is located on the periphery of the Colne Valley Archaeology Priority Area, however the development site is small in scale and is likely to have been previously disturbed during the construction of structures on the site during the 20th century. The history of the pub building has been extensively researched when it was being assessed for listing, and the submitted heritage statement (Corrie Newell, July 2021) contains an adequate record and phasing plan.

No further assessment or conditions are therefore necessary.

CANAL AND RIVER TRUST:

The development would bring more people to the area, who are likely to make use of the waterway and towpath network, as a convenient walking and cycling link away from the main road and as a pleasant local amenity. This increased use will put additional pressure on the canal towpath. The Trust previously requested a contribution of £15,000 towards towpath improvements and this was secured as part of the S106 agreement.

The proposed amendments to the approved scheme, including the removal of affordable housing

provision, would not result in reduced demand on the towpath from the development and therefore we would ask that, should the current application be approved, the Local Planning Authority ensure the £15, 000 contribution already secured is carried forward into a new or varied S106 agreement.

LONDON FIRE BRIGADE:

The London Fire Brigade (LFB) has been consulted with regard to the above-mentioned premises and have no observations to make. It should be ensured that if any material amendments to this consultation is proposed, a further consultation will be required.

INTERNAL CONSULTATION

ACCESS OFFICER:

This Variation of Condition application seeks to remove the requirement to provide affordable student accommodation from this development. Whilst there is no requirement within London Plan policy H15 to prevent the loss of this affordable, accessible accommodation, removal of this requirement would result in a reduction of new, fit for purpose, accessible accommodation for wheelchair users. Conclusion: removal of the affordable student accommodation should be discouraged.

URBAN DESIGN OFFICER:

The proposed rooftop railing, intended for safety, is not considered acceptable due to its adverse visual impact. We recommend exploring alternative solutions: a) Implement a safety wire system to eliminate the need for railings. b) If the wire system is unfeasible, consider setting back the railings from the roof edge as much as possible. c) Alternatively, redesign the railings to seamlessly integrate with the roof parapet.

NOISE SPECIALIST:

Based on the information provided I do not consider that variation of condition 2 has an impact in terms of the noise and vibration.

WASTE STRATEGY:

Number of bins is appropriate however developer should also factor in 4x 140L wheeled bins for food waste. We do not collect refuse and dry mixed recycling in wheelie bins so the developer should plan to house 4x 1100L euro bins. Our crews will not pull the bins further than 10m from the collection point on Packet Boat Lane so storage area should be within 10m.

AIR QUALITY OFFICER:

No comments provided.

HIGHWAYS AUTHORITY:

No comments provided.

6. Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.CI1	(2012) Community Infrastructure Provision
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.EM11	(2012) Sustainable Waste Management
PT1.EM6	(2012) Flood Risk Management
PT1.EM8	(2012) Land, Water, Air and Noise
PT1.H1	(2012) Housing Growth
PT1.H2	(2012) Affordable Housing

Part 2 Policies:

DMAV 1	Safe Operation of Airports
DMCI 1	Retention of Existing Community Sport and Education Facilities
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 3	Decentralised Energy
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMH 7	Provision of Affordable Housing
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 2	Listed Buildings
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D11	(2021) Safety, security and resilience to emergency

LPP D12	(2021) Fire safety
LPP D13	(2021) Agent of change
LPP D14	(2021) Noise
LPP D2	(2021) Infrastructure requirements for sustainable densities
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP D8	(2021) Public realm
LPP DF1	(2021) Delivery of the Plan and Planning Obligations
LPP E6	(2021) Locally Significant Industrial Sites
LPP G5	(2021) Urban greening
LPP GG1	(2021) Building strong and inclusive communities
LPP GG2	(2021) Making the best use of land
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LPP H1	(2021) Increasing housing supply
LPP H15	(2021) Purpose-built student accommodation
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LPP H4	(2021) Delivering affordable housing
LPP H5	(2021) Threshold approach to applications
LPP H6	(2021) Affordable housing tenure
LPP H7	(2021) Monitoring of affordable housing
LPP HC1	(2021) Heritage conservation and growth
LPP HC7	(2021) Protecting public houses
LPP S1	(2021) Developing London's social infrastructure
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI17	(2021) Protecting and enhancing London's waterways
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP SI3	(2021) Energy infrastructure
LPP SI7	(2021) Reducing waste and supporting the circular economy
LPP T1	(2021) Strategic approach to transport
LPP T2	(2021) Healthy Streets
LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking

LPP T7 (2021) Deliveries, servicing and construction

In addition: Development Plan

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)
 The Local Plan: Part 2 - Development Management Policies (2020)
 The Local Plan: Part 2 - Site Allocations and Designations (2020)
 The West London Waste Plan (2015)
 The London Plan (2021)

Material Considerations

The National Planning Policy Framework (NPPF) (2023) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

Matters relating to impacts on neighbours have already been established by grant of permission ref. 1058/APP/2021/3423 and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

7.2 Impact on Street Scene

Policies D3 of the London Plan (2021), BE1 of the Hillingdon Local Plan: Part 1 (2012), DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part 2 (2020) are all directly relevant to the proposal. In summary, these policies seek to secure a high quality of design that enhances and contributes to the area in terms of form, scale and materials, is appropriate to the identity and context of the townscape and would improve the quality of the public realm and respect local character. These aims are also supported by the NPPF (2023) at chapter 12.

In the main, the proposed development has been established as acceptable in design terms due to the grant of approval under planning permission ref. 1058/APP/2021/3423. The proposed removal of the affordable student accommodation and replacement with market student accommodation would not materially impact external design considerations.

Initially, a rooftop railing was proposed on levels 3, 4 and 5 at 1.1m high. The Council's Urban Design Officer raised concerns with this proposal, noting that the railing would be clearly visible and adds clutter to the elevations of the building. As the railing is only required for safety reasons, it was considered that a safety wire system would be more appropriate, providing the same level of safety without adding visual clutter. Such concerns were raised with the Applicant and amended plans

were submitted, removing the rooftop railing proposal and replacing it with a fall arrest system for access and maintenance works. The detail of such a system would be secured by planning condition in the event of an approval. Subject to such a condition, the changes would result in no additional design harm.

HERITAGE

In accordance with the council's statutory duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is necessary to have special regard to the desirability of preserving the setting of a listed building and to preserving or enhancing the character or appearance of a conservation area. This is supported by Policy HE1 of the Hillingdon Local Plan: Part 1 (2012), Policies DMHB 1, DMHB 2, DMHB 3 and DMHB 4 of the Hillingdon Local Plan: Part 2 (2020), Policy HC1 of the London Plan (2021) and the NPPF (2023).

The proposed development, as a result of its scale and siting on a prominent corner, has the potential to impact the setting of Barnacre, a Grade II listed 17th century house approximately 50 metres to the north and the Old Cottage, a Grade II listed medieval cottage approximately 80 metres to the north. Other designated heritage assets potentially affected are the Cowley Lock Conservation Area, approximately 150 metres to the west and the Colne Valley Archaeological Priority Zone. The proposal would further result in the total loss of the Paddington Packet Boat Public House, a non-designated heritage asset.

The original application concluded that the proposal would result in no significant impacts to Barnacre. The proposed development was considered likely to have some impact on the setting of The Old Cottage, as they would be visible together in views from the north along the High Road, however this impact would be less than substantial and very minor. The proposal was also considered to have no significant impacts on the setting of the Cowley Lock Conservation Area.

In addition to the designated heritage assets discussed above, the building itself is considered to be a non-designated heritage asset. The existing pub is situated on a prominent corner sited on a bend in the High Road and has a visual presence within the streetscape, terminating views looking southwards. The combination of its siting and the public house architecture, along with a likely historic association with the Paddington arm of the Grand Union Canal, give the building its significance.

This consideration follows an unsuccessful attempt to see the building nationally listed, for which the Council received notification from Historic England on the 26th November 2019 confirming that the Paddington Packet Boat Public House would not be added to the Statutory List of Buildings of Special Architectural or Historic Interest due to its level of alteration. In this regard, Historic England guidance explains that most public houses built prior to 1850 surviving in anything like their original form will be listable and the crucial consideration is whether enough of the original fabric of special interest for designation has survived to warrant listing.

In this instance, whilst it was agreed that a pub has operated from the site since the late 18th or early 19th century (likely 1804), and there is an element of historic interest with regard to the association with the packet boat service, Historic England concluded that because the precise details of this connection are not known and the building, at least in its current altered form, does not afford a strong connection with this aspect of history, the historic rationale for listing is not warranted. Historic England further stated that the introduction of a new facade, internal reordering and the loss of historic fabric and fixtures, together with extensions in the 19th and 20th centuries, means that a significant proportion of the earlier building has been significantly altered, to the extent that the building has the character of a mid to late 19th century pub rather than an early 19th

century pub, and therefore the building's architectural interest does not warrant listing.

However, despite concluding that the building did not warrant listing for either its historical or architectural interest (or a combination of the two), the report produced by Historic England acknowledges the positive contribution the building makes to this part of Cowley as a visible reminder of the packet boat trade.

The proposed development would result in the total loss of the building, and therefore result in the total loss of the non-designated historical asset, for which the NPPF advises that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this regard it is important to note that unlike a nationally listed building, there is no statutory duty to preserve a locally listed building or other non-designated heritage assets, or their settings and the weight given to its retention or preservation, as a matter of fact, should be lower than for a nationally listed building when weighing up the planning balance of a proposal.

As discussed in greater detail in the 'Principle of Development' section of the report, where the original approval delivered benefits in respect of the provision of both purpose-built student accommodation and a policy compliant level of affordable student accommodation, the current amended scheme would remove the nominations agreement from the proposal and would remove all affordable bedrooms from the proposal and replace them with market units. The development has been independently viability tested and Officers conclude that provision of affordable student would in fact be viable, although at a reduced amount compared to that previously secured (this being at 36% of all units). The non-provision of affordable student accommodation is a significant planning policy conflict which significantly weighs against the development in the planning balance.

Whilst the proposed amended development would make use of a brownfield site, the non-securement of the nominations agreement means that the development does not constitute purpose-built student accommodation and does not contribute to meeting the identified need for student accommodation as was the case for the original permission granted. As per paragraph 4.15.5 of the London Plan (2021), it follows that the development instead constitutes large-scale purpose-built shared living, requiring a change to the application description which cannot be secured under Section 73 of the Town and Country Planning Act 1990. Such a proposal would not constitute a minor material amendment and is considered to be unacceptable, therefore significantly weighing against the scheme in the planning balance.

As such, in accordance with the council's statutory duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and requirements under the NPPF, it is considered that the proposal would have a less than substantial impact on the setting of the Grade II listed Old Cottage, slightly infringing on the ability to appreciate the Old Cottage in views south along the High Road because of the scale and prominent siting of the proposed development. Although the harm is minor, the previously approved benefits of the scheme are significantly diminished and arguably fail to outweigh such harm.

The scheme would further result in the total loss of significance of the non-designated heritage asset (following its demolition), which has local historic value because of the perceived connection with the historic packet boat service, however because of significant and steady alterations to the building (both internally and externally) throughout the 19th and 20th centuries, the building is only considered to have moderate historic and architectural significance. The social value of the existing pub is difficult to quantify, not least because it has remained vacant for four years, but also because the previous operator found the pub to be financially unviable, which indicates to some extent that the operational pub was not integral to the community, especially with a number of other public houses within walking distance.

In accordance with the NPPF in relation to non-designated heritage assets, having regard to the scale of any harm or loss (in this case total loss) and the significance of the heritage asset (in this case moderate historical and architectural significance), the proposal to redevelop an under-utilised brownfield site with a substandard large-scale purpose-built shared living development (by virtue of the proposed non-securement of a nominations agreement) which fails to contribute positively to meeting housing need within the Borough is not considered to realise sufficient benefits to outweigh the harm to the non-designated heritage asset. In this case, the proposed loss of Paddington Packet Boat Public House is not considered to be acceptable.

7.3 Traffic Impact / Pedestrian Safety

It is noted that the the planning permission granted under application ref. 1058/APP/2021/3423 established that the development would not have a significant adverse impact on local highway conditions or the strategic highway network. The current proposal does not change the car parking provisions proposed. However, as addressed in the 'Principle of Development' section of the report, the non-securement of a nominations agreement means that the development proposal is instead considered to be a large-scale purpose-built shared living subject to the requirements of Policy H16 of the London Plan (2021). Significantly, this constitutes a change to the application description which cannot be secured under Section 73 of the Town and Country Planning Act 1990, as confirmed under *Armstrong v Secretary of State for Levelling-Up, Housing and Communities and Another* EWHC 176 (Admin). On the basis that the development cannot change the description of development from a provision of purpose-built student accommodation to large-scale purpose-built shared living, Officers have not assessed the highways safety implications of a large-scale purpose-built shared living development.

7.4 Carparking & Layout

Please see Section 07.3 'Traffic Impact / Pedestrian Safety' for consideration of relevant car parking and layout matters.

7.5 Urban Design, Access and Security Considerations

URBAN DESIGN

Please refer to Sections 07.2 and 07.6 of the report for consideration of urban design matters.

ACCESS AND SECURITY

Matters relating to access and security have already been established by grant of permission ref. 1058/APP/2021/3423 and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

7.6 Other Issues

MINOR MATERIAL AMENDMENT

The pertinent test for a Section 73 application is whether the changes to the approved scheme would constitute minor material amendments. There is no statutory definition of a minor material amendment but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

PRINCIPLE OF DEVELOPMENT

The development approved under planning permission ref. 1058/APP/2021/3423 was considered to make effective use of a brownfield site, in accordance with the principles of Policy GG2, H1 and H15 of the London Plan, re-using a vacant and underutilised site to provide purpose-built student

accommodation, for which there is an established need across London and within the borough. The site has sat vacant since its closure in 2018, with a lack of meaningful interest from prospective pub operators to take over the site in its current use, and, in the view of the local planning authority, there was little realistic prospect of the building being used as a pub in the foreseeable future. The various pertinent considerations for the current amended proposal is considered in detail below.

Public House:

The existing pub has been vacant since its closure in 2018, and in accordance with the Policy HC7 of the London Plan, it is considered that the pub has some cultural or social value to the local community, and its historic value is recognised through its proposed inclusion on the local heritage list. As a vacant site, the pub is not making a positive contribution to the night-time economy or local community, however it is recognised that the public house had operated on the site for nearly 200 years prior to its closure, and the pub is therefore likely to have sentimental value to local people, in particular the residents of Cowley and Yiewsley.

Community Facility:

The submitted marketing evidence partially satisfies the requirements of Policy DMCI 1, in that it demonstrates there is little interest in continuing to use the site as a pub, and it is considered that the loss of this one pub would not lead to a shortfall in the area. In this regard it is noted that the application site is approximately 100m from the Waters Edge in Cowley, there are three pubs to the North (The Malt Shovel, The 3 Steps and The Crown) which are approximately 1km away, and the site is also within walking distance of Yiewsley/West Drayton Town Centre which contains additional public houses, including the George & Dragon which is approximately 1km away. Part (ii) of Policy DMCI 1 states that the loss of a community facility would be allowed if there is no demand for another suitable social infrastructure use on-site (which has been demonstrated through marketing evidence), or that the site is no longer appropriate for social infrastructure uses. This second clause of Part (ii) of Policy DMCI 1 has not been demonstrated, as the site could likely accommodate an alternative social use in an acceptable manner, however the lack of demand shown through the marketing period for alternative community uses shows that, on balance, Part (A) of Policy DMCI 1 has been complied with.

Student Accommodation:

The need for new housing across all of London is established by Policy H1 of the London Plan, which sets a strategic London-wide target of 66,000 additional homes each year, which includes London's requirements for PBSA. Policy H15 of the London Plan further sets out that there is a strategic target of 3,500 PBSA bed spaces to be provided annually, recognising the significant contribution higher education providers make to London's economy and labour market, which should not be undermined by inadequate provision of new student accommodation. Whilst it should be noted that London's annual strategic target for PBSA is not broken down by borough (as housing targets are), counting student accommodation at a ratio of 2.5:1 (with two and a half bedrooms being counted as a single home), the previously approved 61-bedroom student block would have the effect of contributing the equivalent of 24 homes towards Hillingdon's housing targets, or freeing up 24 homes which would otherwise be used as HMOs by students.

It is recognised that the areas around Brunel University and Uxbridge would be protected from conversion from family-accommodation to HMOs through the imposition of an Article 4 Direction (which removes permitted development rights for conversions) and which was specifically brought in due to the concerns of over-concentrations of HMOs in a small area. This therefore demonstrates that some PBSA is required within the borough, to ensure that students are still provided for, given

that the borough generally resists the other main source of off-campus student accommodation (HMOs).

Policy H15 also requires new PBSA to be located in locations well-connected to local services by walking, cycling and public transport. Whilst the PTAL of the site is very low (1b), this does not in itself indicate that the site is in an unsustainable location. Under the previous permission granted, it was noted that the development was intended for for students, who would predominantly travel to and from Brunel University, which would be approximately 20 minute's walk away and approximately 5 minutes' away on a bike. This is not, however, the case for the current application which proposes to remove the nominations agreement from the scheme. This point of being a sustainable form of development is therefore diminished.

Regarding the securement of nominations agreement, Policy H15 of the London Plan (2021) states that Boroughs should seek to ensure that local and strategic need for purpose-built student accommodation is addressed, provided that:

- A) 3) the majority of the bedrooms in the development including all of the affordable student accommodation bedrooms are secured through a nomination agreement for occupation by students of one or more higher education provide
- 4) c) the affordable student accommodation bedrooms should be allocated by the higher education provider(s) that operates the accommodation, or has the nomination right to it, to students it considers most in need of the accommodation.

Paragraph 4.15.3 states: "To demonstrate that there is a need for a new PBSA development and ensure the accommodation will be supporting London's higher education providers, the student accommodation must either be operated directly by a higher education provider or the development must have an agreement in place from initial occupation with one or more higher education providers, to provide housing for its students, and to commit to having such an agreement for as long as the development is used for student accommodation. This agreement is known as a nomination agreement. A majority of the bedrooms in the development must be covered by these agreements. Therefore, the borough should ensure, through condition or legal agreement, that the development will, from the point of occupation, maintain a nomination agreement or enter a new nomination agreement with one or more higher education provider(s) for a majority of the bedrooms in the development, for as long as it is used as student accommodation. There is no requirement for the higher education provider linked by the agreement to the PBSA to be located within the borough where the development is proposed."

Paragraph 4.15.4 states: "Where all the bedrooms in the PBSA development are provided at a rental cost that qualifies as affordable student accommodation as defined in paragraph 4.15.8 and maintained in perpetuity through legal agreement or condition, there is no requirement for it to have a nomination agreement with a higher education provider."

Paragraph 4.15.5 states: "If the accommodation is not secured for use by students and secured through a nomination agreement for occupation by students of one or more higher educational providers as set out in paragraph 4.15.3 or is exempt from this requirement as set out in paragraph 4.15.4, it will not be considered as purpose-built student accommodation or meeting a need for purpose-built student accommodation; and the development proposal will normally be considered large-scale purpose-built shared living and be assessed by the requirements of Policy H16 Large-scale purpose-built shared living."

Whilst the original consent secured a nominations agreement with Brunel University, the current application submission proposes the removal of the nominations agreement, meaning that the

market rent units would be unrestricted in order to improve the viability of the scheme. The Applicant states that this means that there would not be a restricted tenure split through one higher education institution, opening up the rooms to any interested student. Officers consider the removal of the nominations agreement increases the very real risk that the proposal would no longer be secured as student accommodation and would essentially be uncontrolled sub-standard market residential units.

Significantly, paragraph 4.15.4 above states that the only reason not to secure a nominations agreement is the securement of all bedrooms as affordable student accommodation. The current application submission proposes the removal of all affordable student accommodation alongside the nominations agreement and therefore is unjustified and directly contrary to the London Plan (2021) requirements.

Furthermore, paragraph 4.15.5 confirms that if the student accommodation is not secured through a nominations agreement or is exempt, it will not be considered as purpose-built student accommodation or meeting a need for purpose-built student accommodation. Accordingly, the development proposed under the current application is not considered to constitute purpose-built student accommodation and does not contribute to meeting the identified need for student accommodation as was the case for the original permission granted (under ref. 1058/APP/2021/3423).

It follows that the development proposal is instead considered to be a large-scale purpose-built shared living subject to the requirements of Policy H16 of the London Plan (2021). Significantly, this constitutes a change to the application description which cannot be secured under Section 73 of the Town and Country Planning Act 1990, as confirmed under *Armstrong v Secretary of State for Levelling-Up, Housing and Communities* and Another EWHC 176 (Admin). Evidently, the amendments proposed under this Section 73 application do not constitute minor material amendments, and are unacceptable in principle.

On the basis that the development cannot change the description of development from a provision of purpose-built student accommodation to large-scale purpose-built shared living, Officers have not assessed the development against the requirements of Policy H16 of the London Plan (2021).

Affordable Student Accommodation:

Policy H15 of the London Plan seeks to ensure that the maximum level of PBSA is secured as affordable accommodation. Similarly to traditional residential housing (C3), proposals for student accommodation can benefit from the fast-track route, as set out in Policy H5 of the London Plan (Threshold approach to applications), if they provide 35% of their units as affordable accommodation on-site. To qualify as affordable accommodation, units must be provided at a rental cost for the academic year equal to or below 55% of the maximum income that a new full-time student studying in London and living away from home could receive from the Government's maintenance loan for living costs for that academic year. The actual amount the Mayor defines as affordable student accommodation for any academic year is published in the Mayor's Annual Monitoring Report (AMR).

Under the original approval, 22 of the 61 student rooms (36%) were secured as affordable student accommodation. The provision for any affordable student accommodation has been removed from the current application proposal. The Applicant submits that the provision of any affordable student accommodation would be unviable. The development has been independently viability tested and the Officers conclude that provision of affordable student would be viable, although at a reduced amount compared to that previously secured (this being at 36% of all units). The non-provision of

affordable student accommodation is a significant planning policy conflict which significantly weighs against the development in the planning balance.

The non-provision of affordable accommodation removes a significant public benefit of the original permission. Affordable student accommodation furthers a number of social objectives and helps to ensure that students from all financial backgrounds are afforded an equal opportunity to attend university and are not prohibited from participating in higher education because of financial constraints. This directly promotes social cohesion and contributes to mixed and balanced communities, whilst removing social barriers which may prevent some young people from attending higher education. This element of the original proposal was considered to be the major benefit of the scheme, and one of the overriding reasons for the recommendation of approval.

The non-provision of affordable student accommodation is not considered to be justified on viability grounds and weighs significantly against the development in the planning balance. The proposal is therefore contrary to the objectives of the NPPF (2023), Policies H5 and H15 of the London Plan (2021), Policy H2 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMH 7 of the Hillingdon Local Plan: Part 2 (2020).

In the event of an appeal, head of term (ii) is proposed to be secured to ensure that any development permitted on this site secured the maximum affordable accommodation within the viability parameters of the scheme. This S106 obligation should be subject to an early and late stage review mechanism.

Summary:

Whilst the proposed amended development would make use of a brownfield site, the non-securement of the nominations agreement means that the development does not constitute purpose-built student accommodation and does not contribute to meeting the identified need for student accommodation as was the case for the original permission granted (under ref. 1058/APP/2021/3423). It follows that the development instead constitutes large-scale purpose-built shared living, requiring a change to the application description which cannot be secured under Section 73 of the Town and Country Planning Act 1990. Furthermore, the non-provision of affordable student accommodation removes a significant public benefit of the original permission, is not considered to be justified on viability grounds and weighs significantly against the development in the planning balance. Significantly, the amendments proposed under this Section 73 application do not constitute minor material amendments, and are unacceptable in principle.

LIVING CONDITIONS

It is noted that the the planning permission granted under application ref. 1058/APP/2021/3423 established that the development provided an acceptable standard of accommodation to meet the requirements of Policy H15 to provide a functional layout and living spaces. The current proposal does not change the internal provisions proposed. However, as addressed in the 'Principle of Development' section of the report, the non-securement of a nominations agreement means that the development proposal is instead considered to be a large-scale purpose-built shared living subject to the requirements of Policy H16 of the London Plan (2021). Significantly, this constitutes a change to the application description which cannot be secured under Section 73 of the Town and Country Planning Act 1990, as confirmed under *Armstrong v Secretary of State for Levelling-Up, Housing and Communities* and Another EWHC 176 (Admin). On the basis that the development cannot change the description of development from a provision of purpose-built student accommodation to large-scale purpose-built shared living, Officers have not assessed the development against the requirements of Policy H16 of the London Plan (2021).

TREES, LANDSCAPING AND ECOLOGY

Matters relating to trees, landscaping and ecology have already been established by grant of permission ref. 1058/APP/2021/3423 and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

SUSTAINABLE WASTE MANAGEMENT

Matters relating to sustainable waste management have already been established by grant of permission ref. 1058/APP/2021/3423 and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

ENERGY

The current application submission is supported by an Energy Statement (Dated March 2024) submitted and confirms that the development would accord with Policy SI 2 of the London (2021), noting that on-site carbon savings will exceed 35% relative to Part L 2021. Residual emissions will be offset through a carbon offset payment, estimated at £8,036. In the event of an approval, this would be secured by a linked planning condition and obligation to ensure policy compliance.

FLOODING AND DRAINAGE

Matters relating to flooding and drainage have already been established by grant of permission ref. 1058/APP/2021/3423 and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

NOISE

Matters relating to noise have already been established by grant of permission ref. 1058/APP/2021/3423 and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

AIR QUALITY

It should be highlighted that the November 2022 Committee Addendum confirmed that application reference 1058/APP/2021/3423 was air quality neutral and that the air quality damage cost (equal to £28,490) was proposed in error. As such, the damage cost was not secured as part of the original permission or associated S106 legal agreement. The current application is supported by an updated Air Quality Assessment and concludes that the construction and operational air quality effects of the proposed development are 'not significant'. The amendments proposed are not considered to impact on the conclusion previously made as part of the original permission. As such, the development is accepted in respect of air quality considerations.

CONTAMINATED LAND

Matters relating to contaminated land have already been established by grant of permission ref. 1058/APP/2021/3423 and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

FIRE SAFETY

Matters relating to fire safety have already been established by grant of permission ref. 1058/APP/2021/3423 and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

HEALTH

The amended scheme proposed would include the provision of no affordable units as part of the purpose-built student accommodation. In such a scenario, a HUDU health contribution would not be applicable to the development proposed. However, as explained in the 'Principle of Development' section of the report, Officers consider that it is in fact viable to provide affordable student accommodation. In the event of an approval or decision to allow the application at appeal, it is recommended that a HUDU health contribution is secured in order to mitigate the impacts of the development on health infrastructure not addressed by Community Infrastructure Levy.

INFRASTRUCTURE ASSESSMENT

Matters relating to infrastructure assessments have already been established by grant of permission ref. 1058/APP/2021/3423 and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

AIRPORT SAFEGUARDING

Matters relating to airport safeguarding have already been established by grant of permission ref. 1058/APP/2021/3423 and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

ECONOMIC IMPACT

Officers acknowledge that there would be some economic benefits associated with general construction and employment from the operation, servicing and maintenance of the proposed development. Officers would emphasise that these are benefits that can be attached to all forms of development to certain degrees. It is also highlighted that the proposed development is not a significant generator of employment and as such, any such associated benefits are considered as such within the planning balance.

BIODIVERSITY NET GAIN

The Environment Act 2021 has established that all planning permissions granted in England have to deliver at least 10% biodiversity net gain (BNG) from January 2024. Paragraph 174 of the NPPF (2023) also states that planning decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This is supported by Policy G6 of the London Plan (2021) and Policy DMEI 7 of the Hillingdon Local Plan: Part 2 (2020).

There are a number of exemptions for biodiversity net gain requirements. As the original planning permission to be varied was made before mandatory BNG on 2nd April 2024, the development is exempt from BNG requirements.

SECTION 73 CONDITIONS

The original planning permission will continue to exist whatever the outcome of the application

under section 73. The conditions imposed on the original permission still have effect unless they have been discharged. In granting permission under section 73 the local planning authority may also impose new conditions - provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission. Decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.

PLANNING OBLIGATIONS

Policy DMCI 7 of the Hillingdon Local Plan: Part 2 (2020) states:

A) To ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL).

B) Planning obligations will be sought on a scheme-by-scheme basis:

- i) to secure the provision of affordable housing in relation to residential development schemes;
- ii) where a development has infrastructure needs that are not addressed through CIL; and
- iii) to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.

C) Applications that fail to secure an appropriate Planning Obligation to make the proposal acceptable will be refused.

The Community Infrastructure Levy Regulation 2010 (Regulations issued Pursuant to the 2008 Act) and the NPPF have put three tests on the use of planning obligations into law. It is unlawful (since 6th April 2010) to request planning obligations that do not meet the following tests:

i. necessary to make the development acceptable in planning terms

ii. directly related to the development, and

iii. fairly and reasonable related in scale and kind to the development

The effect of the Regulations is that the Council must apply the tests much more strictly and is only to ask for planning obligations that are genuinely necessary and directly related to a development. Should planning obligations be requested that do not meet the policy tests the Council would have acted unlawfully and could be subject to a High Court challenge.

On the basis of the NPPF and the Community Infrastructure Levy Regulation 2010, it is only considered reasonable to request planning obligations relating to the following:

- i) Secure use of the building as Purpose Built Student Accommodation, falling within the sui generis use class, with a nominations agreement in place with a relevant higher education provider for the majority of rooms, in perpetuity;
- ii) Secure the provision of the maximum affordable student accommodation viable in perpetuity, subject to an early-stage review mechanism if substantial implementation has not occurred within two years of permission being granted;
- iii) Enter into a s278 and/or s38 agreement to dedicate land at the front of the development for the creation of a new footway, funded by the applicant and to be adopted by the council;

iv) To prevent future occupiers from being eligible for parking permits within the borough, including any new Parking Management Schemes which are introduced, and to secure £20,000 towards consulting on, and implementing, the creation of a Parking Management Scheme for the surrounding roads on requests from local residents;

v) To require the lease agreements between any future occupiers and the owner (or higher education provider as the case may be) to prevent cars from being registered at the proposed accommodation and to prohibit occupiers from bringing cars to the area, excluding blue badge holders;

vi) A full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will include a 'moving in and out strategy', targets for sustainable travel arrangements, effective measures for the ongoing monitoring of the Travel Plan, and a commitment to delivering the Travel Plan objectives. The Travel Plan shall further include a Parking Design and Management Plan, which shall demonstrate how up to 3 on-street blue badge spaces could be provided should the demand arise from the occupied development. A £25,400 Travel Plan bond is also to be secured (£20,000 for the Travel Plan measures and £5400 for the creation of on-street blue badge spaces);

vii) Details shall be submitted for a Construction and Employment Training scheme in accordance with the Council Planning Obligations SPD with the preference being for an in-kind, on-site scheme to be delivered;

viii) A carbon offsetting contribution, based on £95 per tonne over a period of 30 years, to be calculated through the submission of an updated Energy Strategy, and paid prior to commencement;

ix) Financial contribution of £15,000 towards improvements to the canal towpath, to be used by the Canal and River Trust;

x) HUDU contribution (calculated based on the provision of affordable student accommodation) towards healthcare facilities to support the additional population, calculated in accordance with the HUDU model;

xi) Financial contribution of £15,750 towards improvements to the public open space;

xii) A financial contribution equal to 5% of the total cash contributions, for Project Monitoring and Management.

In addition, the scheme would not be liable to make a CIL payment under Hillingdon's CIL Charging Schedule but would be required to make a payment under the Mayor's CIL Charging Schedule (MCIL2) at a rate of £60 per sqm (index linked).

CONCLUSION

This application seeks permission under Section 73 of the Town and Country Planning Act 1990 to vary Condition 2 (Accordance with Approved Plans) of planning permission ref. 1058/APP/2021/3423 to make design changes, remove affordable student accommodation from the development and replace it with market rent student accommodation.

The proposed development would fail to provide any affordable student accommodation. Following an independent viability assessment, it is concluded that the provision of affordable student would

be viable. The non-provision of affordable student accommodation is a significant planning policy conflict, which does not constitute a minor material amendment, and significantly weighs against the development in the planning balance, contrary to the objectives of the NPPF (2023), Policies H5 and H15 of the London Plan (2021), Policy H2 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMH 7 of the Hillingdon Local Plan: Part 2 (2020).

Whilst the proposed amended development would make use of a brownfield site, the non-securement of the nominations agreement means that the development does not constitute purpose-built student accommodation and does not contribute to meeting the identified need for student accommodation as was the case for the original permission granted. As per paragraph 4.15.5 of the London Plan (2021), it follows that the development instead constitutes large-scale purpose-built shared living, requiring a change to the application description which cannot be secured under Section 73 of the Town and Country Planning Act 1990. Such a proposal would not constitute a minor material amendment and is considered to be unacceptable, therefore significantly weighing against the scheme in the planning balance.

The Paddington Packet Boat Public House, which is considered to be a non-designated heritage asset, would be completely lost, and the proposal would further have a less than substantial minor impact on the setting of the Grade II listed Old Cottage to the north. As required by the NPPF, weighing up the benefits of the proposal against the harm to heritage assets, it is considered that the removal of the nominations agreement and affordable student accommodation from the proposal significantly weighs against the scheme alongside the loss of a non-designated heritage asset and less than substantial impact on a Grade II listed heritage asset. The use of a vacant brownfield site was previously identified as a public benefit but it is considered that on its own does not surmount the significant planning policy conflict identified as part of the proposed development. The development proposed is contrary to Policy HE1 of the Hillingdon Local Plan: Part 1 (2012), Policies DMHB 1, DMHB 2, DMHB 3 of the Hillingdon Local Plan: Part 2 (2020), Policy HC1 of the London Plan (2021) and the NPPF (2023). This weighs significantly against the scheme in the planning balance.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For the reasons outlined within the main body of the report, the identified conflicts with the development plan are considered to be significant and there are no material considerations to outweigh such planning policy conflict. The amendments proposed are not considered to constitute minor material amendments and the application is recommended for refusal.

As the application is recommended for refusal, the applicant has also failed to secure Section 106 planning obligations required to mitigate the harm and demands created by the proposed development. This represents a further reason for refusal.

8. Reference Documents

National Planning Policy Framework (December 2023)
 National Design Guide (2021)
 National Model Design Code (2021)
 Technical Housing Standards - Nationally Described Space Standard (May 2016)
 The London Plan (March 2021)
 The Housing Standards Minor Alterations to The London Plan (March 2016)
 Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)
 Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)

Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)
Accessible Hillingdon Supplementary Planning Document (September 2017)
Planning Obligations Supplementary Planning Document (July 2014)
London Borough of Hillingdon Open Space Strategy 2011-2026 (July 2011)
Hillingdon Townscape Characterisation Study (November 2013)

Contact Officer: Michael Briginshaw **Telephone No:** 01895 250230

Appendix 2 – Section 73 Decision Notice (1058/APP/2024/1013):



Alicia Privett
Nexus Planning
Holmes House
4 Pear Place
London
SE1 8BT

Application Ref: 1058/APP/2024/1013

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL 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 **REFUSES** permission for the following:

Description of development:

Variation of Condition 2 (Accordance with Approved Plans) of planning permission ref. 1058/APP/2021/3423, dated 08-09-2023 (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) to make design changes, remove affordable student accommodation from the development and replace it with market rent student accommodation.

Location of development: Paddington Packet Boat Public House High Road Cowley Uxbridge

Date of application: 19th April 2024

Plan Numbers: See attached Schedule of plans

Permission is refused for the reason(s) listed on the attached schedule:-

R Schen

Head of Development Management and Building Control

Date: 13th September 2024

- NOTES:**
- (i) Please also see the informatives included in the Schedule of Reasons.
 - (ii) Should you wish to appeal against this decision please read the attached sheet which explains the procedure.

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

Application Ref: 1058/APP/2024/1013

SCHEDULE OF REASONS

- 1 The proposed development would fail to provide any affordable student accommodation. Following an independent viability assessment, it is concluded that the provision of affordable student accommodation would be viable. The non-provision of affordable student accommodation is a significant planning policy conflict, which does not constitute a minor material amendment, and significantly weighs against the development in the planning balance, contrary to the objectives of the NPPF (2023), Policies H5 and H15 of the London Plan (2021), Policy H2 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMH 7 of the Hillingdon Local Plan: Part 2 (2020).

Whilst the proposed amended development would make use of a brownfield site, the non-securement of the nominations agreement means that the development does not constitute purpose-built student accommodation and does not contribute to meeting the identified need for student accommodation as was the case for the original permission granted. As per paragraph 4.15.5 of the London Plan (2021), it follows that the development instead constitutes large-scale purpose-built shared living, requiring a change to the application description which cannot be secured under Section 73 of the Town and Country Planning Act 1990. Such a proposal would not constitute a minor material amendment and is considered to be unacceptable, therefore significantly weighing against the scheme in the planning balance.

The Paddington Packet Boat Public House, which is a non-designated heritage asset, would be completely lost, and the proposal would further have a less than substantial minor impact on the setting of the Grade II listed Old Cottage to the north. As required by the NPPF, weighing up the benefits of the proposal against the harm to heritage assets, it is considered that the removal of the nominations agreement and affordable student accommodation from the proposal significantly weighs against the scheme alongside the loss of a non-designated heritage asset and less than substantial impact on a Grade II listed heritage asset. The use of a vacant brownfield site was previously identified as a public benefit but it is considered that on its own does not surmount the significant planning policy conflict identified as part of the proposed development. The development proposed is contrary to Policy HE1 of the Hillingdon Local Plan: Part 1 (2012), Policies DMHB 1, DMHB 2, DMHB 3 of the Hillingdon Local Plan: Part 2 (2020), Policy HC1 of the London Plan (2021) and the NPPF (2023). This weighs significantly against the scheme in the planning balance.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For the reasons outlined within the main body of the report, the identified conflicts with the development plan are considered to be significant and there are no material considerations to outweigh such planning policy conflict. The amendments proposed are not considered to constitute minor material amendments and the application is recommended for refusal.

- 2 The applicant has failed to secure Section 106 planning obligations required to mitigate the harm and demands created by the proposed development (in respect of securing the purpose-built student accommodation use, affordable student accommodation, 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). The scheme therefore conflicts with Policy DMCI 7 of the Hillingdon Local Plan: Part 2 (2020); the adopted Planning Obligations Supplementary Planning Document (2014); Policy DF1 of the London Plan (2021); and paragraphs 55-58 of the National Planning Policy Framework (2023).

INFORMATIVES

- 1 The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).
- 2 In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer during the processing of the application to identify the amendments to address those elements of the scheme considered unacceptable which the applicant chose not to implement.
- 3 This is a reminder that Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), should an application for appeal be allowed, the proposed development would be deemed as 'chargeable development' and therefore liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This would be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. For more information on CIL matters please visit the planning portal page at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (2021) and national guidance.

Part 1 Policies

PT1.BE1	(2012) Built Environment
PT1.CI1	(2012) Community Infrastructure Provision
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.EM11	(2012) Sustainable Waste Management
PT1.EM6	(2012) Flood Risk Management
PT1.EM8	(2012) Land, Water, Air and Noise
PT1.H1	(2012) Housing Growth
PT1.H2	(2012) Affordable Housing

Part 2 Policies

DMAV 1	Safe Operation of Airports
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DMCI 1	Retention of Existing Community Sport and Education Facilities
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 3	Decentralised Energy
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMH 7	Provision of Affordable Housing
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 2	Listed Buildings
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D11	(2021) Safety, security and resilience to emergency
LPP D12	(2021) Fire safety
LPP D13	(2021) Agent of change
LPP D14	(2021) Noise
LPP D2	(2021) Infrastructure requirements for sustainable densities
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design

LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP D8	(2021) Public realm
LPP DF1	(2021) Delivery of the Plan and Planning Obligations
LPP E6	(2021) Locally Significant Industrial Sites
LPP G5	(2021) Urban greening
LPP GG1	(2021) Building strong and inclusive communities
LPP GG2	(2021) Making the best use of land
LPP GG4	(2021) Delivering the homes Londoners needs
LPP H1	(2021) Increasing housing supply
LPP H15	(2021) Purpose-built student accommodation
LPP H16	(2021) Large-scale purpose-built shared living
LPP H4	(2021) Delivering affordable housing
LPP H5	(2021) Threshold approach to applications
LPP H6	(2021) Affordable housing tenure
LPP H7	(2021) Monitoring of affordable housing
LPP HC1	(2021) Heritage conservation and growth
LPP HC7	(2021) Protecting public houses
LPP S1	(2021) Developing London's social infrastructure
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI17	(2021) Protecting and enhancing London's waterways
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP SI3	(2021) Energy infrastructure
LPP SI7	(2021) Reducing waste and supporting the circular economy
LPP T1	(2021) Strategic approach to transport
LPP T2	(2021) Healthy Streets

LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP T7	(2021) Deliveries, servicing and construction

END OF SCHEDULE

Address:

Development Management
Directorate of Place
Hillingdon Council
3 North, Civic Centre, High Street, Uxbridge UB8 1UW
www.hillingdon.gov.uk

REFUSAL OF PLANNING PERMISSION

Application Ref: 1058/APP/2024/1013

SCHEDULE OF PLANS

Energy Statement (Dated March 2024) - received 18 Apr 2024
2061655-RSKA-RP-002-(03) Noise Break-In Assessment (Dated January 2024) - received 18 Apr 2024
Planning and Affordable Housing Statement (Dated April 2024) - received 18 Apr 2024
Transport Statement (Dated February 2024) - received 18 Apr 2024
Travel Plan Statement (Dated February 2024) - received 18 Apr 2024
Viability Report (Dated January 2024) - received 18 Apr 2024
Viability Response Letter (Dated 26th July 2024) - received 06 Aug 2024
Daylight and Sunlight Supplementary Statement No. 2 (September 2022) - received 26 Sep 2022
Draft Fire Statement Form (10-06-22) - received 10 Jun 2022
Daylight and Sunlight Report (June 2022) - received 10 Jun 2022
Car Parking Survey (05-04-22) (Ref: VRP1391-01) - received 07 Apr 2022
02-04-101 (Rev. D) - received 07 Oct 2022
02-04-102 (Rev. D) - received 07 Oct 2022
Updated Noise Assessment (Ref: 20/0043/R1) (Rev. 1) (January 2022) - received 16 Mar 2022
02-91-100 - received 10 Sep 2021
02-91-102 - received 10 Sep 2021
02-91-103 - received 10 Sep 2021
02-91-104 - received 10 Sep 2021
02-91-105 - received 10 Sep 2021
02-91-106 - received 10 Sep 2021
Construction Logistics Plan (August 2021) - received 10 Sep 2021
Design and Access Statement - received 18 Apr 2024
Air Quality Assessment (Dated February 2024) - received 18 Apr 2024
Archaeological Desk-Based Assessment (Dated February 2024) - received 18 Apr 2024
Cover Letter (Dated 18th April 2024) - received 18 Apr 2024
02-02-101 (Rev. G) - received 07 Oct 2022
02-03-100 (Rev. J) - received 07 Oct 2022
02-03-101 (Rev. G) - received 07 Oct 2022
02-03-102 (Rev. G) - received 07 Oct 2022
02-02-111 (Rev. D) - received 07 Oct 2022
Heritage Statement - received 10 Sep 2021
Phase 1 Geoenvironmental Desk Study (June 2021) - received 10 Sep 2021

Student Accommodation Needs (August 2021) - received 10 Sep 2021

Thermal Comfort Appraisal (August 2021) - received 10 Sep 2021

Marketing Report (August 2021) - received 10 Sep 2021

Marketing Evidence (13-12-21) - received 25 Jul 2022

Marketing Evidence (20-07-22) - received 25 Jul 2022

02-03-103 (Rev. J) - received 05 Sep 2024

02-03-104 (Rev. J) - received 05 Sep 2024

02-03-105 (Rev. J) - received 05 Sep 2024

02-05-101 (Rev. J) - received 05 Sep 2024

02-05-102 (Rev. H) - received 05 Sep 2024

02-05-103 (Rev. G) - received 05 Sep 2024

02-05-104 (Rev. H) - received 05 Sep 2024

02-05-105 (Rev. H) - received 05 Sep 2024

02-05-106 (Rev. G) - received 05 Sep 2024

RIGHTS OF APPLICANTS AGGRIEVED BY DECISION OF LOCAL PLANNING AUTHORITY

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the office of the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel 0117 372 8424) Appeal forms can be downloaded from the Planning Inspectorate website at www.Planning-inspectorate.gov.uk

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.

Further details are available at www.gov.uk/government/collections/casework-dealt-with-by-inquiries

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of an appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices.

If either the local planning authority or the officer of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Appendix 3 – Appellant’s Section 73 Application Form (1058/APP/2024/1013):

PP-12989165



London Borough of Hillingdon, Residents Services, 3N Civic Centre, High Street, Uxbridge, Middlesex UB8 1UW
 Tel: 01895 250230 Web: www.hillingdon.gov.uk

**Application for Removal or Variation of a Condition following Grant of Planning Permission or
 Listed Building Consent**

**Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation
 Areas Act) 1990 (as amended)**

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Paddington Packet Boat

Address Line 1

High Road

Address Line 2

Cowley

Address Line 3

Hillingdon

Town/city

Uxbridge

Postcode

UB8 2HT

Description of site location must be completed if postcode is not known:

Easting (x)

505518

Northing (y)

181295

Planning Portal Reference: PP-12989165

Description

Applicant Details

Name/Company

Title

First name

Surname

-

Company Name

Paddington Packet Boat Developments Ltd.

Address

Address line 1

2-3 Little Burrow

Address line 2

Address line 3

Town/City

Welwyn Garden City

County

Country

Postcode

AL7 4SP

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Planning Portal Reference: PP-12989165

Contact Details

Primary number

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Alicia

Surname

Privett

Company Name

Nexus Planning

Address

Address line 1

Holmes House

Address line 2

4 Pear Place

Address line 3

Town/City

County

Country

United Kingdom

Planning Portal Reference: PP-12989165

Postcode
SE1 8BT
Contact Details
Primary number
07812980200
Secondary number
Fax number
Email address
a.privett@nexusplanning.co.uk

Description of the Proposal
Please provide a description of the approved development as shown on the decision letter
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
Reference number
058/APP/2021/3423
Date of decision (date must be pre-application submission)
08/09/2023
Please state the condition number(s) to which this application relates
Condition number(s)
2
Has the development already started?
☐ Yes
☒ No

Condition(s) - Variation/Removal
Please state why you wish the condition(s) to be removed or changed
Minor revisions to comply with Building Regulations.
If you wish the existing condition to be changed, please state how you wish the condition to be varied

Planning Portal Reference: PP-12989165
--

Proposed condition 2 wording:

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. H), 02-03-104 (Rev. H), 02-03-105 (Rev. H), 02-02-111 (Rev. D), 02-04-101 (Rev. D), 02-04-102 (Rev. D), 02-05-101 (Rev. H), 02-05-102 (Rev. G), 02-05-103 (Rev. F), 02-05-104 (Rev. G), 02-05-105 (Rev. G), and 02-05-106 (Rev. F).

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 (February 2021), Air Quality Assessment (February 2024), Travel Plan Statement (February 2024), Transport Statement (February 2024), 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) (27-03-24), Noise Break-In Assessment (January 2024), Draft Fire Statement Form (10-06-22) and Energy Statement (March 2024).

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☒ The agent
☐ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☐ Yes
☒ No

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- ☒ Yes
☐ No

Is any of the land to which the application relates part of an Agricultural Holding?

- ☐ Yes
☒ No

Planning Portal Reference: PP-12989165

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

- ☐ The Applicant
☒ The Agent

Title

First Name

Surname

Declaration Date

☒ Declaration made

Declaration

I/We hereby apply for Removal/Variation of a condition as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Date

Planning Portal Reference: PP-12989165

Appendix 4 – Appellant’s Section 73 Cover Letter (1058/APP/2024/1013):



London Borough of Hillingdon – Planning Department
Via email

London
Holmes House
4 Pear Place
London SE1 8BT
nexusplanning.co.uk

18 April 2024

Our Ref: 34154

Your Ref: 1058/APP/2021/3423

Dear Sir / Madam,

Application pursuant to Section 73 of the Town and Country Planning Act 1990 relating to Paddington Packet Boat, High Road, Cowley, Uxbridge, UB8 2HT

On behalf of our client, Paddington Packet Boat Developments Limited, we are pleased to submit this application for material amendments to planning permission reference: 1058/APP/2021/3423 (dated 8th September 2023). The description of development was as follows:

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.

The objectives of this application are twofold:

1. To amend Condition 2 (approved plans and documents) to respond to minor design changes that are necessitated in order that the development meets Building Regulations as follows:

Approved Drafting	Proposed Drafting
<i>"The development hereby approved shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:</i> 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). <i>And the submitted documents, titled:</i> Marketing Report (August 2021), Marketing Evidence (13-12-21), Marketing Evidence (20-07-22), Student Accommodation Needs	<i>The development hereby approved shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:</i> 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. H), 02-03-104 (Rev. H), 02-03-105 (Rev. H), 02-02-111 (Rev. D), 02-04-101 (Rev. D), 02-04-102 (Rev. D), 02-05-101 (Rev. H), 02-05-102 (Rev. G), 02-05-103 (Rev. F), 02-05-104 (Rev. G), 02-05-105 (Rev. G), and 02-05-106 (Rev. F). <i>And the submitted documents, titled:</i> 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),

London Birmingham Bristol Manchester Reading

Registered office: Holmes House, 4 Pear Place, London, SE1 8BT Certified to ISO 9001 Nexus Planning Limited Registered in England N° 08491440

(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)."	Archaeological Desk-Based Assessment (February 2021), Air Quality Assessment (February 2024), Travel Plan Statement (February 2024), Transport Statement (February 2024), 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) (27-03-24), Noise Break-In Assessment (January 2024), Draft Fire Statement Form (10-06-22) and Energy Statement (March 2024)."
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2. To replace the legal agreement associated with the development so as to remove obligations to provide affordable student accommodation at the site. This is unfortunately because to provide affordable student accommodation in line with the current obligation would render the development unviable.

Appendix A to the submitted Planning Statement is a recent Planning Inspectorate decision from the London Borough of Croydon, dated 25 March 2024 (ref. APP/L5240/W/23/3332225), which relates to the grant of a S.73 consent and is pertinent to this application because it identifies that in circumstances such as this, a replacement S.106 Agreement will be required to accompany the grant of planning permission. It is appropriate that where evidence demonstrates that obligations should be different to when the original consent was issued, the replacement S.106 agreement should reflect different terms. That is the case here.

This application is supported by:

- a. A Planning Statement, that describes the planning context for these proposals, and why consent should be granted.
- b. An up-to-date Viability Appraisal for the development.
- c. The following proposed plans and drawings:
 - 02-03-103 (Rev. H) – Level 03 GA Floor Plan
 - 02-03-104 (Rev. H) – Level 04 GA Floor Plan
 - 02-03-105 (Rev. H) – Level 05 Roof Plan
 - 02-05-101 (Rev. H) - Elevation A-A
 - 02-05-102 (Rev. G) – Elevation B-B
 - 02-05-103 (Rev. F) – Elevation C-C
 - 02-05-104 (Rev. G) – Elevation D-D
 - 02-05-105 (Rev. G) – Elevation E-E
 - 02-05-106 (Rev. F) – Elevation F-F
- d. The following documents:
 - Archaeological Desk-Based Assessment (February 2024)
 - Air Quality Assessment (February 2024)
 - Travel Plan Statement (February 2024)
 - Transport Statement (February 2024)
 - Design and Access Statement (Rev. L) (27-03-24)

London

Birmingham

Bristol

Manchester

Reading

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2

- Noise Break-In Assessment (January 2024)
- Energy Statement (March 2024)

The requisite planning application fee of £293 plus the £70 Planning Portal service charge has been paid and we look forward to receiving confirmation that the application has been validated in due course. If in the meantime you have any queries, then please do not hesitate to contact me.

Yours sincerely

Nexus Planning

cc. Paddington Packet Boat Developments Limited

London

Birmingham

Bristol

Manchester

Reading

Registered office: Holmes House, 4 Pear Place, London, SE1 8BT Certified to ISO 9001 Nexus Planning Limited Registered in England N° 08491440

3

Appendix 5 – Extract from Appellant’s Section 73 Design and Access Statement (1058/APP/2024/1013):

1.0 INTRODUCTION

1.1 INTRODUCTION & PURPOSE OF DOCUMENT

Benchmark Architects have prepared this Design & Access Statement in support of the Planning Application brought forward by Paddington Packet Boat Developments Limited.

This Design and Access statement outlines the design proposals for the redevelopment of the site currently occupied by the Paddington Packet Boat public house.

The proposals outlined in this document show the scheme that has already been granted planning permission on the site. Permission was granted on 8/9/23 for a purpose-built student accommodation ('PBSA') scheme comprising 61 studios: planning reference 1058/APP/2021/3423.

Following the grant of approval and S106 agreement further viability reports have been produced. The financial viability assessment has concluded the scheme including S106 agreement and affordable housing provision is not viable even though the S106 was signed quite recently (i.e. 18/8/23).

The viability report outlines 4 scenarios for consideration. The viability report should be read in conjunction with this Statement.

The purpose of this statement is to provide the following information relating to the planning application:

- Location - site features and local character, constraints and opportunities.
- Use and amount of development - proposed use and number of dwellings
- Layout and scale - provide details of the building layout and design process/rationale and proposed heights in relation to the existing context.
- Appearance - the proposed materials and massing
- Access - within and around the scheme

- Landscaping - provide details of hard landscape materials, planting areas and define the treatment of private amenity space

The proposals have been carefully considered in consultation with a professional design team including Nexus Planning. This document is intended to be read in conjunction with Nexus's planning statement.



CGI View of the Development

Appendix 6 – Extracts from Appellant's Section 73 Planning Statement (1058/APP/2024/1013):

Paddington Packet Boat, High Street, Uxbridge UB8 2HT
Planning and Affordable Housing Statement

Paddington Packet Boat Developments Ltd
April 2024

1. Introduction

- 1.1 This 'Section 73' planning application is submitted on behalf of Paddington Packet Boat Development Ltd ('the Applicant') for amendments to the scheme approved by reference 1058/APP/2021/3423 in September 2023 for the following development:

Demolition of the existing structure and erection of a scheme of purpose-built student accommodation, and associated common areas and facilities, landscaping, amenity space, bicycle and motorcycle parking, and refuse storage.

- 1.2 The amendments sought are minor in nature and are a consequence of revisions necessary to comply with Building Regulations. There would be no loss, or addition to the floorspace created when compared with the consented scheme.
- 1.3 The original planning permission was subject to a s106 agreement that secured various planning obligations. That agreement will need to be replaced at the point of this application being approved. The Applicant requires that alongside a replacement to the agreement to reflect the change in planning permission reference number, the obligation to provide affordable housing at the site is removed. This is because providing affordable housing at the site would render it financially unviable. This is evidenced by a Viability Report that is submitted in support of this application.

Affordable Housing

- 5.4 The original permission (LPA ref. 1058/APP/2021/3423), which was granted on 08 September 2023 for a purpose-built student accommodation scheme comprising 61 studios. The s106 Agreement attached to the original consent required that twenty-two of the studios (36%) were affordable student accommodation.
- 5.5 The viability context for development has changed significantly since the time that the planning application was prepared and submitted in 2021 and it is altogether more challenging.
- 5.6 The Applicant is committed to delivering this development, and the 61 purpose-built studios for students in the Borough that would be provided by it, but can only do so if the planning permission is for a viable form of development.
- 5.7 A detailed assessment of the viability of the development has been undertaken and is submitted in support of this application. The assessment concluded that *"...the scheme is unable to provide any on-site affordable housing on viability grounds given the projected scheme deficit £-1,162,013 when applying his aforementioned assumptions in respect of the proposed scheme and opinion of Benchmark Land Value"* (ref: chapter 7, para. 1).
- 5.8 This deficit will reduce profit levels to an unacceptably unviable level, as such, preventing this highly beneficial development from coming forwards.
- 5.9 The Applicant recognises that policy at all levels seeks to secure affordable student accommodation. However, that requirement evidently renders the development as a whole unviable and will prohibit any new student accommodation being delivered at the site.
- 5.10 Policy H15 of the London Plan 2021 seeks for the maximum level of accommodation to be secured as affordable student accommodation, following the Viability Tested Route set out in Policy H5 of the London Plan. Policy H5 recognises that there will be circumstances where an affordable housing provision will need to be varied or removed post the grant of an original consent and it accommodates for this eventuality, after a thorough interrogation of the scheme's viability. The Applicant recognises that the Council will likely want to independently verify the viability report submitted alongside this application.
- 5.11 Subject to agreement on the viability work undertaken, the development would be consistent with policies H5 and H15 of the London Plan, which supersede Policy DMH 5: Houses in Multiple Occupation (HMOs) and Student Accommodation of the Hillingdon Local Plan.

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Paddington Packet Boat, High Street, Uxbridge UB8 2HT
Planning and Affordable Housing Statement

Paddington Packet Boat Developments Ltd
April 2024

- 5.12 The Viability Report further suggests the removal of a Nominations Agreement from the application, to ensure unrestricted Market Rents. For the reasons set out in the Viability Report in detail, this will mean that there will not be a restricted tenure split through one higher education institution, opening up the rooms to any interested student. This again is a necessity to ensure the projects viability.

The Planning Balance

- 5.13 With the obligation to provide affordable housing in place, the development is unacceptably financially unviable, and the development cannot come forward. This means that 61 new student accommodation bedspaces in the Borough will not be provided. Removing the obligation for affordable student accommodation will allow the development to come forward.
- 5.14 This means that a high-quality, sustainable development providing new homes on a Brownfield site will come forward. Together with economic benefits associated with the construction, on-going employment from the servicing and maintenance of the property and ongoing use of the development, these represented compelling planning benefits that should outweigh any concern with regard the reduction in affordable housing delivery – particularly in the context of the robust viability analysis and market testing that has been undertaken and submitted in support of this application.

6. Conclusions

- 6.1 This application has been submitted pursuant to S73 of the Town and Country Planning Act to secure consent for a series of minor material amendments to the approved development at the site. The design amendments would ensure that the development would comply with Building Regulations Part L (2021).
- 6.2 In addition, it is necessary replace the original S106 Agreement, which currently requires that twenty-two of the units are provided as affordable student accommodation units. This application is supported by a detailed Financial Viability Report which shows that to provide that affordable student accommodation would render the development unacceptably unviable and that would prevent the development from coming forward.
- 6.3 The provision of 61 student accommodation bed spaces is the equivalent of 24 net additional dwellings, that will support meeting the London Borough of Hillingdon's overall housing needs (based on the 2.5:1 ratio), helping to reduce general housing pressure within the private rented sector.
- 6.4 The benefits associated with bringing the development forward, and providing 61 new student accommodation bed-spaces on a Brownfield, sustainably located site would outweigh any concern with respect to reducing the affordable student accommodation provision and for these reasons, we respectfully request that the application is granted and the S106 is replaced.

Appendix 7 – Extracts from Appellant's Section 73 Viability Report (1058/APP/2024/1013):

- 1.3 We have assessed the financial viability of the permitted scheme and conclude that:-
- It is not viable even though the S.106 was signed quite recently (i.e. 18/8/23).
- 1.4 We have appraised 4 scenarios herein to assist further discussions with the London Borough of Hillingdon ('LBH') and their advisors:-
- Scenario 1** = as per the consented scheme but with no Nominations Agreement and no affordable student accommodation.
- Scenario 2** = as per the consented scheme (i.e. with a Nominations Agreement which is potentially exploitable by HEIs with regard to rent levels) but without any affordable student accommodation.
- Scenario 3** = as per the consented scheme but with a modified/clarified Nominations Agreement (drafted with a view to being much less exploitable by HEIs with regard to rent levels) and without any affordable student accommodation.
- Scenario 4** = the consented scheme (i.e. with 36% affordable student accommodation, existing Nominations Agreement and CIL/S.106 payments of around £250,000.

16.0 CONCLUSION

- 16.1 Our appraisals give the following residual profits:-
- Appendix 8** – Scenario 1 = 17.92% on cost and/or 15.20% on GDV.
- Appendix 9** – Scenario 2 = 8.69% on cost and/or 7.99% on GDV.
- Appendix 10** – Scenario 3 = 16.92% on cost and/or 14.47% on GDV.
- Appendix 11** – Scenario 4 = [-5.83%] on cost and/or [-6.19%] on GDV.
- 16.2 Based upon our assumed profit target, only Scenario 1 is almost viable with Scenario 3 not far behind. Scenarios 2 and 4 (existing) are not viable and are substantially unviable.
- 16.3 Due to substantially increased development risk (especially because of inflation and rising finance costs), we do not believe the permitted scheme could be funded because of the affordable student accommodation provision and the early stage review clause. Furthermore, we believe funders would reject the opportunity to lend if a late-stage review clause was imposed in Scenario 2 (if a permission existed in that form) as it is only just viable and therefore not an attractive funding proposition.

Appendix 8 – Full Application Planning Officer’s Delegated Report (1058/APP/2021/3423):

Item No.	Report of the Head of Development Management and Building Control
Address:	PADDINGTON PACKET BOAT PUBLIC HOUSE HIGH ROAD COWLEY UXBRIDGE
Development:	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.
LBH Ref Nos:	1058/APP/2021/3423
Drawing Nos:	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)

02-05-106 (Rev. E)
 Design and Access Statement (Rev. J) (06-10-22)
 Daylight and Sunlight Supplementary Statement No. 2 (September 2022)
 Draft Fire Statement Form (10-06-22)
 Planning Statement (May 2022)
 Transport Statement (May 2022)
 Travel Plan Statement (May 2022)
 Daylight and Sunlight Report (June 2022)
 Car Parking Survey (05-04-22) (Ref: VRP1391-01)
 Air Quality Assessment (July 2021)
 Updated Noise Assessment (Ref: 20/0043/R1) (Rev. 1) (January 2022)
 Marketing Evidence (20-07-22)
 Marketing Evidence (13-12-21)
 Marketing Report (August 2021)
 Thermal Comfort Appraisal (August 2021)
 Student Accommodation Needs (August 2021)
 Phase 1 Geoenvironmental Desk Study (June 2021)
 Heritage Statement
 Archaeological Desk-Based Assessment (June 2021)
 Construction Logistics Plan (August 2021)
 Energy Statement (August 2021)

Date Plans received:	09-09-2021	Date(s) of Amendment(s):	25-07-2022
Date Application valid	09-09-2021		10-09-2021

1. SUMMARY

The proposed development seeks permission to demolish the existing pub, and erect a part-three, four and five-storey block of purpose-built student accommodation (PBSA) comprising 61 studio rooms, which would have a sui generis use class. The existing pub has been vacant since its closure in 2018, and the submitted marketing information demonstrates that there is little meaningful market interest in the site and it is unlikely to be brought into operational use in the foreseeable future.

The proposed development would introduce a form of residential accommodation onto the site, as PBSA, and would be laid out in an 'L' shape, with its two main elevations facing towards Packet Boat Lane and High Road. Of the 61 student rooms, 22 (36%) would be secured as affordable student accommodation (meeting the definition in the London Plan).

There is a strategic demand for new student accommodation across London, recognising the important role that higher education providers make to London's economy and society, and recognising that the function of universities should not be

hindered by a lack of appropriately priced and good quality accommodation. One of the main benefits of PBSA is that it frees up housing stock elsewhere in the borough from being used as a shared HMO by students, and therefore the proposal also indirectly improves access to larger homes locally for existing or new residents. As a result of the development, the existing pub, which is considered to be a non-designated heritage asset, would be completely lost, and the proposal would further have a less than substantial minor impact on the setting of the Grade II listed Old Cottage to the north. As required by the NPPF, weighing up the benefits of the proposal against the harm to heritage assets, it is considered that the proposed land use on a vacant brownfield site, and the policy-compliant level of student accommodation to be secured, would bring forward sufficient public benefit to outweigh this harm.

The proposal would not have a significant impact on the amenity of any nearby properties and would provide a good standard of accommodation for future occupiers, with communal amenity space to be provided to the rear. Cycle parking, three motorcycle spaces, and one wheelchair accessible space would be provided on-site, with financial contributions secured to fund the consultation and implementing of a new parking management scheme and the possibility of additional blue-badge spaces on-street, whilst preventing future occupiers from being eligible for any future parking permits. This would result in the proposal having an insignificant impact on the surrounding highway network and local parking provision. Overall, the scheme brings forwards a number of benefits and the proposal is recommended for approval.

2. RECOMMENDATION

That delegated powers be given to the Interim Director of Planning, Regeneration and Public Realm to grant planning permission, subject to the following:

A) That the Council enter into a legal agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) or any other legislation to secure the following:

i. Secure use of the building as Purpose Built Student Accommodation, falling within the sui generis use class, with a nominations agreement in place with a relevant higher education provider for the majority of rooms, in perpetuity;

ii. Secure the provision of 36% affordable accommodation in perpetuity, to be provided as 22 rooms, subject to an early-stage review mechanism if substantial implementation has not occurred within two years of permission being granted;

iii. Enter into a section 278 and/or section 38 agreement to dedicate land at the front of the development for the creation of a new footway, funded by the applicant and to be adopted by the council; iv. Air Quality damage cost of £28,490;

v. To prevent future occupiers from being eligible for parking permits within the borough, including any new Parking Management Schemes which are introduced, and to secure £20,000 towards consulting on, and implementing, the creation of a Parking Management Scheme for the surrounding roads on requests from local residents;

vi. To require the lease agreements between any future occupiers and the owner (or higher education provider as the case may be) to prevent cars from being registered at the proposed accommodation and to prohibit occupiers from bringing cars to the area, excluding blue badge holders;

vii.A full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will include a 'moving in and out strategy', targets for sustainable travel arrangements, effective measures for the ongoing monitoring of the Travel Plan, and a commitment to delivering the Travel Plan objectives. The Travel Plan shall further include a Parking Design and Management Plan, which shall demonstrate how up to 3 on-street blue badge spaces could be provided should the demand arise from the occupied development. A £25,400 Travel Plan bond is also to be secured (£20,000 for the Travel Plan measures and £5400 for the creation of on-street blue badge spaces);

viii.Details shall be submitted for a Construction and Employment Training scheme in accordance with the Council Planning Obligations SPD with the preference being for an in-kind, on-site scheme to be delivered;

ix.A carbon offsetting contribution, based on £95 per tonne over a period of 30 years, to be calculated through the submission of an updated Energy Strategy, and paid prior to commencement;

x.Financial contribution of £15, 000 towards improvements to the canal towpath, to be used by the Canal and River Trust;

xi.HUDU contribution of £24, 380 towards healthcare facilities to support the additional population, calculated in accordance with the HUDU model; and

xii.Project Management & Monitoring Fee: A financial contribution equal to 5% of the total cash contributions.

N.B. The payment of all financial contributions shall be made prior to commencement of development unless otherwise agreed.

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

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

D)That, if the Legal Agreement has not been finalised within 6 months (or such other time frame as may be agreed by the Interim Director of Planning, Regeneration and Public Realm), delegated authority be given to the Interim Director of Planning, Regeneration and Public Realm to refuse planning permission for the following reason:

'The applicant has failed to secure the necessary legal obligations associated with the proposed development and provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of Securing the use as PBSA, Affordable Accommodation, Air Quality Offset, Carbon Offset, HUDU Health Contribution, Canal Towpath Contribution, Highways Works, Travel Planning, Parking Permits, Employment Strategy and Construction Training, and Project Management and Monitoring). The scheme therefore conflicts with Policies DMCI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020); the Planning Obligations Supplementary Planning Document (2014); Policy DF1 of the London Plan (2021); and paragraphs 54-57 of the National Planning Policy Framework (July 2021).'

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

1. COM3 Time Limit

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

REASON

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

2. COM4 Approved Plans

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).

REASON

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).

3. COM28 Bat Survey and Mitigation

(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.
- 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.

REASON

To ensure that if bats are present, they are recorded and monitored properly, and appropriate mitigation measures are in place to ensure the proposal does not harm bats in accordance with Policy G6 of the London Plan (2021).

4. OM19 Demolition and Construction Management and Logistics Plan

Prior to the commencement of the development hereby approved (including demolition), a

Demolition and Construction Logistics Plan (DLP/CLP) and a Demolition and Construction

Management Plan (DMP/CMP) shall be submitted to, and approved in writing by, the Local Planning Authority, to minimise impacts to the local highway network and to control noise, vibration and air pollutants generated as a result of the construction process. These documents shall be prepared in accordance with the London Freight Plan, 'The control of dust and emissions from construction and demolition' Supplementary Planning Guidance, BRE Pollution Control Guides 'Controlling particles and noise pollution from construction sites' and 'Controlling particles, vapour and noise pollution from construction sites'.

The DLP/CLP and DMP/CMP shall include details of (but shall not necessarily be limited to):

- (a) loading and unloading of plant and materials;
- (b) storage of plant and materials;
- (c) programme of works;
- (d) measures for traffic management and encouragement of sustainable modes of transport for workers, including prohibition of construction vehicles parking on the local highway network within the vicinity of the application site;
- (e) details of a vehicle booking system, ensuring construction deliveries are received outside peak hours;
- (f) provision of boundary hoarding and visibility zones of construction traffic routing;
- (g) hours of construction;
- (h) means to prevent deposition of mud on the highway;
- (i) likely noise levels to be generated from plant and construction works;
- (j) a dust risk assessment;
- (k) means to monitor and control dust, noise and vibrations, following the published guidance by The Institute of Air Quality Management (IAQM) on how to assess impacts of emissions of dust from demolition and construction sites.
- (l) use of a banksman (if applicable)
- (m) haulage routes;
- (n) a site plan identifying location of site entrance, exit, wheel washing, hard standing hoarding (distinguishing between solid hoarding and other barriers such as heras

- and monarflex sheeting), stock piles, dust suppression, location of water supplies and location of nearest neighbouring receptors; (o) bonfire policy;
- (p) confirmation that a mobile crusher will/won't be used on site and if so, a copy of the permit and intended dates of operation;
- (q) confirmation of all Non-Road Mobile Machinery (NRMM) to be used, or a statement confirming that NRMM will not be used. All Non-Road Mobile Machinery (NRMM) and plant to be used on site of net power between 37kW and 560 kW shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" and must be registered at <http://nrmm.london/>;
- (r) details of any closures of public routes and diversions, demonstrating how time spent closed to the public has been minimised;
- (s) the arrangement for monitoring and responding to complaints relating to demolition and construction;
- (t) details of cranes and other tall construction equipment (including the details of obstacle lighting);
- (u) all Heavy Goods Vehicles shall comply with the Direct Vision Standard. A rating of 3 stars (or more) will be required;
- (v) all deliveries to the site, particularly Heavy Goods Vehicles, shall be made using vehicles which have a Class VI mirror fitted in accordance with EU directive 2007/38/EC;
- (w) the precautions set out to eliminate or reduce noise levels where the operational risk levels illustrated within The Control of Noise at Work Regulations 2005 could be exceeded; and (x) the provision of secured restricted access as the sole means of entry to site for cyclist along with secured turnstile entrance for pedestrians.

The development hereby approved shall be implemented in accordance with the approved DLP/CLP and DMP/CMP.

REASON

To ensure that the proposed development does not interfere with the free flow of traffic and conditions of safety on the public highway, and to ensure the development process does not have a significant adverse impact on the amenities of nearby residential properties in accordance with Policies DMT 1, DMT 2 and DMEI 14 of the Hillingdon Local Plan: Development Management Policies (2020) and Policies D14, SI 1, T4 and T7 of the London Plan (2021). Also, to ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems, in accordance with Policy DMAV 1 of the Hillingdon Local Plan: Development Management Policies (2020).

5. COM30 Contamination

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.

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 Policies DMEI 11 and DMEI 12 of the Hillingdon Local Plan: Development Management Policies (2020).

6. SUS1 Energy

Prior to commencement of the development hereby approved (including demolition), an Updated Energy Strategy 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 100% reduction (zero carbon) 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 and zero carbon technology (i.e. roof plans showing the inclusion of PV panels).

The Energy Strategy must clearly set out any shortfall (tCO₂) of the zero-carbon requirement, with a minimum on-site reduction of at least 35% beyond Building Regulations.

The development must proceed in accordance with the approved Updated Energy Assessment.

REASON

To ensure that the development complies with zero-carbon targets, in accordance with Policy SI 2 of the London Plan (2021).

7. COM16 Noise Survey and Assessment

(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.

REASON

To ensure compliance with Policy D14 of the London Plan (2021) and Policy EM8 of the Hillingdon Local Plan: Strategic Policies (2012).

8. NONSC Fire Statement

A) 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.

REASON

To ensure the safety of all building users in accordance with Policy D12 of the London Plan (2021).

9. RES6 Piling Method Statement

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.

REASON

To protect critical sewage infrastructure which is in close proximity to the proposed development.

10. SUS5 Sustainable Urban Drainage

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 set out in .

(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.

REASON

To ensure compliance with Policies SI 12 and SI 13 of the London Plan (2021).

11. B21 Mechanical Plant Assessment

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.

REASON

To ensure compliance with Policy D14 of the London Plan (2021) and Policy EM8 of the Hillingdon Local Plan: Strategic Policies (2012).

12. COM7 External Materials

Prior to above ground works for the development hereby approved (excluding demolition), details of all materials and external surfaces, including fenestration, balconies, boundary treatments and balustrades, 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.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Development Management Policies (2020).

13. OM5 Bin Stores

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.

REASON

To ensure compliance with Policies SI7 and D6 of the London Plan (2021) and Policy EM11 of the Hillingdon Local Plan: Strategic Policies (2012).

14. H14 Cycle Storage

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 used for any other purpose for the lifetime of the development.

REASON

To ensure that adequate arrangements are made for cycle parking in accordance with Policy T5 of the London Plan (2021).

15. COM26 Biodiversity and UGF

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 bat boxes.

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.

REASON

In order to encourage a wide diversity of wildlife on the existing semi-natural habitat of the site in accordance with Policy DMEI 7 of the Hillingdon Local Plan: Development Management Policies (2020) and Policies G5 and G6 of the London Plan (2021).

16. COM9 Soft Landscaping

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 surfing/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.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the area in accordance with Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Development Management Policies (2020).

17. RES22 Parking Design and Management Plan

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.

REASON

To ensure the appropriate operation of the car park, in accordance with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Development Management Policies (2020) and Policy T6 of the London Plan (2021).

18. COM25 Delivery and Servicing Plan

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.

REASON

To encourage out of hours/off peak servicing to help mitigate the site's contribution to local congestion levels in compliance with Policy T7 of the London Plan (2021) and Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020).

19. COM20 Low Emission Strategy

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 outlined in (ii) have been implemented.

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

REASON

To reduce the impact on air quality in accordance with Policy EM8 of the Local Plan: Strategic

Policies (2012), Policy DMEI 14 of the Hillingdon Local Plan: Development Management Policies

(2020), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, and Policies SI 1 and T4 of the London Plan (2021), noting that the application site is within an Air Quality Management Area.

20. B14A Accessibility Requirements

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.

REASON

To ensure the development provides an inclusive and accessible environment for all users in accordance with Policies D5 and D7 of the London Plan (2021).

21. NONSC Be Seen GLA Monitoring

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.

REASON

In the interests of sustainable development and to maximise on-site carbon dioxide savings in accordance with Policy SI 2 of the London Plan (2021).

22. COM31 Secured by Design

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.

REASON

To ensure the development provides a safe and secure environment in accordance with Policy DMHB 15 of the Hillingdon Local Plan: Development Management Policies (2020) and Policy D11 of the London Plan (2021).

INFORMATIVES

1. I52 Compulsory Informative (1)

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

2. I70 LBH worked applicant in a positive & proactive (Granting)

In dealing with the application the Council has implemented the requirement in the National

Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

3. I63 Public Sector Equality Duty of the Equality Act 2010.

As part of the decision making process the Local Planning Authority have taken due regard to the public sector equality duty of the Equality Act 2010.

4. I72 Section 106 Agreement

You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.

5. I73 Community Infrastructure Levy (CIL) (Granting Consent)

Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy

Regulations 2010 (as amended), this development is liable to pay the Mayor of London's

Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. Before commencement of works the development parties must notify the London Borough of Hillingdon of the commencement date for the construction works (by submitting a Commencement Notice) and assume liability to pay CIL (by submitting an Assumption of Liability Notice) to the Council at planning@hillingdon.gov.uk. The Council will then issue a Demand Notice setting out the date and the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed.

The above forms can be found on the planning portal at:

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Pre-Commencement Conditions: These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of the pre-commencement conditions have been discharged/complied with.

6. I60 Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is drawn to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at www.aoa.org.uk/publications/safeguarding.asp)

I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2021).

DMAV 1 Safe Operation of Airports

DMCI 1 Retention of Existing Community Sport and Education Facilities

DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 3	Decentralised Energy
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMH 7	Provision of Affordable Housing
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 2	Listed Buildings
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D11	(2021) Safety, security and resilience to emergency
LPP D12	(2021) Fire safety
LPP D13	(2021) Agent of change
LPP D14	(2021) Noise
LPP D2	(2021) Infrastructure requirements for sustainable densities
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP D8	(2021) Public realm
LPP DF1	(2021) Delivery of the Plan and Planning Obligations
LPP E6	(2021) Locally Significant Industrial Sites
LPP G5	(2021) Urban greening
LPP GG1	(2021) Building strong and inclusive communities
LPP GG2	(2021) Making the best use of land
LPP GG4	(2021) Delivering the homes Londoners needs

LPP H1	(2021) Increasing housing supply
LPP H15	(2021) Purpose-built student accommodation
LPP H4	(2021) Delivering affordable housing
LPP H5	(2021) Threshold approach to applications
LPP H6	(2021) Affordable housing tenure
LPP H7	(2021) Monitoring of affordable housing
LPP HC1	(2021) Heritage conservation and growth
LPP HC7	(2021) Protecting public houses
LPP S1	(2021) Developing London's social infrastructure
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI17	(2021) Protecting and enhancing London's waterways
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP SI3	(2021) Energy infrastructure
LPP SI7	(2021) Reducing waste and supporting the circular economy
LPP T1	(2021) Strategic approach to transport
LPP T2	(2021) Healthy Streets
LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP T7	(2021) Deliveries, servicing and construction

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a two-storey building sited on the corner of Packet Boat Lane and High Road, which is currently vacant following its closure in September 2018, but which formerly operated as the Paddington Packet Boat public house (sui generis). The existing building has both architectural interest, as result of its prominent siting and large gable ends, and historical interest, as a result of its age (dating from 1804), associated with the opening of the Paddington arm of the Grand Union Canal, which opened in 1801.

The surrounding area has a mixed and varied appearance, with detached bungalows immediately opposite the site on the eastern side of High Road, detached and semi-detached two-storey houses on the northern side of Packet Boat Lane, two-storey terraced housing to the south on Linden Terrace, and five-storey blocks of flats immediately to the west of the site on Packet Boat Lane, and slightly further west at

Union Place. Additionally, the application site backs onto Packet Boat Lane Locally Significant Industrial Site (LSIS), which comprises several relatively low-rise industrial sheds and warehouses positioned between High Road and the Grand Union Canal. Overall, however, despite the industrial uses to the south, the area has a generally residential character.

3.2 Proposed Scheme

The proposed development seeks permission to demolish the existing building, and erect a partthree, four and five-storey block of purpose-built student accommodation (PBSA) comprising 61 studio rooms, which would have a sui generis use class. The proposed building would also include supporting facilities, comprising a lounge and laundry room, with an external courtyard proposed to the rear as external amenity space, and separate refuse and cycle stores along the western boundary of the site. The proposed building would be laid out in an 'L' shape, with its two main elevations facing towards Packet Boat Lane and High Road, and with the proposed entrance positioned at the corner, facing towards the junction, in the most visibly prominent location. The height of the proposed building would vary across the site, stepping up northwards from three to four storeys facing the High Road, and stepping up westwards from four to five storeys facing Packet Boat Lane, so that the building as a whole is seen as gradually increasing (left-to-right) when viewing the proposal from the north, along the most prominent vista provided by the High Road.

In addition to the proposed courtyard at the rear, soft landscaping is proposed across the frontage, indicatively shown as small potted trees and low shrubs, alongside three motorbike spaces adjacent to the entrance.

Following discussions between the local planning authority and the applicant, the proposal has been amended so that it would provide 35% of the rooms as affordable accommodation (to meet the definition set out in Policy H15 of the London Plan), which equates to 22 rooms, and the proposal therefore benefits from the "fast-track route" set out in the Mayor's Viability SPG and no assessment of financial viability is required.

3.3 Relevant Planning History

1058/APP/2018/4486 Paddington Packet Boat Public House High Road Cowley Uxbridge

Redevelopment of the site including the demolition of existing public house (Use Class A4) and erection of a building of staggered height up to 7-storeys comprising 36 units (14 x 1 bed, 16 x 2 bed, 2 x 3 bed and 4 maisonettes) including the excavation of a 2-storey basement, associated access, car parking and landscaping Decision: 07-05-2019 Withdrawn

Comment on Relevant Planning History

One previous application on the site relating to redevelopment for a purely residential scheme up to seven storeys in height, plus two basement levels, was submitted in

December 2018 and subsequently withdrawn on the 7th May 2019, following a recommendation of refusal by the local planning authority.

4. Planning Policies and Standards

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)

The Local Plan: Part 2 - Development Management Policies (2020)

The Local Plan: Part 2 - Site Allocations and Designations (2020)

The London Plan (2021)

The West London Waste Plan (2015)

The National Planning Policy Framework (NPPF) (2021), Planning Practice Guidance, as well as relevant supplementary planning documents and guidance are all material consideration in planning decisions.

The proposed development has been assessed against development plan policies and relevant material considerations, as discussed below.

Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.CI1	(2012) Community Infrastructure Provision
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.EM11	(2012) Sustainable Waste Management
PT1.EM6	(2012) Flood Risk Management
PT1.EM8	(2012) Land, Water, Air and Noise
PT1.H1	(2012) Housing Growth
PT1.H2	(2012) Affordable Housing

Part 2 Policies:

DMAV 1	Safe Operation of Airports
DMCI 1	Retention of Existing Community Sport and Education Facilities
DMCI 7	Planning Obligations and Community Infrastructure Levy

DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 3	Decentralised Energy
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMH 7	Provision of Affordable Housing
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 2	Listed Buildings
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D11	(2021) Safety, security and resilience to emergency
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LPP D4	(2021) Delivering good design

LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP D8	(2021) Public realm
LPP DF1	(2021) Delivery of the Plan and Planning Obligations
LPP E6	(2021) Locally Significant Industrial Sites
LPP G5	(2021) Urban greening
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LPP HC1	(2021) Heritage conservation and growth
LPP HC7	(2021) Protecting public houses
LPP S1	(2021) Developing London's social infrastructure
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI17	(2021) Protecting and enhancing London's waterways
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP SI3	(2021) Energy infrastructure
LPP SI7	(2021) Reducing waste and supporting the circular economy
LPP T1	(2021) Strategic approach to transport

LPP T2	(2021) Healthy Streets
LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP T7	(2021) Deliveries, servicing and construction

5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date: 28th October 2021
- 5.2 Site Notice Expiry Date: 28th October 2021

6. Consultations

External Consultees

CANAL AND RIVER TRUST (27-10-21): The main issues relevant to the trust as statutory consultees of this application are the impact of the development on increased use of the canal towpath. A suitably worded legal agreement is necessary to address these matters. The development would bring more people to the area, who are likely to make use of the waterway and towpath network, as a convenient walking and cycling link away from the main road, and as a pleasant local amenity. This increased use will put additional pressure on the canal towpath, and we would therefore ask the Local Planning Authority to secure a contribution to improving the towpath and waterway environment. We are hoping to carry out some improvement works to the access point at Packet Boat Lane *including ramp/surfacing improvements and wayfinding) and a contribution towards this would be beneficial, helping to mitigate the impact of the scheme, and supporting improvement of the local walking and cycling network, as well as enhancing the canal as a local heritage asset. We therefore suggest a contribution of £15,000 towards towpath improvements would be necessary to make the development acceptable in planning terms, which would be fairly and reasonably related in scale and kind to the development, as well as consistent with other similar contributions.

HEATHROW AIRPORT SAFEGUARDING (29-09-21) and (14-06-22): We have now assessed the application below against safeguarding criteria and can confirm we have no safeguarding objections to the proposed application. However, we would like to make the following observation: Cranes Given the nature of the proposed application, it is possible that a crane may be required. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome.

GREATER LONDON ARCHAEOLOGICAL ADVISORY SERVICE (12-10-21): Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

The site is located on the periphery of the Colne Valley Archaeology Priority Area, however the development site is small in scale and is likely to have been previously disturbed during the construction of structures on the site during the 20th century. The history of the pub building has been extensively researched when it was being assessed for listing, and the submitted heritage statement (Corrie Newell, July 2021) contains an adequate record and phasing plan.

No further assessment or conditions are therefore necessary.

LONDON FIRE BRIGADE (02-11-21): The London Fire Brigade (LFB) has been consulted with regard to the above-mentioned premises and have no further observations to make.

MINISTRY OF DEFENCE (23-11-21): I can confirm that the MOD has no statutory safeguarding objection to this application.

NATS (04-10-21) and (15-06-22): The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

NHS NW LONDON (08-07-22): NHS North West London ICB would like to request a capital contribution of £24,380 to put towards the improvement primary services, within the local vicinity of this proposed development, based on the HUDU model.

THAMES WATER (25-10-22): The proposed development is located within 15 metres of a strategic sewer. Thames Water requests a condition to be added to any planning permission to control Piling.

Thames Water would advise that with regard to foul water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would advise that with regard to surface water network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Regarding waste water, Thames Water supports the diversity of SuDS such as permeable paving and green roof, and water reuse via water butts.

TRANSPORT FOR LONDON (20-10-21): After reviewing the case documents it is clear that the scale and nature of the proposals won't have any strategic transport impact on our network. Having assessed the proposals, I can confirm that TfL Spatial Planning has no strategic comments to make on this planning application other than to emphasise the development should comply with the transport policies set out in The London Plan 2021.

Internal Consultees

ACCESS OFFICER (04-10-21): This proposal to demolish the existing public house and erect a purpose built student accommodation block, comprising 61 student rooms, associated common areas and facilities, has been assessed against the requirements of London Plan policies D5, D12, E10, H15 and T6.1.

Disabled persons parking should be provided for new residential developments.

Residential development proposals delivering ten or more units must, as a minimum ensure that for three per cent of units, at least one designated disabled persons parking

bay per unit is available from the outset, and demonstrate as part of the Parking Design and Management Plan, how an additional seven per cent of units could be provided with one designated disabled persons parking space per unit in future. This should be secured at the planning stage.

Student accommodation should be accessible and inclusive in accordance with London Plan policy D5, D12, E10 and H15, and incorporate 10 per cent of new bedrooms to be 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 15 per cent of new bedrooms to be accessible rooms in accordance with the requirements of 19.2.1.2 of British Standard BS8300-2:2018. As per BS8300-2:2018, clause 19.2.1.1, a minimum of two student bedrooms should have an interconnecting door to an adjacent bedroom for a companion or personal care assistant. In accordance with policy D5 and D12, a minimum of one evacuation lift per core should be designed as an evacuation lift specified to meet BS EN 81-76. The plans submitted fail to demonstrate how disabled people would be able to use the accommodation and associated facilities. The scheme should be amended accordingly.

ACCESS OFFICER (14-06-22): This proposal to demolish the existing public house and erect a purposebuilt student accommodation block, comprising 61 student rooms, associated common areas and facilities, has been assessed against the requirements of London Plan policies D5, D12, E10, H15 and T6.1.

The existing public house has parking at the rear, some of which should remain to provide accessible parking for the required 6 accessible rooms which are now shown on plan. The car parking survey dated 05/04/2022 states that the development would be car free, however there is no evidence that parking for disabled students within 50m of the development would be assured at any time. With the exception of the following outstanding parking objection, all previous accessibility concerns have been addressed.

ACCESS OFFICER (14-10-22): The one accessible parking bay to be installed at the outset is acceptable to meet the 3% quota in line with London Plan T6.1. However, the developer must demonstrate how an additional 7% of accessible parking bays can be achieved should the need arise at some future point. However, as this would not be possible on-site, I think the next best option would be a S106 contribution to cover the cost of consultation and implementation of on street parking bays to cater for demand should the need arise. Accessible parking and wheelchair accessible units should be secured by way of condition.

AIR QUALITY OFFICER (07-10-21): The proposed development is located within approximately 450m from West Drayton/Yiewsley Hayes Focus Area; however since the proposal is car free (excluding wheelchair spaces) it is unlikely to bring additional traffic emissions into this sensitive area. Nevertheless, as per the new London Plan and the London Borough of Hillingdon Local Action Plan, developments need to be neutral as minimum and positive in Focus Areas, contributing to the reduction of emissions in these sensitive areas. The proposed development is air quality neutral.

Two air quality conditions are required to develop and implement a Low Emission Strategy and manage construction emissions as required by the Mayor of London.

CONTAMINATED LAND OFFICER (21-06-22): The abovementioned desk top study report provides an outline of available information concerning the site and local surroundings. It also summarises a phase 2 site investigation that was conducted and reported by others in 2012. However, not all information within the submitted report is current therefore many details would benefit from further updating, via introductions of more extensive site investigation work to further characterise the site with confirmation of the type and full extent of contamination and to thereby more precisely assess all

identified risks to receptors that would be introduced by the proposed change of use to residential land.

I therefore recommended conditions requiring a scheme to deal with contamination to be submitted to the council for approval.

DAYLIGHT/SUNLIGHT OFFICER (AVISON YOUNG) (08-07-22): AY are generally in agreement with the scope of properties assessed and methodology used in relation to the neighbouring assessments.

The daylight and sunlight impacts on neighbours are considered to be acceptable based upon the high overall level of compliance.

AY consider the use of the mirror massing to be reasonable. However, limited weighting should be applied as their commentary is based upon professional opinion as opposed to detailed assessment.

The transient overshadowing to neighbouring amenity areas is considered to be acceptable on the basis that the front gardens considered will not experience any overshadowing for the majority of the day. The Report states that a separate Sun Hours on Ground assessment is not necessary on the basis that the gardens are largely unaffected during the 21st March equinox. Whilst AY would generally include a SHOG assessment to confirm whether the areas assessed will meet the BRE's recommended criteria, based on the transient overshadowing analysis we are in agreement that there will be limited impact on 21st March to these front gardens.

As outlined previously, SB have not considered the new assessment methodology outlined in the updated 2022 BRE Guidelines for the internal daylight and sunlight assessments undertaken. It is advised that assessments are undertaken in accordance with the updated 2022 BRE Guidelines. Supplementary assessments undertaken in accordance with the now withdrawn 2011 BRE Guidelines can be included to enable comparison with old criteria.

In addition, the analysis undertaken in the Report based on the 2011 Guidelines is missing the NSL contours and APSH assessment, and we would have considered it more appropriate to assess the scheme against both a 2% ADF and 1.5% ADF target.

DAYLIGHT/SUNLIGHT OFFICER (AVISON YOUNG) (03-10-22): The applicants have now undertaken internal daylight and sunlight assessments in accordance with the 2022 guidance and Avison Young are in agreement with the methodologies implemented and conclusions reached in the updated report. Therefore, it is considered that the internal daylight and sunlight performance of the scheme to be acceptable based on the high compliance and the nature of the development.

ECOLOGY OFFICER (22-08-22): The site borders the Grand Union Canal which is a metropolitan site of importance for nature conservation. However, this a designation associated with value of the canal as a complete entity as opposed to a value along its length.

The area next to the canal in this instance is of little to no ecological importance, (i.e. no vegetation). I have no objections in relation to proposed ecology on the above application, please put on the standard ecology enhancement condition so we can ensure there is value in the redevelopment proposals.

However, there are no bat surveys associated with the above development. In recent months there has been some degradation of the building, planned or otherwise, which includes holes in the roof, and these changes could introduce new features of note for bats given the building's proximity to the canal. As such, the applicants would need to do a pre-demolition survey and then carry out any works under licence if the presence of bats is recorded. It should be noted that bats are a material planning consideration and we are required to consider them at planning stage.

ENERGY OFFICER (22-08-22): The Energy Strategy submitted with the application is inadequate.

The strategy sets out to respond to the energy hierarchy in the London Plan, i.e. be lean, be clean, be green (but ignores be seen).

The information in respect to 'be lean' appears adequate resulting in a 5% saving in CO₂ from the notional baseline.

No savings have been attributed to 'be clean'.

32.3t of CO₂ savings have been attributed to heat pumps which have been identified as a renewable technology. Firstly, they are not a renewable technology as they rely on grid electricity. Secondly, the saving is not supported by any evidence, sizing of the ASHP, or plans showing their inclusion in the development. The conclusions in the energy strategy cannot be supported.

However, it is reasonable to expect the development can achieve the zero carbon target through a combination of onsite measures (to achieve a minimum 35%) and a carbon offset contribution.

A condition and S106 obligation are therefore necessary, to require an amended Energy Strategy to be submitted which demonstrates at least a 35% saving, and a carbon offset contribution calculated based on the savings made.

FLOOD AND WATER MANAGEMENT OFFICER (24-11-21): The Drainage proposal for the site, will include controlling water to greenfield run off rates as required to 2ls for the site for all events. This is provided through cellular storage crate which has been designed with an area of 34 sqm to a depth of 1.0 m with a porosity of 95%. However, this is not maximising the integration of drainage and the landscaping works and the down pipes could be directed into the landscaped area to the rear and front a condition should be requested requiring this drainage strategy to be updated.

FLOOD AND WATER MANAGEMENT OFFICER (20-07-22): This application has not sufficiently demonstrated the use of the London Plan's drainage hierarchy and is proposing the following key items:

Type of development: demolition of the existing structure and erection of a scheme of purpose built student accommodation, and associated common areas and facilities, landscaping, amenity space, bicycle and motorcycle parking, and refuse storage.

Flood risk: the site is not draining to tidal waters, and is in Flood Zone 1 and does not need floodplain compensation.

Types of conveyance / attenuation features: the applicant proposes to manage rainwater via green roofs, an attenuation tank and permeable paving. Discharge will then be to a surface water sewer.

Runoff rate restriction (l/s): the proposed runoff rate is not the same as, the greenfield runoff rate, but it is a maximum of 2 l/s.

Runoff attenuation volume (m³): not provided. It is stated that the cellular storage crate will provide 34m³ of storage.

Maintenance plan: a maintenance plan has been provided for the cellular storage and additional components. The maintenance owner has been provided.

We object to the application for the following reasons:

The application does not comply with the hierarchy of drainage set out in the London Plan, Policy SI 13. The applicant has not considered rainwater harvesting or provided a justified explanation for why it is not included, water butts could be considered for downpipes.

The applicant in their Design and Access Statement propose to include green roofs and permeable paving, these should be included in the drainage strategy.

The applicant should confirm if the development is likely to impact upon local groundwater flood risk.

The existing (brownfield) runoff rate needs to be supplied.

The calculations for runoff rates should include the whole site area (948m²) and not just the developable area (730m²).

Cannot assess application due to missing attenuation volume information (require the proposed attenuation volume, the greenfield volume, and the volume of attenuation required to achieve the proposed runoff rate).

The application does not conform to Defra's Non-Statutory Technical Standards for Sustainable

Drainage. It must be demonstrated that the site will not flood as a result of the 1 in 30 year rainfall event, that there will be no flooding of buildings as a result of events up to and including the 1 in 100 year rainfall event. Suitable calculations must be provided to demonstrate this.

Information should be provided on how exceedance flows will be managed, which should also be shown in the drainage drawing.

The drainage strategy does not contain the maintenance tasks and frequencies for the green roofs and permeable paving.

Consent for the proposed discharge point connection has not been provided and this is required.

The proposed runoff rate is not the same as, the greenfield runoff rate despite being a maximum of 2 l/s.

The applicant should demonstrate further why it is not reasonably practical achieve closer to greenfield runoff rate.

Flood and Water Management Officer (24-10-22): The site is not located in an area identified as being at risk of surface water flooding. The site is already extensively developed with limited attenuation of run off. This is a low-risk site, and the proposed development would result in betterment albeit there is some information still required. A drainage assessment has been provided and accompanied by technical note in response to previous comments. The drainage assessment/strategy presents a suitable option to demonstrate that the development is reasonably likely to be policy compliant. This is a low-risk site with solutions that are plausible and deliverable with more design work as expected as the development of proposals evolve. Consequently, I am content that the information being sought can be secured through a planning condition as set out below.

HIGHWAYS OFFICER (09-02-22): The close proximity of the proposed development to the University is likely to result in a high number of residents travelling to the University on foot or by bicycle.

The existing vehicle access onto Packet Boat Lane will be stopped up. A proposed 12m long TfL compliant 'part-on part-off' loading bay will be provided on Packet Boat Lane adjacent to the site.

All servicing for the site will be undertaken via a proposed 12m 'part-on part-off' loading bay off Packet Boat Lane adjacent to the site. The land ownership for the works includes land owned by the highway authority and land controlled by applicant.

It is the intention that the occupiers of the student accommodation will sign a condition as part of the lease agreement confirming that they will not bring a car on site. Any residents requiring accessible car parking will be able to apply and utilise their Blue Badge on the surrounding highway network, although such residents may decide to live on university campus where possible.

It is considered that good accessibility from the site to local neighbourhood centres, retail and leisure facilities, public transport, Brunel University and cycle parking availability on site would make the need for parking provision or car ownership for students unnecessary.

The proposed redevelopment comprises student accommodation including 61 student rooms which will be single bed studio apartments (Sui Generis), with 64 cycle parking spaces and 3 motorcycle parking spaces on site. There is nil car parking provided on site. The applicant has submitted a Transport Statement (TS) in support of their application. The site currently comprises a vacant public house which had capacity for live music for up to 200 persons. There are approximately 20 car parking spaces provided on site associated with the public house.

Whilst in the TS it states 'The proposed development is considered to be in a sustainable location with access to the local university campus via sustainable modes of travel.'

however the site achieves a very poor PTAL rating of 1b.

The main concern of the highway authority is that students with cars can park on Packet Boat Lane, there are sections of uncontrolled sections where car parking can take place, particularly at the sites end. Alternatively, on-street parking stress surveys based on the Lambeth methodology is required in order to assess the potential magnitude the displacement impact (if any) would have on the parking stress on the nearby streets, and consequently how the impact (if any) from the displacement onto the highway will be mitigated.

The proposal of a layby to service the development on Packet Boat Lane is unacceptable, given the development is a new build the developer can either redesign the site on the basis that servicing of the development is on site, or alternative location is sought. Laybys on the public highway cannot be restricted to any particular user and often depending on the location are difficult to monitor and enforce. It is not unusual for indiscriminate parking to take place by unauthorized vehicles in these laybys eg overnight/visiting/dropping off/etc, thereby potentially interfering/obstructing traffic both vehicle and pedestrian at a critical location being in close proximity to the junction of Packet Boat Lane/A408. Laybys also mean the pedestrian path is unnecessarily convoluted requiring pedestrians to walk around the bays, inconvenience for those with child buggy's, wheelchair users, etc.

There is also the additional concern about pedestrian safety at the adjacent pedestrian crossing at the junction, which will not only be affected by the proposed positioning of the layby, but also the layby would create more potential conflict points due to its close proximity to the junction.

As part of sites being redeveloped, LHA's try to ensure and secure that the design and build of a development meets current high standards, in particular enhancing safety for all road users. With that in mind the LHA would like to widen the existing substandard footway width along the frontage of the site with both the A408 and Packet Boat Lane to at least 2.4m. This will not only provide improved safety for pedestrians along the footway and at the pedestrian crossing, this would also ensure that the required viewing sight line dimensions for vehicles egressing from Packet Boat Lane can be achieved.

This will require land to be dedicated to the LHA for adoption, that amount of the sites frontage needed to achieve a footway width of 2.4m all around the sites frontage. The applicant will be liable for the total cost of the adoption process that will need to be undertaken by the Council, the making good of the wider footway and its commuted maintenance payments.

From the drawing the applicant is proposing "double stacked cycle lockers, however no information has been provided on how the proposed facility conforms with manufacturers guidance. Nevertheless, the use of such stands are generally not acceptable for effectively a new residential developments, many of these styles are difficult to use when bicycles are fitted with baskets and other additions and usually require lifting. This can also be difficult for the less able or those with heavy bicycles. There should be a mix of cycle parking facilities

Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. Development proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.

Until the above is submitted I am not in a position to determine the suitability or otherwise of the development. If not forthcoming, then I would recommend a refusal based on the applicant has failed to demonstrate that the development will not have a detrimental impact on the public highway, thereby is contrary to policy DMT6 and the aims of national planning guidance contained in the National Planning Policy Framework.

HIGHWAYS OFFICER (16-09-22): The Highway Authority has already provided comments dated 9th February 2022, these raised the following issues.

1. Concerns about students parking on Packet Boat Lane, a Lambeth Methodology Parking Survey was requested to determine whether there was a sufficient supply of on-street parking to cater for any increase in parking demand.
2. The proposal of a layby to service the development on Packet Boat Lane was objected to as laybys are susceptible to indiscriminate parking and would present a heightened risk to pedestrian road safety.
3. In places the footway along the front of the development is very narrow - just 0.4m wide, as part of the redevelopment of the site there is an opportunity to address this thereby reducing the road safety risk to pedestrians.
4. The Highway Authority required that that cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. The comments concluded by stating that the Highway Authority was unable to determine the suitability or otherwise of the development. If not forthcoming, then the HA would recommend a refusal.

In response to the Highway Authorities comments, the applicant has undertaken Lambeth Methodology Parking Surveys which have showed that between 00:30 and 05:30h - when the demand for on-street parking is highest, a total of 83no. on-street car parking spaces were still available. Notwithstanding this, it is the intention that the occupiers of the student accommodation will sign a condition as part of the lease agreement confirming that they will not bring a car on site, this is supported.

As mentioned above the proposed development would be car-free, this however is counter to the published London Plan 2021 Policy T6.1 Residential Parking which requires that "disabled parking should be provided for new residential developments". The Highway Authority requires that this Policy is adhered to, and one disabled persons parking space is provided on-plot. This could be achieved by providing a disabled persons parking space where the refuse bins and cycle parking are proposed to be located. It is anticipated that this would result in the loss of cycle parking. To compensate for this loss and keep cycle parking provision in accordance with London Plan standards, the Highway Authority require that the applicant enter a 1990 Town and Country Planning Act legal agreement with the Council obliging them to fund in full the provision of one 10no. bay Santander Bike Hire docking station together with 10no. bicycles.

The provision of an on-plot disabled persons parking space would require a vehicle crossover; this should be built in accordance with the Council's "Domestic Vehicle Footway Crossover Policy" (June 2022). This would require that the developer enter a 1990 Town and Country Planning Act s.106 legal agreement obliging them to enter a 1980 Highway Act s.278 legal agreement with the Council allowing them to carry out works on the Council's highway. The Highway Authority require the submission of amended plans showing the provision of one disabled persons parking bay and one 10no. Santander Bike hire docking station, this should be conditioned.

As well as concerns about the development displacing parking on-street, there were also concerns about parking stress caused by many cars arriving at the same time to drop-off/pick-up student at the start and end of term. Situations could arise whereby there are several vehicles are parked indiscriminately onstreet with people moving around hurriedly packing/unpacking cars. In response the applicant has provided a "Student Moving In and Moving Out Strategy". This proposes phasing arrivals over two weekends or 4no. days. Based on the development having 61no. beds, up to 16no. student would arrive each day, these arrivals would be spread over an 8-hour day which would result in 2 to 3no. vehicles arriving each hour. To limit how long families take to unload, the applicant is suggesting single yellow lines with a 20-minute waiting restriction.

The applicant proposes to nominate a staff member to manage this process e.g. answering checking in phone calls, serving at a parking attendant and baggage handler. However, the Highway Authority is mindful that there is a risk that the strategy will not work as intended, may not be delivered for the lifetime of the development, or may not be delivered at all. These concerns could be overcome by incorporating the Strategy as part of the Travel Plan. It is standard practice for the Council to require developers to enter a 1990 Town and Country Planning Act s.106 legal agreement requiring them to pay the Council a £20,000 bond. This bond is taken as surety that the Travel Plan - and "Student Moving In and Out Strategy" is implemented. If it is not implemented or fails to address the anticipated parking problems, then the Council would take this bond and use the money to manage the delivery of the Travel Plan and Strategy itself. This approach would help guarantee that the Strategy is delivered as there would be a financial penalty if the applicant defaulted on its obligations.

In response to the concerns raised by the Highway Authority concerning the layby this has been removed which is supported.

The existing footway outside the former Packet Boat Public House is narrow in places. The developer has offered to work with the Highway Authority to provide a widened 2.5m footway around the full frontage of the proposal. This would involve the applicant dedicating a narrow strip of land around the development to the Council. This proposal is supported as it would increase the footway width thereby reducing pedestrians' exposure to road safety risk. To formally do this the applicant would need to enter a 1980 Highway Act s.38 legal agreement with the Council, this would allow the Council to formally adopt this land as highway maintainable at public expense. The premises next door to the proposal - further west along Packet Boat Lane has an unadopted footway along its frontage. However, this building belongs to the Council as does the unadopted footway. It is proposed that this unadopted footway is also adopted by the Council as part of this proposal, this would "tidy" the inconsistent ownership and responsibilities for these footways. Having a full length of footway adopted would make road maintenance and cleaning much more straight forwards. If it is not done the footway would have three "owners", part in the ownership of the Halls of Residents, the Highway Authority and the Council in a more general sense. The Highway Authority would require that the applicant pays in full all the legal and other costs of putting these proposals in place.

Whilst the applicant has provided parking survey results that show parking is available along Packet Boat Lane, the Highway Authority would require the applicant to pay the Council £20,000 for the installation of parking restrictions in response to requests from residents triggered by problems caused by students parking on-street. If problems do not arise, then the money would be returned by an agreed date.

It is considered that the proposal is unlikely to have a 'severe' impact on the safe and efficient operation of the local highway network, there are no highway objections to this proposal subject to the recommended planning conditions.

NOISE OFFICER (ANDERSON ACOUSTICS) (15-10-21): Ideally, to comply with national policy and industry good practice, we would expect to see further discussion on good acoustic design within the Noise Assessment report (as per Stage 2 of the ProPG2 assessment approach). We would also look to see the survey and assessment updated in line with our comments above. However, such updates could be conditioned, and we acknowledge that just because the Noise Assessment report doesn't discuss good acoustic design, doesn't necessarily mean that sufficient measures haven't been taken in the context of the scheme and site. And so, if LBH is satisfied in this particular (good acoustic design) regard, and is minded to grant planning permission, the following actions are recommended:

Condition the requirement for a detailed noise survey (spanning at least a 48-hour weekday period) and assessment to confirm the typical external environmental sound levels around the proposed building and within external amenity areas, and the details of the sound insulation scheme(s), and any other control measures, to meet the relevant internal noise targets within the 2016 SPD3 and BS 82334 during both ventilation and overheating conditions, and to minimise levels within amenity areas as far as practicable. Sound generated within the habitable spaces from any associated building services plant should be controlled in accordance with the guidance within Figure 3-4 and Figure 3-5 of the AVO Guide.

Condition the requirement for the provision of the details of any building services plant associated with the operation of the development with potential to emit sound external to the building and associated noise control measures, where necessary, to meet the requirements of the 2016 SPD6 and BS 41427.

NOISE OFFICER (ANDERSON ACOUSTICS) (24-06-22): To a large extent, given the lack of changes, we remain of a similar opinion as before. Whereby, ideally, to comply with national policy and industry good practice, we would expect to see further discussion on good acoustic design, together with a more robust baseline noise survey. However, we can see how the perceived need for the former can be discounted, and where the latter is arguably sufficient at this outline stage. And so, if LBH is otherwise minded to grant planning permission, the previously recommended conditions should also be applied.

PLANNING POLICY OFFICER (07-07-22): Two main issues are:

Nominations Agreement - they say they have committed to this now with Brunel, so subject to this being agreed within the legal agreement, there is no issue.

The quality of the marketing evidence was poor. We have concerns that they did not advertise the site at a reasonable price. It was originally on for £2.2m and then £1.6m for the consultation. It was also not in a condition that would allow it to function as a pub. I note our FVA review says that it should be valued at a £1, following the applicant's own assessment on the fact it could not be let as a public house.

If we align with the FVA consultant and applicant's suggestion that the site is unlettable and essentially worthless, then it stands to reason that it would pass Policy HC7.

They haven't tested the policy against Policy DMCI 1 Part a) ii) - because a social infrastructure user may have wanted to occupy the site at that price (rather than £2.2m). So there would be a conflict with this particular part of this policy.

TREE AND LANDSCAPE OFFICER (21-10-21): This site is occupied by the former Paddington Packet Boat pub at the junction of High Road and Packet Boat Lane. The pub and its beer garden / amenity space occupy the east side of the site fronting onto the High Road. A car park, to the rear, occupies the western half of the site. The site lies within the area covered by TPO 86A, however, the only trees affecting the site are along the southern boundary and are not protected by the Order.

The site has been the subject of recent planning submissions, including application Ref.

1058/APP/2018/4486 which was withdrawn. The current proposal seeks to redevelop the site to provide 61 studio rooms within a four-storey building. The D&AS describes the front boundary treatment in clause 7.1. The High Road frontage will feature a 600mm high boundary wall within which will be a 4.5 metre wide landscaped buffer above a cellular attenuation tank.

The street view shown in 6.0 indicates the small trees in planters growing on the High Road frontage. These will require built-in irrigation and high levels of maintenance. The Packet Boat Lane frontage comprises a negligible 400mm planted strip against the front of the building. The D&AS describes this strip as defensible space, however, it is barely wide enough to support plant life and will provide no personal privacy or security to the occupants of the ground-floor bedrooms. The footway in this location is only 1.6 metres in width which will force pedestrians passing by to be extremely close to these groundfloor windows.

To the rear, the west boundary will be dominated by free-standing bin and bike storage, with an indicative area of hard and soft landscaped amenity space in the rear courtyard at ground level. The communal space will need to be well-designed, managed and maintained to provide an accessible and attractive landscaped area for use by the inhabitants.

Green roofs are to be installed on the bin / bike store roofs, and on the first floor level and at 4th and 5th floor levels. At 7.3 an Urban Greening Factor of 0.352 is stated. This figure falls slightly below the GLA target of 0.4 for residential schemes. It is not possible to review the calculations because there is no diagrammatic plan, showing the surface cover types, as recommended in then London Plan Guidance on the UGF.

The main concern is the lack of privacy and defensible space in front of the bedroom windows fronting onto Packet Boat Lane. This issue needs to be addressed. Otherwise, the scheme will require a high quality landscape layout and detailed design. If you are minded to approve the application details should be secured through conditions RES9 (parts 1,2,3,4,5 and 6).

URBAN DESIGN AND CONSERVATION OFFICER (11-10-21): The Paddington Packet Boat Public

House is an historically and architecturally interesting building located on the corner of Packet Boat Lane and the High Road and is a notable landmark in the area for its prominent location and its historic character in an area characterised by twentieth century development.

The Victoria County History of Middlesex (1962) states that the public house was first licensed in 1804 in connection with the development of the opening of the Paddington arm of the Grand Union Canal which opened in July 1801. Soon after its opening the Grand Junction Canal Company began a passenger boat service from the Paddington Basin up to Cowley where a dock was built to receive the boats. This still survives just to the west of the public house along Packet Boat Lane.

The building is two-storeys in height with gabled cross wings at either end with a further gabled bay added to the west end. The elevations are white washed brick and the roof is finished in slate with the gable ends having distinctive decorative barge boards.

The public house survives along with the name of Packet Boat Lane, the canal bridge, the cottages on the west side (now The Waters Edge) and the bridge and dock at Cowley. Together these all form an historic group of structures that owe their construction to the development of the Grand Union Canal. All these are interlinked and represent an important part of the history of the area and in particular the period when the Packet Boats plied their trade between Paddington and Cowley.

To the north of the of the site lie two grade II listed buildings, The Old Cottage and Barnacre. The building also lies just to the east of the Cowley Lock Conservation Area.

The existing pub is situated on a prominent corner site on a bend in High Road and has a prominent presence within the streetscape terminating views looking southwards along High Road. The combination of its siting and the public house architecture contributes to the setting of the listed buildings to the north and to the historic architecture of the area. On the 26th November 2019 the Council received notification from Historic England confirming that the Secretary of State for Digital, Culture, Media and Sport had decided not to add the Paddington Packet Boat Public House to the Statutory List of Buildings of Special Architectural or Historic Interest due to its level of alteration.

The report, however, does acknowledge that the Paddington Packet Boat Public House is an historic building which makes a positive contribution to this part of Cowley, and is a visible reminder of the C19 packet boat trade. The name of the pub clearly references the packet boat service that operated from 1801 to 1830 on the nearby canal, providing a passenger service on horse-drawn barges from Paddington Basin to Uxbridge.

Despite the decision not to statutory list the public house it is still regarded as a non-designated heritage asset and this would need to be taken into consideration when determining a planning application along with the relevant policy.

The area surrounding the proposed development site comprise buildings of predominantly 1-4 storeys and has a strong suburban character to the north, south and eastern sides. To the western side towards the canal are low level light industrial buildings and a business park. The buildings are generally well spaced providing important townscape gaps so that development does not appear cramped and they benefit from verdant settings.

Where there are larger 4-storey buildings along High Road to the south of the public house they are set back from the road and are screened by a row of mature trees which help to reduce their visual impact and provide a verdant setting.

The demolition of the public house would be highly detrimental to the heritage of Cowley with the loss of a familiar landmark of local historic interest and a building of character which has occupied the site for over two hundred years.

If it can be demonstrated that the community benefits of a new development can outweigh the loss of the non designated heritage asset then the new development must still make a positive contribution to the streetscape and be of a high-quality design that is as good if not better than the building it is to replace. The heritage of the pub and its history on the site, however, could never be replaced and would be lost forever.

Notwithstanding the above concerns with the loss of the non designated heritage asset there are significant concerns with the design of the new student accommodation block which is not considered to be of a high-standard of design and would not respect or harmonise with the local context.

The public house is a relatively modest building that was designed and positioned on the site that was consummate to its function as a pub. If this building is lost and a new building type introduced, then this would need to be carefully sited to reflect the established building lines within the area as well as the verdant gaps between buildings whilst also addressing this prominent corner location.

The proposed student block is to be built up close to its boundaries creating a cramped form of development when compared to surrounding development. There is little articulation in the facade and the building appears quite 'flat' in appearance lacking the same level of richness in terms of modelling and detailed design as other buildings in the locality. The proposed block at four storeys with gable ends would also dwarf the two-storey terraced houses (Linden Terrace) directly to the southwest.

The resultant block would appear as a 'wall' of development particularly in views looking south along the High Road which would be seen in context with the listed buildings and would jar within the street scene. The development would be more suited to a town centre location where there is more intensive development.

The gables to the front facade appear contrived in an attempt to reflect some architectural elements within the area. They are insubstantial elements that do not correspond to the plant room, hipped gable supports and flat roofs that sit behind. The insubstantial nature of the gable ends and the eclectic and incoherent roof forms behind would cause harm to the street scene and would be clearly seen in a number of views from the neighbouring properties at the rear of the site as well as from the streets in oblique and kinetic views as one moves through the area.

The proposed building line sits too close to the street and provides little in the way of soft landscaping to soften the development in a manner that reflects the local area.

Where soft landscaping has been introduced it is insubstantial and has a temporary appearance in the form of small trees in planters. The 'defensible' space to the north, along Packet Boat Lane, is extremely narrow and insubstantial which would not provide any meaningful planting or provide an adequate defensible to the student units fronting directly onto the street.

An objection is therefore raised to the demolition of the non-designated heritage asset and the new student accommodation block.

There are two recent large-scale developments along Packet Boat Lane whose scale and design are regrettable and do not respect the predominant character of the area. These are, however, situated on larger sites and are set away from the High Road in less sensitive locations that are set back from Packet Boat Lane and are softened by landscaping or trees

URBAN DESIGN AND CONSERVATION OFFICER (19-07-22): These comments should be read in conjunction with the previous observations provided on the 11 October 2021 which sets out the site and surrounds of the development site in detail.

These comments relate to amendments received on 20/05/2022.

The footprint of the development has remained the same, however, the previously proposed four storey development with gables has been amended to a part 3 to part 5 storey flat roofed development with setback storeys to provide a 'stepped' arrangement that decreases in height from Packet Boat House to the west and Linden Terrace to the southeast. The height and bulk of the development has remained largely the same and still contains 61 units. Other noticeable changes are the removal of the loading bay along Packet Boat Lane and the increased defensible landscaping strip adjacent to the Resident's Lounge along Packet Boat Lane.

The amendments to the scheme have not overcome the previous design objections. The development still occupies a considerable proportion of the overall site and creates a 'wall' of development on this prominent corner location the height and bulk, form and white cladding 'roofing' materials of which would jar within the street scene. Furthermore, the property is still set back only marginally from the highway and significantly further forward than other properties on both sides of the adjacent roads (Packet Boat Lane and High Road).

The development would appear in stark contrast to the prevailing urban grain of the area. As a result, the proposal would result in particularly dominant and incongruous addition to the street scene which is exacerbated further by the developments prominent location on a corner site which can be seen in longer vistas and kinetic views as one moves through the area. In particular the views looking southwards along High Road are particularly sensitive where the development would be seen in the context of listed buildings and other modest one and two-storey residential properties.

As previously stated, the properties and their spacing give the area a pleasant and open verdant suburban, character. The development does not respect these qualities and would be more suited to a town centre location with buildings of a more comparable height and bulk etc.

The proposed building line sits too close to the street and provides little in the way of soft landscaping to soften the development in a manner that reflects the local area. Although the defensible landscaping strip adjacent to the Resident's Lounge along Packet Boat Lane has been increased it is still not reflective of the area. The incorporation of trees so close to the building is questioned and is unlikely to be a realistic proposal as it would block light into the units. The landscaping along the north-eastern edge fronting onto High Road has not changed and still introduces landscaping of a temporary nature in the form of small trees in planters.

Moreover, the proposal would result in the complete loss of the existing building. Whilst the property is not listed nor in a conservation area, paragraph 203 of the National Planning Policy Framework (the Framework) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly 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. Annex 2 of the Framework defines a heritage asset as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In 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. Whilst the Planning Practice Guidance states that, ideally, the significance of buildings should be judged against published criteria which may be generated as part of the process of producing a local list, it does not necessarily preclude the identification of such assets which are not part of a local listing.

The Paddington Packet Boat is not currently on the Council's local list of historic buildings. However, the building has been identified as a non-designated heritage asset as part of the decision-making process on a series of applications that date back to 2018.

The proposal would result in loss of a non-designated heritage asset of significant historic, architectural and social value. The proposal would have a harmful effect on the character and appearance of the area. Consequently, the proposal would conflict with Policies BE1 and HE1 of the Hillingdon Local Plan: Part 1 Strategic Policies which state that all new development should improve and maintain the quality of the built environment and that the Council will conserve and enhance the wider historic landscape. It would also conflict with Policies DMHB1, DMHB11 of the Hillingdon Unitary Development Plan which state that development should harmonise with the street scene and complement the character of the area. An objection is therefore still raised to the demolition of the non-designated heritage asset and the proposed new student accommodation block development.

WASTE SERVICES OFFICER (15-11-21): Provisions to ensure that the loading bay is kept free of parked cars - if the bay is occupied at the time of collection collections will be missed. The door must open wide enough to fit the 1100 Litre bins through comfortably and there must be dropped kerbs in place to ensure that the crews can safely transport the container to the collection vehicle. Due to the councils health and safety policy, crews can only pull bulk bins 10 meters from the bin store to the collection vehicle. Residents should only carry their waste a maximum of 3 meters from their accommodation to the bin store.

The waste team recommend a 50/50 split of bins (4 of each bin) to ensure that there is no overfilling of bins - overfilling of bins may result in missed collections by the crews. Please ensure that there is sufficient space for the introduction of food waste recycling in the

future - All new developments must have sufficient space for a 240 Litre wheelie bin and the enclosed unit that will surround the bin.

WASTE SERVICES OFFICER (01-07-22): Waste storage and collection arrangements adequate, however containers should be made up of a 50/50 split of general waste and recycling containers, and provisions should be made for food waste collections from a 240-litre container.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Paragraph 119 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Policy GG2 of the London Plan (Making the best use of land) incorporates this requirement and states that to create successful sustainable mixed-use places that make the best use of land, those involved in planning and development must enable the development of brownfield land, particularly on sites within and on the edge of town centres, as well as utilising small sites wherever possible, in accordance with Policy H2 of the London Plan (Small sites).

Policy H1 of the London Plan (Increasing housing supply) sets the 10-year housing targets for each

London borough, and this places a 10-year housing completions target for the London Borough of Hillingdon of 10,830 homes (starting in 2019/20 and continuing through to 2028/29). This equates to an average completion target of 1,083 homes a year, although Policy H1 makes clear that some variations in yearly targets will be acceptable as long as the overall delivery strategy for new homes is not compromised, and should be considered in the context of a strategic London-wide target of 66,000 additional homes each year, which includes London's requirements for PBSA.

Policy H1 of the London Plan further sets out boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites, especially for sites with existing or planned public transport access levels (PTALs) 3-6, or sites which are located within 800m of a station or town centre boundary. PTALs are determined by a range of factors affecting accessibility to public transport, and are scored from 0-6b, where 0 is the worst and 6b is the best.

Policy H15 of the London Plan (Purpose-built student accommodation) sets out that boroughs should ensure that local and strategic needs for student accommodation are addressed, provided that developments for PBSA contribute to a mixed and inclusive neighbourhood, are secured for use by students in higher education (either through a nominations agreement with one or more higher education provider (e.g. Brunel University) and the maximum number of rooms are secured as affordable accommodation.

The supporting text to Policy H15 sets out that there is a strategic target of 3,500 PBSA bed spaces to be provided annually, recognising that the significant

contribution higher education providers make to London's economy and labour market should not be undermined by inadequate provision for new student accommodation. It should be noted that London's annual strategic target is not broken down by borough (as housing targets are), but the supporting text to Policy H1 of the London Plan states that accommodation for students should count towards meeting housing targets on the basis of a 2.5:1 ratio, with two and a half bedrooms/units being counted as a single home, which is based on the amount of self-contained housing that PBSA would free up.

However, whilst there is general support for new student accommodation across London as described by Policy H15, Policy HC7 of the London Plan (Protecting public houses) states that boroughs should protect public houses where they have a heritage, economic, social or cultural value to local communities, and applications which propose the loss of a public house with value to the local community should be refused unless marketing evidence demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future.

The supporting text to Policy HC7 sets out that pubs are often popular because of their intrinsic character, which is often derived from their architecture, fittings, their long-standing use as a public house, their history, their ties to local sports and other societies, or simply their role as a meeting place for the local community. When assessing whether a pub has heritage, cultural, economic or social value, consideration should be given to a broad range of characteristics, including whether the pub is a locally or statutorily-listed building or in a Conservation Area, or makes a positive contribution to the night-time economy or local community through the provision of entertainment, events or music, or operates or is closely associated with a sports club or team or has rooms or areas for hire.

To demonstrate authoritative marketing evidence, it must be shown clearly that all reasonable measures have been taken to market the pub to other potential operators, having been marketed as a pub for at least 24 months at an agreed price following an independent valuation, and in a condition that allows the property to continue functioning as a pub once sold.

Additionally, as some public houses are considered to act as community hubs, they are also offered protection by Policy S1 of the London Plan (Developing London's social infrastructure), which states that proposals should seek to make the best use of land (in accordance with the principles of Policy GG2), through the co-location of different forms of social infrastructure and the rationalisation or sharing of facilities, whilst redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered.

At a borough-level, Policy CI1 of the Hillingdon local Plan: Strategic Policies (Community Infrastructure Provision) sets out that community and social infrastructure which caters for the needs of the existing community and future populations should be encouraged, which includes supporting the retention and enhancement of existing community facilities whilst resisting their loss. Where the loss of community facilities is justified, the council will seek to ensure that the resulting development compensates these uses to ensure there is no net loss.

Furthermore, Policy DMCI 1 of the Hillingdon Local Plan: Development Management Policies (Retention of Existing and Community Facilities) states that proposals which result in the loss of existing community facilities will only be allowed if the specific use is no longer required on-site, the activities carried out are inconsistent with the surrounding area and cannot be made consistent, and the redevelopment of the site would secure an over-riding public benefit. If the specific use is no longer required on-site, the applicant must demonstrate, with evidence, that the proposal would not

lead to a shortfall in provision for the specific use within the local catchment area, there is either no demand or that the site is no longer appropriate for social infrastructure uses, and any replacement facilities for the specific use provides a level of accessibility and standard of provision at least equal to that of the facility which would be lost. In practice, this means marketing evidence should be submitted to establish a lack of demand, by showing that the site has been offered at a reasonable charge to appropriate user groups. Alternatively, clear and robust evidence should be provided that the site is no longer appropriate for social infrastructure uses.

The existing pub has been vacant since its closure in 2018, and in accordance with the Policy HC7 of the London Plan, it is considered that the pub has some cultural or social value to the local community, and its historic value is recognised through its proposed inclusion on the local heritage list. Clearly, as a vacant site, the pub is not making a positive contribution to the night-time economy or local community, however it is recognised that the public house had operated on the site for nearly 200 years prior to its closure, and the pub is therefore likely to have sentimental value to local people, in particular the residents of Cowley and Yiewsley.

Consequently, it is considered that marketing evidence for at least a period of 24 months is required to satisfy the requirements of Policy HC7 of the London Plan; to demonstrate that there is no realistic prospect of the building being used as a pub in the foreseeable future. Additionally, as public houses are also considered to serve a community role, marketing evidence should also demonstrate that the site has been offered at a reasonable charge to appropriate community user groups, to comply with Policy DMCI 1 of the Hillingdon Local Plan, and this evidence must also show that there is either no demand for community uses on the site or that the site is no longer appropriate for social infrastructure uses. It therefore follows that the marketing evidence must simultaneously demonstrate compliance with both Policy HC7 and DMCI 1 of the London Plan and Hillingdon Local Plan respectively, and should seek to show that the site has been marketed as a pub first, and then as an alternative community use second.

The Marketing Report (August 2021) makes a number of assertions which are queried, specifically regarding the state of the existing building (both internally and externally), but in broad terms sets out that the pub was operating at a loss prior to its closure, and following its closure in 2018, the building condition deteriorated and the subsequent years of vacancy have left the property in a poor state. As such, the Marketing Report concludes that "any ingoing commercial operator would require significant capital expenditure to bring the property up to a condition ready for their fit out". Whilst the poor condition of the pub means that the requirements of Policy HC7 cannot be met (as the pub should be in a condition that allows the property to continue functioning as a pub if sold), it is recognised that the applicant purchased the property after its closure, and were not responsible for maintaining its condition prior to this. Nevertheless, the poor condition of the pub slightly undermines the marketing efforts, especially noting that several potential purchasers withdrew their interest at least in part because of the price requested, which was deemed too high. The August 2021 Marketing Report set out that marketing of the site has been ongoing periodically since April 2018, when the pub was operated by Fuller's, before being sold in September 2018 to the applicant. Since the applicant has owned the site, it was marketed by Telsar between September 2019 and April 2021, and then by CDG Leisure between May 2021 - present, which significantly exceeds the minimum 24-month advertising period.

The marketing evidence demonstrates that whilst there has been considerable interest in the site, either the asking price was too high, the location was undesirable, or the interest did not come from a potential pub operator, with only one of the 54 enquiries received by Telsar, and two of the 80 received overall, being from a pub operator. It is difficult to ascertain exactly what the asking price for the site was, which is stated as being £1.6 million within the August 2021 Marketing Report, but was known to have been marketed at last for part of its sale period as £2.2 million and at other times as 'price on application' offers. Additionally, as noted by the Council's Planning Policy Officer, it is difficult to know how to implement the requirement for the pub to be marketed in a condition that allows it to continue functioning as a pub, if, as in this case, the pub was purchased in a poor condition and has remained vacant for three years following its purchase and is therefore likely to have further degraded slightly. Taking a practical view, it is therefore considered that the poor condition of the site should not necessarily form a reason for refusing the submitted marketing evidence, but instead should be reflected in the asking price for the site.

Following discussions between the local planning authority and the applicant, it was agreed that the initial asking price had been for £2.2 million (including in October 2020), which was excessive and failed to reflect the site's location, condition or use, and was likely acting as barrier to genuine interest. The advertising price was subsequently lowered to £1.6 million, however this still failed to garner any meaningful interest from pub operators, who on the whole felt that the amount of work required to bring the building up to the standard of a commercially trading pub would not represent a sufficient return on investment, with relatively high risk.

Updates to the Marketing Report have been submitted by CDG Leisure (dated 13-12-21 and 20-07-21) which reiterate this position, which demonstrates there is little meaningful interest in a prospective pub operator purchasing the site. On this basis, it is considered that the requirements of Policy HC7, to allow the loss of a pub use, have been met and there is little meaningful chance of the site being used as a pub in the foreseeable future.

However, as set out above, to comply with Policy DMCI 1 of the Hillingdon Local Plan the proposal must also demonstrate that the specific use is no longer required on-site, and if this can be shown, the applicant must then demonstrate, with evidence, that the proposal would not lead to a shortfall in provision for that specific use within the local catchment area, or that there is no demand, or that the site is no longer appropriate for social infrastructure uses.

The submitted marketing evidence partially satisfies the requirements of Policy DMCI 1, in that it demonstrates there is little interest in continuing to use the site as a pub, and it is considered that the loss of this one pub would not lead to a shortfall in the area. In this regard it is noted that the application site is approximately 100m from the WatersEdge in Cowley, there are three pubs to the North (The Malt Shovel, The 3 Steps and The Crown) which are approximately 1km away, and the site is also within walking distance of Yiewsley/West Drayton Town Centre which contains additional public houses, including the George & Dragon which is approximately 1km away.

Part (ii) of Policy DMCI 1 states that the loss of a community facility would be allowed if there is no demand for another suitable social infrastructure use on-site (which has been demonstrated through marketing evidence), or that the site is no longer appropriate for social infrastructure uses. This second clause of Part (ii) of Policy DMCI 1 has not been demonstrated, as the site could likely accommodate an alternative social use in an acceptable manner, however the lack of demand shown

through the marketing period for alternative community uses shows that, on balance, Part (A) of Policy DMCI 1 has been complied with.

After considering whether the loss of the pub use on the site would be acceptable, it is further important to consider whether the proposed student accommodation would be an acceptable land use appropriate for this location, having regard to Policies GG2, H1 and H15 of the London Plan, whilst also being mindful of Part (C) of Policy DMCI 1 of the Hillingdon Local Plan, which requires the re-development of community facilities into other uses to provide an over-riding public benefit.

The need for new housing across all of London is established by Policy H1 of the London Plan, which sets a strategic London-wide target of 66,000 additional homes each year, which includes London's requirements for PBSA. Policy H15 of the London Plan further sets out that there is a strategic target of 3,500 PBSA bed spaces to be provided annually, recognising the significant contribution higher education providers make to London's economy and labour market, which should not be undermined by inadequate provision of new student accommodation. Whilst it should be noted that London's annual strategic target for PBSA is not broken down by borough (as housing targets are), counting student accommodation at a ratio of 2.5:1 (with two and a half bedrooms being counted as a single home), the proposed 61-bedroom student block would have the effect of contributing the equivalent of 24 homes towards Hillingdon's housing targets, or freeing up 24 homes which would otherwise be used as HMOs by students.

In this regard, it is recognised that the areas around Brunel University and Uxbridge are protected from conversion from family-accommodation to HMOs through the imposition of an Article 4 Direction (which removes permitted development rights for conversions) and which was specifically brought in due to the concerns of over-concentrations of HMOs in a small area. This therefore demonstrates that some PBSA is required within the borough, to ensure that students are still provided for, given that the borough generally resists the other main source of off-campus student accommodation (HMOs).

It is indicated in the submissions that the developer would enter into a nominations agreement with Brunel University, located approximately 20 minutes' walk away, which is the main higher education provider for students living within the London Borough of Hillingdon. Brunel University have indicated that they would be interested in using the proposed accommodation for students, and that they would be happy to sign up to a nominations agreement, subject to the site securing planning permission. This requirement to enter into a nominations agreement would be secured as a planning obligation within a legal agreement, if permission is granted, which would safeguard the use of the building for students only, in perpetuity.

Policy H15 also requires new PBSA to be located in locations well-connected to local services by walking, cycling and public transport. Whilst the PTAL of the site is very low (1b), this does not in itself indicate that the site is in an unsustainable location, noting its specific intended use for students, who would predominantly travel to and from Brunel University, which would be approximately 20 minute's walk away and approximately 5 minutes' away on a bike. The site would also be served by two local parades and regular bus services to both Uxbridge and Yiewsley/West Drayton town centres, the latter of which is served by a Crossrail Station providing good access to West and Central London beyond.

It is further of relevance that the proposal includes a policy-compliant level of affordable student accommodation (35%), which would be secured as an obligation within the legal agreement, which equates to the provision of 22 affordable student rooms. This level of affordable student accommodation is considered to weigh very

heavily in support of the proposal, and represents an over-riding public benefit which would support the loss of the existing use, noting that the current application is the first PBSA application within the borough since the adoption of the London Plan. It should be noted in this regard that the initial affordable housing offer of 0% was considered wholly unacceptable by the local planning authority, and if anything less than 35% on-site affordable student accommodation were provided, then the scheme would likely be unacceptable in the planning balance.

As such, taking into account the requirements of Policy HC7 and DMCI 1 of the London Plan and Hillingdon Local Plan respectively, it is considered that the loss of the existing pub as a land use and as a community facility is acceptable and has been justified as acceptable through the submission of marketing evidence.

Moreover, having regard to Policies GG2, H1 and H15 of the London Plan, it is considered that the proposal accords with the overall intentions of the London Plan and Hillingdon Local Plan in optimising the delivery of new places for people to live from brownfield sites in sustainable locations, and maximising the delivery of affordable accommodation within the borough.

7.02 Density of the proposed development

Residential density is not relevant to purpose-built student accommodation.

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

In accordance with the council's statutory duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is necessary to have special regard to the desirability of preserving the setting of a listed building and to preserving or enhancing the character or appearance of a conservation area.

This requirement is borne out through the NPPF, which advises that where a proposed development would lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

The NPPF further advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Whether a proposal causes substantial harm will be a judgment for the decisionmaker, having regard to the circumstances of the case, relevant local policies and the consideration of the NPPF. Public benefits to offset this harm may follow from many developments and could be anything that delivers economic, social or environmental objectives, and public benefits should flow from the proposed development so that they are of a nature or scale to be of benefit to the public at large and not just of private benefit.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. The more important the asset, the greater the weight should be. As such, any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting), should require clear and convincing justification.

The NPPF further advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, and in 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.

As such, Policy HC1 of the London Plan (Heritage conservation and growth) states that proposals affecting heritage assets and their settings, should conserve their significance by being sympathetic to the assets' significance and appreciation within their surroundings. Proposals should also identify assets of archaeological significance and use this information to avoid or minimise harm through design and appropriate mitigation. Where applicable, development should make provision for the protection of significant archaeological assets and landscapes.

In this regard, heritage 'significance' is defined as the archaeological, architectural, artistic or historic interest of a heritage asset. This may be represented in many ways, in an asset's visual attributes, such as form, materials, architectural detail, design and setting, or through historic associations between people and a place, and where relevant, the historic relationships between heritage assets.

Additionally, Policy HE1 of the Hillingdon Local Plan: Strategic Policies (Heritage) states that the council will conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape, which includes designated heritage assets such as statutorily listed buildings, Conservation Areas and Archaeological Priority Areas and further sets out that harm to the significance of non-designated heritage assets (recognised at a local level) such as Areas of Special Local Character and locally listed buildings will also be resisted.

In this regard, Policy DMHB 1 of the Hillingdon Local Plan: Development Management Policies (Heritage Assets) states that proposals are expected to avoid harm to the historic environment, and proposals which result in harm will only be allowed if it brings an asset back into viable use, it would provide public benefit that would outweigh the harm or loss, and the proposal would relate appropriately in terms of siting, style, scale, massing, height, design and materials.

Policy DMHB 2 of the Hillingdon Local Plan: Development Management Policies (Listed Buildings) states that planning permission will not be granted for proposals which are considered detrimental to the setting of a listed building, whilst Policy DMHB 3 of the Hillingdon Local Plan: Development Management Policies (Locally Listed Buildings) sets out that there is a general presumption in favour of the retention of buildings, structures and features included on the Local List.

The proposed development, as a result of its scale and siting on a prominent corner, has the potential to impact the setting of Barnacre, a Grade II listed 17th century house approximately 50 metres to the north and the Old Cottage, a Grade II listed medieval cottage approximately 80 metres to the north. Other designated heritage assets potentially affected are the Cowley Lock Conservation Area, approximately 150 metres to the west and the Colne Valley Archaeological Priority Zone. The proposal would further result in the total loss of the Paddington Packet Boat Public House, a non-designated heritage asset.

Barnacre is a two-storey (plus attic) house which benefits from natural screening from established trees along the southern and western boundary, meaning that despite their proximity, there is almost no visual connection between Barnacre and the application site. As such, it is considered that the proposal would have no impact on the significance of Barnacre or its setting, which appears to stem from the building's largely unaltered appearance and age, dating from the 17th century, and its spacious setting within its plot.

The Old Cottage is a two-storey late medieval cottage built in the Wealden style. Wealden-style houses are characterised by having an open hall in the centre, flanked on either side by multifloored rooms, all under a single roof, and which commonly

have a jettied front or side (where the upper floors hang over the lower floors). The significance of the Old Cottage is largely a result of its age, unique appearance and detailed historic design features, including the extensive use of timber. The proposed development is likely to have some impact on the setting of The Old Cottage, as they would be visible together in views from the north along the High Road, however this impact would be less than substantial and very minor. This is because the setting of The Old Cottage already includes a fairly high level of more modern developments, and therefore the significance of the

listed building does not stem from the spaciousness or absence of built form.

Notwithstanding this, due to its size and siting at a prominent location, views from the north would be affected to a small degree.

The Cowley Lock Conservation Area lies approximately 150 metres to the west, and stretches from the Grand Union Canal in the east to the River Colne in the west, and from Packet Boat Lane in the south to Iver Lane in the north, including Little Britain.

The Conservation Area is centred on Old Mill Lane and the section of the Grand Union Canal around Cowley Lock and to its south. The canal is set lower than the surrounding houses, and the conservation area and application site do not share a visual connection, due to the 20th and 21st century developments that already exist on the eastern side of the canal. As such, the proposal would have no impact on the setting of the Cowley Lock Conservation Area.

The application site also falls within the Colne Valley Archaeological Priority Area, however the Greater London Archaeological Advisory Service have provided comments and confirmed that because the development site is small in scale and is likely to have been previously disturbed during the construction of structures during the 20th century, no harm is likely.

In addition to the designated heritage assets discussed above, the building itself is considered to be a non-designated heritage asset. The existing pub is situated on a prominent corner sited on a bend in the High Road and has a visual presence within the streetscape, terminating views looking southwards. The combination of its siting and the public house architecture, along with a likely historic association with the Paddington arm of the Grand Union Canal, give the building its significance.

This consideration follows an unsuccessful attempt to see the building nationally listed, for which the Council received notification from Historic England on the 26th November 2019 confirming that the Paddington Packet Boat Public House would not be added to the Statutory List of Buildings of Special Architectural or Historic Interest due to its level of alteration. In this regard, Historic England guidance explains that most public houses built prior to 1850 surviving in anything like their original form will be listable and the crucial consideration is whether enough of the original fabric of special interest for designation has survived to warrant listing.

In this instance, whilst it was agreed that a pub has operated from the site since the late 18th or early 19th century (likely 1804), and there is an element of historic interest with regard to the association with the packet boat service, Historic England concluded that because the precise details of this connection are not known and the building, at least in its current altered form, does not afford a strong connection with this aspect of history, the historic rationale for listing is not warranted. Historic England further stated that the introduction of a new facade, internal reordering and the loss of historic fabric and fixtures, together with extensions in the 19th and 20th centuries, means that a significant proportion of the earlier building has been significantly altered, to the extent that the building has the character of a mid to late 19th century pub rather than an early 19th century pub, and therefore the building's architectural interest does not warrant listing.

However, despite concluding that the building did not warrant listing for either its historical or architectural interest (or a combination of the two), the report produced by Historic England acknowledges the positive contribution the building makes to this part of Cowley as a visible reminder of the packet boat trade.

The proposed development would result in the total loss of the building, and therefore result in the total loss of the non-designated historical asset, for which the NPPF advises that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this regard it is important to note that unlike a nationally listed building, there is no statutory duty to preserve a locally listed building or other non-designated heritage assets, or their settings and the weight given to its retention or preservation, as a matter of fact, should be lower than for a nationally listed building when weighing up the planning balance of a proposal.

As discussed in greater detail above (Principle of Development) and below (Affordable and Special Needs Housing, Planning Obligations), the proposed development would make effective use of a brownfield site, in accordance with the principles of Policy GG2, H1 and H15 of the London Plan, re-using a vacant and underutilised site to provide purpose-built student accommodation, for which there is an established need across London and within the borough. In this regard, the site has sat vacant since its closure in 2018, with a lack of meaningful interest from prospective pub operators to take over the site in its current use, and, in the view of the local planning authority, there is little realistic prospect of the building being used as a pub in the foreseeable future.

Furthermore, the proposal includes a policy-compliant level of affordable student accommodation, equivalent to 22 rooms, which is afforded significant weight in the planning balance, noting that this fixes rents below market levels to help ensure that students from all social backgrounds can afford to attend university, thereby promoting social cohesion and providing a direct benefit to the borough's communities.

As such, in accordance with the council's statutory duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and requirements under the NPPF, it is considered that the proposal would have a less than substantial impact on the setting of the Grade II listed Old Cottage, slightly infringing on the ability to appreciate the Old Cottage in views south along the High Road because of the scale and prominent siting of the proposed development. However this harm is very minor and would not affect the significance of the listing, and is considered to be outweighed by the benefits of the proposal.

The scheme would further result in the total loss of significance of the non-designated heritage asset (following its demolition), which has local historic value because of the perceived connection with the historic packet boat service, however because of significant and steady alterations to the building (both internally and externally) throughout the 19th and 20th centuries, the building is only considered to have moderate historic and architectural significance. The social value of the existing pub is difficult to quantify, not least because it has remained vacant for four years, but also because the previous operator found the pub to be financially unviable, which indicates to some extent that the operational pub was not integral to the community, especially with a number of other public houses within walking distance. In accordance with the NPPF in relation to non-designated heritage assets, having regard to the scale of any harm or loss (in this case total loss) and the significance of the heritage asset (in this case moderate historical and architectural significance), which should be considered against the benefits of redeveloping an under-utilised

brownfield site with a high proportion of affordable accommodation, the proposed benefits of the proposal are considered to outweigh the harm to the non-designated heritage asset, and the proposed loss of the building is considered acceptable on this basis.

7.04 Airport safeguarding

Policy DMAV 1 of the Hillingdon Local Plan: Development Management Policies (Safe Operation of Airports) sets out that the council will support the continued safe operation of Heathrow Airport and RAF Northolt and will consult with the airport operator on proposals in the safeguarded areas. In this instance, the requirement to consult on airport safeguarding is for any proposal exceeding 15 metres high. Both Heathrow Safeguarding and NATS have been consulted on the application and have confirmed they have no objections to the proposal. In any event, a condition requiring details of cranes to be used during construction, together with details of rooftop landscaping to ensure it does not attract birds which would be hazardous to aircraft will be included in the decision notice.

7.05 Impact on the green belt

The proposed development would have no impact on the Green Belt or Metropolitan Open Land.

7.07 Impact on the character & appearance of the area

Policy D3 of the London Plan states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites.

Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site whilst the design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, including existing and planned supporting infrastructure capacity.

As such, proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape with due regard to building types, forms, proportions and the street hierarchy.

Proposals should further encourage and facilitate active travel with convenient and inclusive pedestrian and cycling routes, crossing points, cycle parking, and legible entrances to buildings that are aligned with peoples' movement patterns and desire lines in the area, be street-based with clearly defined public and private environments, and facilitate efficient servicing and maintenance of buildings and the public realm that minimise negative impacts on the environment, public realm and vulnerable road users.

At a borough level, Policy BE1 of the Hillingdon Local Plan: Strategic Policies (Built Environment) sets out that, in order to create successful and sustainable neighbourhoods, new development (including new buildings, alterations and extensions) should be of a high quality design which enhances the local distinctiveness of the area and contributes to a sense of place. As such. Proposals should be designed to be appropriate to the context of Hillingdon's buildings, townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials. In addition, proposals should not result in the inappropriate development of gardens and green spaces as this could

lead to the erosion of the character and biodiversity of suburban areas and increase the risk of flooding through the loss of permeable areas.

Additionally, Policy DMHB 11 of the Hillingdon Local Plan: Development Management Policies (Design of New Development) requires all developments, including extensions and new buildings, to be designed to the highest standards by harmonising with the local context in terms of its scale, height, mass and bulk in comparison to adjacent structures, together with building plot sizes, plot coverage and the established street patterns.

At present, the existing building sits at the very front of the plot, with a large area of hardstanding to

the rear which used to function as a garden and car parking area for the pub. It has a fairly traditional design with some architecturally interesting features such as the ground floor bay windows, decorative barge boards (now removed) and window surrounds, which when coupled with the large gable ends and corner siting gives the building a sense of prominence in the streetscape. The existing building, having been vacant since 2018, is in some state of disrepair and in this regard there appear to be numerous holes in the roof and there has been little, if any, attempt to maintain the building in good condition. Nonetheless, the building is considered to make a positive contribution to the appearance of the streetscene.

The proposed development, which would result in the total loss of the existing building and would introduce a part-three, four and five-storey block of purpose-built student accommodation (PBSA) comprising of 61 studio rooms. The proposed building would be laid out in an 'L' shape, with its two main elevations facing towards Packet Boat Lane and High Road, and with the proposed entrance positioned at the corner, facing towards the junction, in the most visibly prominent location. The height of the proposed building would vary across the site, stepping up northwards from three to four storeys facing the High Road, and stepping up westwards from four to five storeys facing Packet Boat Lane, so that the building as a whole is seen as gradually increasing (left-to-right) when viewing the proposal from the north, along the most prominent vista provided by the High Road.

In addition to the proposed courtyard at the rear, soft landscaping is proposed across the frontage, indicatively shown as small potted trees and low shrubs, alongside three motorbike spaces adjacent to the entrance and a wheelchair accessible parking space facing Packet Boat Lane.

It is noted that comments from the Urban Design Officer raise concerns with the design of proposed building. Specifically, concerns were raised (in addition to the loss of the non-designated heritage asset) that the revised proposal was of an inappropriate height and bulk, is too close to the site boundaries and would fail to maintain townscape gaps whilst covering too much of the site, leading to dominant form of development.

In this regard, the current proposal has been significantly reduced in both scale and mass compared to previous applications (and compared to the original submission for this application), and has undergone a series of design evolutions to determine the optimal capacity for the site, whilst maintaining a viability position to offer 35% affordable accommodation. The scale of the proposed building, at its highest point, would be smaller than the immediately adjacent building (to the south) and the design has sought to respond to the different scale of buildings locally.

Having regard to its context and the need to make the most efficient use of land, it is considered that the scale of the proposed building is broadly acceptable, seeking to appear as a transitional building from the lower scale properties on Linden Terrace (two-storeys) to the larger scale newbuild flatted developments on Packet Boat Lane

(five-storeys). In this respect, it is recognised that the surrounding area has undergone a fairly significant level of change over the past 5-10 years, with higher-density flatted developments introduced in areas which were typically characterised by lower scale traditional detached, semi-detached and terraced housing. The proposed design has sought to respond to these different contexts and is considered to reflect a legible transition in scale which allows the 'High Road' elevation and the 'Packet Boat Lane' elevation to be read as one continuous facade which wraps around the corner, gradually increasing in height.

The stepped design, with the top floor set back and articulated with a contrasting lighter material further reduces the perception of bulk and gives the building a human scale, in addition to the use of soldier courses to define the base of the building and the parapets.

Moreover, the proposed layout is considered to be the most sensible use of the land for a corner plot, seeking to address both the High Road and Packet Boat Lane, without turning its back on either. This layout further allows for a partially enclosed amenity area to the rear, which as well as supporting a good quality of accommodation, ensures that the redevelopment increases greening across the site (currently hardstanding) and allows the scheme to make a minor contribution to the pleasant suburban character.

As is shown on the Proposed Site Plan (Drawing No. xxxxx with the outline of the existing pub shown in dashed red), the current proposal would be set significantly further back from the road than the existing building, allowing for a much more generous area of soft landscaping to the front and an increased width of pavement for pedestrians. This is of added benefit because an existing pedestrian 'pinch point' at the corner of the existing building can be removed and the pavement widened out and adopted to create a new area of public pavement to connect through with the residential development to the south (and the industrial land behind), thereby improving public safety and connectivity. As such, whilst the comments from the Urban Design Officer are noted, it is considered that the proposal would be appropriately spaced, with sufficient gaps between the sides of the building and the edge of the site to maintain similar townscape views to existing conditions, whilst the soft landscaping to the front and rear significantly soften the impact of the increase in built form.

The proposed materials are further considered to be acceptable, appearing as a slightly more contemporary building than the existing houses in the area, but would be in keeping with the materials of the more recent modern developments.

Replicating the existing materials (widespread use of render) would not be appropriate for the replacement building as this would not allow for detailed design features to reduce its perceived scale and would likely result in a much more dominant form of development.

As such, it is considered that the proposal is acceptable in design terms, and would generally comply with Policy D3 of the London Plan, Policy BE1 of the Hillingdon Local Plan: Strategic Policies and Policy DMHB 11 of the Hillingdon Local Plan: Development Management Policies.

7.08 Impact on neighbours

Policy DMHB 11 of the Hillingdon Local Plan: Development Management Policies and Policy BE1 of the Hillingdon Local Plan: Strategic Policies both seek to ensure that new development does not adversely impact on the residential amenity of neighbouring properties.

Furthermore, the Mayor's Housing SPG sets out that proposals should limit the harm to neighbouring properties, whilst recognising that to comply with policies seeking the optimal use of land, some development proposals may be allowed even where harm has been identified.

IMPACTS ON NATURAL LIGHT AND OUTLOOK

When assessing impacts related to the loss of natural light, the Mayor's Housing SPG advises that avoiding harm to habitable rooms is the priority, which are usually defined as any room used or intended to be used for sleeping, cooking, living or eating purposes. Enclosed spaces such as bathrooms or toilet facilities, service rooms, corridors, laundries, hallways, utility rooms or similar spaces are excluded from this definition of habitable rooms.

A standardised method of assessment for calculating the level of impact to neighbouring buildings is prescribed within the BRE's guide to good practice, titled 'Site Layout Planning for Daylight and Sunlight' (June 2022). This guidance document discusses various methods of assessing a proposals impact on access to natural light, and sets out a number of thresholds which, if exceeded, would probably have a noticeable impact on natural light to neighbouring properties.

Broadly, BRE guidance recommends that an assessment considers the likely significant effects to daylight for neighbouring buildings in terms of Vertical Sky Component (VSC), Daylight Distribution (DD) (often referred to as No-Sky Line). An assessment of sunlight should also be undertaken in relation to neighbouring buildings in terms of Average Probable Sunlight Hours (APSH) alongside an assessment of overshadowing.

VSC is a measure of the amount of sky visible from the midpoint of a window, where the area of visible sky is expressed as a percentage of an unobstructed hemisphere of sky. This percentage therefore represents the amount of daylight available for that particular window, and BRE guidance recommends that a VSC of 27% should be maintained, however, this is not always achievable in dense urban environments. In addition to the amount of sky visible, Relative VSC (rVSC) is a measure of the reduction of visible daylight, and BRE guidance recommends that a development proposal would have a negligible impact if the reduction in rVSC is between 0 - 20%, would have minor significance if the reduction is between 21 - 30%, would have moderate significance if the reduction is between 31 - 40% and would have substantial significance if the reduction is above 40%.

Where a proposal would lead to harm of any significance, a No-Sky Line assessment should be carried out. This assessment divides those areas of the working plane (850mm above floor level) which can receive direct skylight, from those which cannot. A room may be adversely affected if, following development, the area of the working plane that can receive direct skylight is less than 0.8 times its former value. In support of the application, a Daylight and Sunlight Report (dated June 2022), followed by a Daylight and Sunlight Supplementary Statement (No. 2) (September 2022), have been submitted, which assess the impact of the proposal on neighbours' access to natural light. These reports have been updated to reflect the latest BRE guidance (June 2022) and are considered to reflect good practice in their methodology and approach to the assessments, with the exception of the mirror massing which is not based on detailed assessments.

These reports have been reviewed by Avison Young, acting as an independent advisor to the local planning authority, who consider that the daylight and sunlight impacts on neighbours are considered to be acceptable based upon the high overall level of compliance with BRE targets. The submitted report assesses the impacts on the residential properties at 1-6 Packet Boat Lane (to the north-west), Packet Boat

House (to the south-west), 4 Linden Terrace (to the south-east) and 3-6 High Road (to the north-east).

All of the windows serving habitable rooms assessed meet the BRE guidelines for VSC, DD and APSH, and the proposal would not have a noticeable impact on the vast majority of windows, apart from four windows within Packet Boat House; two at ground floor level serving Flat 10 and two at first floor level serving Flat 21 (based on the approved layouts for application reference

20545/APP/2012/2848), all facing east. As both of these flats have the same internal layout, the impacts on the affected windows are similar, with one east-facing window for each flat serving a bedroom (as the sole window) and the other serving the main living area (as one of two windows, the other facing south). The impacts on three of these windows would be substantial (VSCs of 0.16, 0.34 and 0.56 of their former values) whilst the impacts on one of the first floor window would be moderate (0.61 of its former value).

The DD analysis demonstrates that whilst the windows serving the LKDs would be substantially affected, the LKD itself would retain a good level of diffuse daylight, largely as a result of the second south-facing window serving this living area. As the bedrooms within these flats are only served by one window, and these windows are substantially affected, there would be a noticeable loss of amenity in terms of daylight to these rooms. In the context of redeveloping a brownfield site in a built up area, this level of compliance with BRE guidance is considered to be relatively good, and whilst two habitable rooms within Packet Boat House to the west would be significantly affected, the affected flats as whole would still be relatively well lit as a result of their multiple aspects.

Additionally, the areas considered within the transient overshadowing exercise are the front garden amenity spaces of 1-6 Packet Boat Lane and 3-6 High Road. From a review of the site and surrounding area, all relevant amenity spaces appear to be included within the transient overshadowing assessment. Following development, these front gardens will likely experience greater shadow during the course of the day, however, these shadows will move quickly and consequently the gardens will experience no material overshadowing for the majority of the day.

It is further recognised that as a result of the increase in built form across the site, both in terms of height and coverage, there will to some extent be a loss of outlook from the front aspects of the properties on the opposite side of the High Road and Packet Boat Lane. This would not, however, lead to a significant loss of amenity because of the separation distances, recognising that these properties appear to benefit from multiples aspects in any event. Furthermore, it is considered that there would be no loss of outlook from Linden Terrace, and impacts on Packet Boat House would be minor.

As such, it is considered that the proposal would generally perform well against the BRE guidance in terms of its impact on neighbours' access to daylight and sunlight, and the proposal would not significantly impact neighbours' outlook, and the scheme complies with Policy DMHB 11 in this regard.

IMPACTS ON PRIVACY

The supporting text to Policy DMHB 11 sets out that sufficient privacy for existing residents will be protected by resisting proposals which would introduce an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. To maintain existing levels of privacy, a minimum separation distance of 21 metres between facing habitable room windows of habitable rooms will normally be required, and in some locations, for example where there is a significant difference in ground levels between dwellings, a

greater separation distance may be necessary. Moreover, new development proposals must carefully consider their layout and massing in order to ensure development does not result in a significantly increased sense of enclosure or loss of outlook.

All of the windows serving bedrooms within the proposed scheme would be at least 21 metres away from facing habitable windows within nearby properties. There is a balcony on the eastern elevation of Packet Boat House within 19 metres, however this would not lead to a significant loss of privacy. There would further be very limited opportunities of overlooking into neighbouring gardens, recognising that some level of mutual overlooking already exists between the surrounding houses.

As such, it is considered that the proposal would not have a significant impact on the privacy of nearby residential properties and generally complies with Policy DMHB 11 in this regard.

7.09 Living conditions for future occupiers

Whilst there are no minimum internal space standards or minimum amenity space standards for student accommodation, Policy H15 of the London Plan states that PBSA should provide adequate function living space using a sensible layout. The studio rooms proposed within the scheme range from 15.8 to 19.8 sqm, which are considered to be relatively typical of studio student accommodation across London, including similarly-sized rooms offered by Brunel University on campus. The accessible rooms are larger, ranging from 23.3 to 30.1 sqm.

It is further considered that the layout of each room would allow for students needs to be catered individually, with the provision of a bed, en-suite bathroom (with shower), kitchenette, storage and a desk and appropriate circulation space. Further, each room would be provided with relatively good outlook, and would receive appropriate levels of daylight and sunlight for this type of accommodation, as confirmed by the independent review of the Daylight and Sunlight Reports carried out by Avison Young on behalf of the local planning authority.

Whilst there is no requirement to provide external amenity space, and it would not be feasible to provide this for the individual bedrooms, a large communal area is provided to the rear of the building, partially enclosed by the proposal and the adjacent block of flats but with a generally southerly orientation which would allow it to receive good levels of daylight and direct sunlight.

Overall, it is considered that the quality of accommodation for the proposal is acceptable and would meet the requirements of Policy H15 to provide a functional layout and living spaces.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy T1 of the London Plan (Strategic approach to transport) seeks development proposals to facilitate the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041. All development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated.

In addition, Policy T2 of the London Plan (Healthy Streets) requires development proposals to demonstrate how they will reduce the dominance of vehicles on London's streets whether stationary or moving, be permeable by foot and cycle and connect to local walking and cycling networks as well as public transport.

Moreover, Policy T4 of the London Plan (Assessing and mitigating transport impacts) sets out that development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. When required, transport assessments or statements should be submitted with proposals to ensure that impacts on the capacity of the transport network (including impacts on pedestrians and the cycle network), at the local, network-wide and strategic level, are fully assessed. Policy T4 further explains that where appropriate, mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements or through financial contributions, will be required to address adverse transport impacts that are identified. Policy T5 of the London Plan (Cycling) sets out that proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. This will be achieved through supporting the delivery of a London-wide network of cycle routes, with new routes and improved infrastructure securing the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located.

Developments should provide cycle parking at least in accordance with the minimum standards, ensuring that a minimum of two short-stay and two long-stay cycle parking spaces are provided where the application of the minimum standards would result in a lower provision. Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards and proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.

Policy T6 of the London Plan (Car Parking) states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). Car-free developments have no general parking but should still provide disabled persons parking. Specific to this application, Policy T6.1 of the London Plan (Residential parking) states that PBSA proposals should be car-free, whilst still providing wheelchair accessible spaces.

The application site has a PTAL of 1b, which is very low, and indicates that traditional residential housing in the area relies more heavily on private car usage as public transport options are limited, when compared to London as a whole. Initially, concerns were raised that because of the lack of on-street parking controls on the surrounding roads, the proposal could result in a significant number of students bringing cars to the area and parking on the High Road or Packet Boat Lane, potentially displacing existing residents and leading to unsafe highways conditions. Concerns were also raised about the proposed layby, as these are susceptible to indiscriminate parking and the lack of a wheelchair accessible space on-site. The proposal was subsequently amended to include one wheelchair accessible space and to remove the layby, alongside the submission of a parking stress survey carried out in accordance with the Lambeth Methodology. This survey identified a total of 83 on-street car parking spaces available within walking distance of the application site at the time of greatest on-street parking demand, which would be more than sufficient to accommodate any increase in on-street parking demands generated by the proposal.

Notwithstanding the on-street parking availability, applications for PBSA should seek to encourage sustainable modes of travel and actively discourage use of the private car, especially for students., and consequently it is the intention that future occupiers

of the student accommodation would sign a condition as part of their lease agreement confirming that they will not bring a car on site (unless for accessibility reasons), and this would be secured through the legal agreement. In addition, it is recognised that the surrounding area has undergone a fairly high level of change in a short period of time, with flatted developments now making a major contribution to the character of the area, and parking stress is likely to have increased over time commensurately. As such, noting that many of the objections related to on-street parking availability (or the lack thereof), a financial contribution of £20,000 is also to be secured through the legal agreement to allow the council to consult on the introduction of local on-street parking controls, in response to any complaints which arise, whilst preventing future occupiers of this development from being eligible for a permit.

In any event, the proposal would not be car-free, as three motorcycle spaces would be provided near to the main entrance, which Policy T6 states should be counted as car parking spaces, in addition to one wheelchair accessible space to be included at the western end of the site. The provision of three motorcycle spaces conflicts with the approach that Policy T6.1 states to adopt, however their inclusion would not warrant a reason for refusal and may assist in reducing on-street parking usage to a small extent noting the poor PTAL. The inclusion of one wheelchair accessible space, secured for use by future occupiers only, is a welcomed amendment as this ensures that those with mobility issues are not prejudiced in the event that on-street parking controls are introduced.

Cycle parking would be provided at policy compliant levels, in a secure, sensible and accessible location, and a condition requiring this quantum of parking to be delivered on site in accordance with LCD standards is recommended.

The submission of a Travel Plan (alongside a £20,000 bond to ensure its implementation) would be secured through a legal agreement, to set out measures to encourage active and sustainable modes of travel, which should include a detailed 'Moving in and Out Strategy' to ensure that impacts on the local network are not significantly affected during the relevant periods. The proposal further allows for the existing footway on the High Road (which formally terminates at the corner of the existing building) to wrap around the proposed development and link up with the isolated stretch of footpath to the front of Packet Boat House, thereby improving pedestrian access to this building (and the industrial site beyond) whilst more generally providing a wider more pleasant pedestrian environment at this junction. In addition, a contribution of £15,000 would be secured to improve access to the canal towpath, as well as to assist in wayfinding, which would improve local legibility. Overall, the proposal is considered to meet the requirements of Policies T1 to T6 of the London Plan, and would not have a significant adverse impact on local highway conditions or the strategic highway network, and is therefore acceptable in this regard, subject to the recommended conditions and obligations.

7.11 Urban design, access and security

Policy D11 of the London Plan (Safety, security and resilience to emergency) sets out that boroughs should work with the Metropolitan Police Service's 'Design Out Crime' Officers to identify the community safety needs and necessary infrastructure to maintain a safe and secure environment and reduce the fear of crime. Proposals should seek to maximise building resilience and minimise potential physical risks, and should include measures to design out crime that deter terrorism, assist in the detection of terrorist activity and help mitigate its effects. These measures should be considered at the start of the design process to ensure they are inclusive and

aesthetically integrated into the development and the wider area. Measures to design out crime, including counter terrorism measures, should be integral to proposals, taking into account the principles contained in guidance such as the Secured by Design Scheme published by the Police.

Policy BE1 of the Hillingdon Local Plan: Strategic Policies (Built Environment) encourages the creation of safe and secure environments that reduce crime and fear of crime, anti-social behaviour and risks from fire and arson, having regard to Secure by Design standards.

As such, a condition requiring the proposed development to achieve secured by design accreditation in consultation with the Metropolitan Police, is included within the decision notice, to ensure the proposal meets the requirements of Policy D11 of the London Plan and Policy BE1 of the Hillingdon Local Plan. On this basis, the proposal is considered acceptable in this regard.

7.12 Disabled access

Policy D5 of the London Plan (Inclusive design) sets out that proposals should achieve the highest standards of accessible and inclusive design by providing high quality people focused spaces that are designed to facilitate social interaction and inclusion, be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment, and be able to be entered, used and exited safely, easily and with dignity for all. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building, and proposals should ensure they are compliant with Policy D12 of the Plan (Fire safety) and place fire resilience central to the proposal's design.

To provide suitable housing and genuine choice for London's diverse population, including disabled people and families with young children, Policy D7 of the London Plan (Accessible housing) states that all residential development should include at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

Policy BE1 of the Hillingdon Local Plan: Strategic Policies (Built Environment) requires 10% of new dwellings to be wheelchair accessible, encouraging places of work and leisure, streets, neighbourhoods, parks and open spaces to be designed to meet the needs of the community at all stages of people's lives. In addition, all proposals should incorporate a clear network of routes that are easy to understand, inclusive, safe, secure and connect positively with interchanges, public transport, community facilities and services.

The requirements of Policy D7 of the London Plan and Policy BE1 of the Hillingdon Local Plan in respect of wheelchair accessible dwellings applies to student accommodation, and as such, 10% of the proposed bedrooms (6) should be provided as M4(3) rooms. This has been shown on plan, alongside a commitment to provide an evacuation lift specified to meet BS EN 81-76, and an amendment to include a wheelchair accessible parking space. It is noted that at present, there are no on-street parking restrictions so any future occupiers with mobility issues could park on-street within 50 metres if this was required, and a contribution is to be secured to fund the creation of onstreet bays, should a parking management scheme be introduced in the future.

On this basis, it is considered that the proposal as a whole complies with the accessibility requirements of the London Plan and Hillingdon Local Plan, and is acceptable in this regard.

7.13 Provision of affordable & special needs housing

Policy H15 of the London Plan seeks to ensure that the maximum level of PBSA is secured as affordable accommodation. Similarly to traditional residential housing (C3), proposals for student accommodation can benefit from the fast-track route, as set out in Policy H5 of the London Plan

(Threshold approach to applications), if they provide 35% of their units as affordable accommodation on-site. To qualify as affordable accommodation, units must be provided at a rental cost for the academic year equal to or below 55% of the maximum income that a new full-time student studying in London and living away from home could receive from the Government's maintenance loan for living costs for that academic year. The actual amount the Mayor defines as affordable student accommodation for any academic year is published in the Mayor's Annual Monitoring Report (AMR).

Following negotiations between the local planning authority and the applicant, the scheme would provide 36% of the proposed units as affordable accommodation (amounting to 22 rooms), which allows the scheme to benefit from the fast-track route and an assessment of financial viability is not required. The provision of this amount of affordable accommodation is considered to provide significant benefit and weighs heavily in favour of the application in the planning balance, which, as noted above, is required to offset the loss of the pub as a use and non-designated heritage asset.

The provision of affordable accommodation, and in this case a policy compliant level, furthers a number of social objectives and helps to ensure that students from all financial backgrounds are afforded an equal opportunity to attend university and are not prohibited from participating in higher education because of financial constraints. This directly promotes social cohesion and contributes to mixed and balanced communities, whilst removing social barriers which may prevent some young people from attending higher education.

Accordingly, this element of the proposal is considered to be one of the major benefits of the scheme, and one of the overriding reasons for the recommendation of approval. The affordable accommodation would be secured through a legal agreement associated with the planning permission, to secure it in perpetuity, and the proposal would be subject to an early-stage review mechanism (in accordance with the requirements of the Mayor's Viability SPG) if substantial implementation has not occurred within two years of permission being granted. A late-stage review mechanism is not required for proposals which benefit from the fast-track route.

7.14 Trees, landscaping and Ecology

Policy G5 of the London Plan (Urban Greening) states that major developments should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. The Mayor recommends that boroughs seek an Urban Greening Factor (UGF) target score of 0.4 for developments that are predominately residential. In broad terms, the UGF is an assessment of the amount, type and value of natural environment provided on site as a proportion of the overall

site area. The assessment assigns each landscape type (e.g. Semi-natural vegetation, intensive green roof to depth of 150mm, extensive green roof to depth of 80mm, amenity grassland, etc) with a 'factor' (1, 0.8, 0.7 and 0.4 respectively for the landscapes listed above). These factors are a simplified measure of various benefits provided by soils, vegetation and water based on their potential for rainwater infiltration as a proxy to provide a range of benefits such as improved health, climate change adaption and biodiversity conservation.

In addition, Policy DMHB 14 of the Hillingdon Local Plan Part 2: Development Management Policies (Trees and Landscaping) sets out that all developments will be expected to retain or enhance biodiversity through the protection of existing landscaping, trees and other natural features of merit, and proposals are required to provide a scheme of hard and soft landscaping to demonstrate this. Moreover, the council will seek to protect existing tree and landscape features and enhance open spaces with new areas of vegetation cover (including the linking of existing fragmented areas) for the benefit of wildlife and a healthier lifestyle.

Furthermore, Policy EM7 of the Hillingdon Local Plan: Strategic Policies (Biodiversity and

Geological Conservation) seeks to protect biodiversity features from inappropriate development and encourages the provision of biodiversity improvements from all developments, including green roofs and walls where feasible.

As noted by the Tree Officer, the site is covered by a Tree Preservation Order (TPO), designated as TPO 86A, however the area afforded protection does not include any trees. There are currently trees along the southern boundary of the site, however these are not protected by the TPO.

The proposed landscaping scheme and greening measures result in the proposal achieving a predicted UGF score of 0.59, significantly better than the target score of 0.4 and representing a significant increase in soft landscaping to both the front and rear of the building compared to existing conditions. In this regard, the proposal would include a mix of new trees, flower-rich perennial planting, and mature shrubs, alongside green roofs. It should be further noted that the scheme was amended to significantly improve the quantity and quality of the proposed soft landscaped buffer to the front of the building to both improve the pedestrian environment and ensure that any ground floor units were afforded better levels of privacy. The high quality landscaping scheme would be secured by way of condition, alongside a requirement to achieve a UGF score of 0.59, in accordance with the submitted details.

It is noted there are numerous gaps in the roof of the existing building, which may have resulted in bats roosting within. Whilst there is no specific indication that there are bats present, they are a material consideration and extra care should be taken to ensure the development proposals do not harm biodiversity, especially noting that some bat species are afforded very high levels of protection. As such, a Bat Survey is required to be submitted prior to any works on-site, and if any bat species are present, appropriate mitigation should be proposed to ensure that the scheme does not cause any harm to bats. This would be secured by condition.

7.15 Sustainable waste management

Policy SI 7 (Reducing waste and supporting the circular economy) and Policy D6 (Housing quality and standards) of the London Plan require developments to be designed with adequate, flexible, and easily accessible storage space and collection systems that support, as a minimum, the separate collection of dry recyclables (at least card, paper, mixed plastics, metals, glass) and food.

Policy EM11 of the Hillingdon Local Plan: Strategic Policies (Sustainable Waste Management) states that the council will aim to reduce the amount of waste produced in the borough. To achieve this, the council will require all new developments to address waste management at all stages of a development's life from design and construction through to the end use and activity on site. The council's Waste Strategy team have been consulted on the application, including the revised layout which includes an accessibility space in front of the bin store. This arrangement remains acceptable as the bin store would be within 10 metres of the footpath, meeting the council's guidance, and the gap between the wheelchair accessible space and the side of the building (allowing access to the bin store from Packet Boat Lane) would be sufficiently wide to allow for easy and convenient access on collection days.

7.16 Renewable energy / Sustainability

Policy SI 2 of the London Plan (Minimising greenhouse gas emissions) states that major development should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy, placing an additional requirement to monitor emissions beyond implementation to determine the effectiveness of the mitigation:

- 1.be lean: use less energy and manage demand during operation
- 2.be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
- 3.be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
- 4.be seen: monitor, verify and report on energy performance.

Policy SI 2 sets targets for carbon dioxide emission reductions in buildings. These are expressed as minimum improvements over the Target Emission Rate (TER) outlined in national building regulations. The current target for residential and non-residential buildings is zero carbon beyond the current Building Regulations Part L 2013.

Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy and how a minimum onsite reduction of at least 35% beyond Building Regulations will be achieved. Residential development should achieve 10%, and non-residential development should achieve 15% through energy efficiency measures alone. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either through a cash in lieu contribution to the borough's carbon offset fund or off-site, provided that an alternative proposal is identified and delivery is certain. Moreover, major development proposals should calculate and minimise carbon emissions from any other part of the development, including plant or equipment, that are not covered by Building Regulations (i.e. unregulated emissions).

In addition, Policy SI 3 of the London Plan (Energy Infrastructure) states that all major development proposals shall explore opportunities to maximise the use of on-site renewable energy generation and incorporate demand-side response measures. Policy EM1 of the Hillingdon Local Plan: Strategic Policies (Climate Change Adaptation and Mitigation) sets out that the installation of renewable energy will be encouraged for all new developments.

An Energy Statement (August 2021) discusses the potential on-site carbon savings and measures to ensure the proposal achieves policy compliance, and sets out that

the proposal will use high performing building fabrics, energy efficient lighting, services and equipment alongside air-source heat pumps (ASHPs) for space heating and hot water.

This Energy Strategy has been reviewed by the council's Energy Officer, who sets out that whilst the strategy seeks to respond to the energy hierarchy, there is no reference to the additional 'Be Seen' measures introduced by the London Plan (2021). Moreover, the information in respect of the 'Be Lean' measures appear adequate, resulting in only a 5% saving in CO₂ from the notional baseline, and no savings have been attributed to 'Be Clean' measures.

The vast majority of on-site carbon savings have been attributed to the use of ASHPs (32.3t of CO₂), citing these as a renewable source, however they rely on power from the grid to operate, so without full decarbonisation of the grid, they do not count as a renewable technology. In addition, the purported savings from the ASHPs are not supported by any evidence, including size and locations, or plans showing their inclusion in the development, and therefore the conclusions in the energy strategy cannot be supported.

Nonetheless, whilst not demonstrated through the Energy Strategy, it is reasonable to expect that the development could achieve the zero-carbon target through a combination of on-site measures (to achieve a minimum 35% reduction) and a subsequent carbon offset contribution based on the amount of on-site savings achievable. This would be secured by way of a linked condition and planning obligation.

7.17 Flooding or Drainage Issues

Policy SI 12 of the London Plan (Flood risk management) sets out that flood risk across London should be managed in a sustainable and cost-effective way in collaboration with the Environment Agency, the Lead Local Flood Authorities and developers where relevant. Proposals should further ensure that flood risk is minimised and mitigated, and that residual risk is addressed. This should include, where possible, making space for water and aiming for development to be set back from the banks of watercourses. Development proposals adjacent to flood defences will be required to protect the integrity of flood defences and allow access for future maintenance and upgrading.

In addition, Policy SI 13 of the London Plan (Sustainable drainage) sets out that proposal should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

Moreover, drainage should be designed and implemented in ways that promote multiple benefits including increased water use efficiency, improved water quality, and enhanced biodiversity, urban greening, amenity and recreation.

Policy EM6 of the Hillingdon Local Plan: Strategic Policies (Flood Risk Management) encourages development to be sited away from the areas of highest flood risk (Flood Zones 2 and 3), and all development will be required to use sustainable urban drainage systems (SUDS).

The application site falls within flood zone 1, which is at the lowest risk of flooding, and is also not located in an area identified as being at risk of surface water flooding. Moreover, the application site is already extensively developed with limited attenuation of run off. As such, it is recognised that this is a low-risk site, and the proposed development would result in betterment to existing conditions, albeit there is some information still required to be submitted at detailed design stage. A drainage assessment has been provided and accompanied by technical note in response to previous comments, and this presents a suitable option to demonstrate that the

development is reasonably likely to be policy compliant, with solutions which are plausible and deliverable. The additional information being sought can be secured through a planning condition, and it is considered the proposal would comply with Policies SI 12 and SI 13 of the London Plan.

7.18 Noise or Air Quality Issues

NOISE

Policy D13 of the London Plan (Agent of Change) sets out that proposals should mitigate and minimise the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

Proposals should first seek to separate new noise-sensitive development from major noise sources through the use of distance, screening, layout, orientation, uses and materials, in preference to sole reliance on sound insulation. Where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles, promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.

Additionally, Policy D14 of the London Plan (Noise) states that new noise and other nuisance-generating development proposed close to residential and other noise-sensitive uses should put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses. Development proposals should manage noise and other potential nuisances by ensuring good design mitigates and minimises existing and potential nuisances with necessary and appropriate provisions including ongoing and future management responsibilities, and proposals should seek to separate new noise-sensitive development from existing noise-generating businesses and uses through distance, screening, internal layout, sound-proofing, insulation and other acoustic design measures. It is generally accepted that noise emanating from residential properties is lower than commercial premises, and industrial uses are associated with the highest noise profile.

In support of the application, two Noise Assessments (August 2021 and January 2022) were submitted, and these were reviewed by an independent advisor, acting on behalf of the council. The reviews concluded that whilst the Noise Assessments had not demonstrated best practice, the development was capable of achieving acceptable internal noise conditions without having a significant impact on the existing noise environment, and additional information could be secured by way of conditions.

In reaching this conclusion, it is recognised that the proposed development, as a form of residential use, is unlikely to have a significant impact on noise conditions in the area, especially compared to an operational pub with a beer garden, noting that residential uses are typically associated with the lowest noise profile.

It is further considered that the proposal would not impact the continued operation of the nearby Packet Boat Lane LSIS, recognising that residential uses have been introduced closer to the LSIS and the surrounding residential character of the area, having regard to the agent of change principle.

AIR QUALITY

Policy SI 1 of the London Plan (Improving air quality) states that proposals should not lead to further deterioration of existing poor air quality or create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in

areas that are currently in exceedance of legal limits, so as not to create unacceptable risk of high levels of exposure to poor air quality.

As such, as a minimum, proposals should be at least Air Quality Neutral and should use design solutions to prevent or minimise increased exposure to existing air pollution, whilst making provision to address local problems of air quality in preference to post-design or retro-fitted mitigation measures.

Major development proposals must be submitted with an Air Quality Assessment.

Proposals in Air Quality Focus Areas or that are likely to be used by large numbers of people particularly vulnerable to poor air quality, such as children or older people should demonstrate that design measures have been used to minimise exposure.

Policy EM8 of the Hillingdon Local Plan: Strategic Policies (Land, Water, Air and Noise) requires all developments to not result in the deterioration of local air quality. In addition, all major developments within Air Quality Management Areas (AQMA) should be air quality neutral whilst actively contributing to the promotion of sustainable transport measures such as vehicle charging points and the increased provision for vehicles with cleaner transport fuels.

In accordance with Policy SI 1 of the London Plan and Policy EM8 of the Hillingdon Local Plan, developments need to be neutral as minimum and positive in Focus Areas, contributing to the reduction of air pollutant emissions in these sensitive locations. New developments within the London Borough of Hillingdon are expected to incorporate air quality positive design measures from the outset and suitable mitigation measures to reduce pollution, especially in areas where the air quality is already poor, namely Focus Areas.

The council's Air Quality Officer has been consulted on this application, who confirms that the proposal would be air quality neutral, which for an application within an AQMA would be acceptable. As the proposal is car free (excluding wheelchair spaces) it is unlikely to bring additional traffic emissions into this sensitive area, noting that restrictions on obtaining parking permits and restrictions within the lease agreements would prevent cars being brought to the site. Nevertheless, as per the London Plan and the London Borough of Hillingdon Local Action Plan, developments need to be neutral as minimum and positive in Focus Areas, contributing to the reduction of emissions in these sensitive areas, and consequently two conditions are proposed to ensure the proposal achieves air quality neutrality.

7.19 Comments on Public Consultations

Letters dated 28-09-21 were sent to 364 nearby properties, a site notice was displayed outside the site on 07-10-21, and a press notice was displayed in a local newspaper in October 2021. Following the receipt of amended drawings, letters dated 13-06-22 were sent to neighbouring properties notifying them of the proposed changes.

71 objections were received following public notification, raising the following material considerations:

- Noise and disruption cause by building works
- Increased noise and disruption from students
- Proposal will exacerbate existing problems with anti-social behaviour
- Area has insufficient infrastructure or amenities
- Increase in anti-social behaviour with no police enforcement
- Insufficient on-site parking and subsequent increase in on-street parking
- Inappropriate location for student accommodation
- Overbearing impact on neighbouring residential properties

- Loss of privacy
 - Use of the garden at night would cause a nuisance
 - Area has too many flats
 - Restaurants, shops or supermarket are needed for this site
 - Site should be kept as a pub or a use that can benefit the entire community
 - Claims of existing anti-social behaviour by the applicant are not true
 - Waste storage is insufficient
 - Brunel University is too far away and not walkable
 - Increase in pollution from extra vehicles
 - Already enough student accommodation in area
 - Packet Boat Lane isn't designed to have high volumes of traffic coming through
 - Junction will become dangerous
 - No affordable housing for students is proposed
 - There are already many HMOs that are available to rent for students in the area
 - Main road would be unpleasant and noisy environment for future students
 - Family housing should be promoted instead
 - Accommodation will be low quality
 - Increase in air pollution
 - Increase in crime
 - Negative impact on local wildlife
 - Oppose the use of this land/building as accommodation for anyone especially students
 - Size, style and scale of the building is not in keeping with other buildings on the High Road
 - Existing building is an historic landmark
 - No more HMOs are needed
 - The frontage should be retained even if the pub is lost
 - Junction is dangerous already and would be dangerous for students
 - Any new development should be targeted at children and under-18s
 - One-bedroom accommodation is too small
 - Units do not meet required living standards
 - There is no need for student accommodation in Cowley
 - Building will not be leased to students once built
 - The building is in good repair
 - Overdevelopment of the site
 - Inappropriate location for high-rise building
- These are discussed in the relevant sections above.

7.20 Planning obligations

Policy DF1 of the London Plan (Delivery of the Plan and Planning Obligations) requires proposals to provide infrastructure and meet the other relevant policy requirements necessary to ensure that they are sustainable and support delivery of the council's strategic objectives. In general, the London Plan sets out that priority should first be applied to securing affordable housing and necessary public transport improvements, and following this, delivering necessary health and education infrastructure, whilst recognising the importance of securing affordable workspace, and culture and leisure facilities.

At a borough level, Policy DMCI 7 of the Hillingdon Local Plan: Development Management Policies (Planning Obligations and Community Infrastructure Levy) sets out that planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it, to ensure

that development is sustainable in accordance with the NPPF (2021). Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL) and through planning obligations.

Specifically, planning obligations are used to secure the provision of affordable housing in relation to residential development schemes, and where a development has infrastructure needs that are not addressed through CIL to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal. Applications which fail to include appropriate planning obligations to make the proposal acceptable will be refused. Planning obligations run with the land, are legally binding and enforceable.

The Community Infrastructure Levy Regulations, the NPPF and Planning Practice Guidance have put three tests on the use of planning obligations into law. In this regard, planning obligations must meet the following tests to be lawful:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonable related in scale and kind to the development.

The following Heads of Terms are proposed, to be secured through a section 106 agreement to either ensure policy compliance or to address deficiencies in the scheme which could not be addressed through amendments to the plans:

- i)Secure use of the building as Purpose Built Student Accommodation, falling within the sui generis use class, with a nominations agreement in place with a relevant higher education provider for the majority of rooms, in perpetuity; ii)Secure the provision of 36% affordable accommodation in perpetuity, to be provided as 22 rooms, subject to an early-stage review mechanism if substantial implementation has not occurred within two years of permission being granted;
- iii)Enter into a s278 and/or s38 agreement to dedicate land at the front of the development for the creation of a new footway, funded by the applicant and to be adopted by the council; iv)To prevent future occupiers from being eligible for parking permits within the borough, including any new Parking Management Schemes which are introduced, and to secure £20, 000 towards consulting on, and implementing, the creation of a Parking Management Scheme for the surrounding roads on requests from local residents;
- v)To require the lease agreements between any future occupiers and the owner (or higher education provider as the case may be) to prevent cars from being registered at the proposed accommodation and to prohibit occupiers from bringing cars to the area, excluding blue badge holders; vi)A full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will include a 'moving in and out strategy', targets for sustainable travel arrangements, effective measures for the ongoing monitoring of the Travel Plan, and a commitment to delivering the Travel Plan objectives. The Travel Plan shall further include a Parking Design and Management Plan, which shall demonstrate how up to 3 on-street blue badge spaces could be provided should the demand arise from the occupied development. A £25,400 Travel Plan bond is also to be secured (£20,000 for the Travel Plan measures and £5400 for the creation of on-street blue badge spaces); vii)Details shall be submitted for a Construction and Employment Training scheme in accordance with the Council Planning Obligations SPD with the preference being for an in-kind, on-site scheme to be delivered;
- viii)A carbon offsetting contribution, based on £95 per tonne over a period of 30 years, to be calculated through the submission of an updated Energy Strategy, and paid prior to commencement;

ix) Financial contribution of £15, 000 towards improvements to the canal towpath, to be used by the Canal and River Trust;

x) HUDU contribution of £24, 380 towards healthcare facilities to support the additional population, calculated in accordance with the HUDU model; and xi) A financial contribution equal to 5% of the total cash contributions, for Project Monitoring and Management.

In addition, the scheme would not be liable to make a CIL payment under Hillingdon's CIL Charging Schedule but would be required to make a payment under the Mayor's CIL Charging Schedule (MCIL2) at a rate of £60 per sqm (index linked).

7.21 Expediency of enforcement
action N/A

7.22 Other Issues

HEALTH INFRASTRUCTURE

The supporting text to Policy DF1 of the London Plan (Delivery of the Plan and Planning

Obligations) explains that the demand for health services in London is increasing due to a growing and ageing population and an increase in complex and long-term health conditions, and as such, across London, developer contributions are used to fund the capital costs of new or expanded primary and community care facilities. This is needed to meet the increasing demand for services which arises from population growth in areas of intensification or growth. Using the London Healthy Urban Development Unit Planning Contributions Model (HUDU Model) allows local planning authorities, in conjunction with Clinical Commissioning Groups and NHS England, to calculate the capital cost of the additional health facilities required to meet the increased demand from developments.

In this instance, having regard to the more transient nature of student accommodation but recognising that any additional population will place a strain on local NHS services, it is considered that a financial contribution of £24,380 to put towards the improvement of primary health services within the local vicinity of this proposed development, based on the HUDU model, is required. This contribution would be secured as a planning obligation.

FIRE STRATEGY

In the interests of fire safety and to ensure the safety of all building users, Policy D12 of the London Plan states that all proposals must achieve the highest standards of fire safety and ensure that they identify suitably positioned unobstructed outside spaces for fire appliances to be positioned on, provide suitable access and equipment for firefighting which is appropriate for the size and use of the development, and provides spaces which are appropriate for use as an evacuation assembly point.

Buildings should be designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire by being constructed in an appropriate way to minimise the risk of fire spread. This should include appropriate fire alarm systems, passive and active fire safety measures, suitable and convenient means of escape and an associated robust evacuation strategy which can be periodically updated and published, and which all occupants can have confidence in. These measures should be set out in a Fire Strategy, prepared by a suitably qualified fire engineer.

In support of the application, a draft Fire Statement Form was submitted, which outlines the basics of fire safety measures, with the knowledge that further details would be secured at detailed design stage. The submission of these additional details would be secured by condition.

LAND CONTAMINATION

In support of the application, a desk top study report has been submitted which provides an outline of available information concerning the site and local surroundings. However, some of this information is quite dated and will need to be updated prior to works commencing. These updated details should include a more extensive site investigation to further characterise the site, with confirmation of the type and full extent of contamination, and to thereby more precisely assess all identified risks to receptors that would be introduced by the proposed change of use to student accommodation. These additional details are secured by way of condition.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance N/A

10. CONCLUSION

The proposed development is considered to make efficient use of a brownfield site to provide Purpose Built Student Accommodation (PBSA), recognising that the significant contribution higher education providers make to London's economy and labour market should not be undermined by inadequate provision for new student accommodation. The provision of PBSA is considered an essential component of the overall need for new housing in London, and the provision of PBSA schemes helps to free up traditional self-contained housing, which may otherwise be used for student accommodation (as a HMO).

Moreover, 22 of the 61 units (36%) would be secured as affordable accommodation, which fixes rents at no more than 55% of the government's maintenance loan for living costs, for that academic year. This provision allows the scheme to benefit from the fast-track route and is considered to provide significant benefit and weighs heavily in favour of the application in the planning balance, because it helps to ensure that students from all financial backgrounds are afforded an equal opportunity to attend university and are not prohibited from participating in higher education because of personal financial constraints.

The benefits of the scheme should be weighed against the drawbacks, which, as noted above, are considered to be the loss of the pub as a form of community use and as a non-designated heritage asset. Whilst regrettable, it is recognised that the pub has been vacant for some time, is in relatively poor condition and there is little meaningful interest from prospective buyers in using the site for its current use, as demonstrated through marketing evidence. Moreover, whilst the building clearly has some historic and architectural interest, because of the extensive renovations and extensions to the building over time (including an entirely new front facade), the building does not warrant national listing and is therefore afforded less weight in the planning balance than, for example, a Grade II listed building.

The design of the proposed replacement building would result in a substantially increased amount of built form across the site, however would be set further back than the existing building, and has been designed to respond to the lower scale context of High Road and the higher scale of Packet Boat Lane, with its stepped facades wrapping around the corner of the junction, resulting in a building of a high-quality design.

Overall, weighing up the benefits and negative impacts of the scheme, it is considered that the proposal generally complies with the intentions of the London Plan and Hillingdon Local Plan, and, on balance, the scheme is acceptable and is recommended for approval, subject to the conditions and obligations detailed in this report.

11. Reference Documents

London Plan (2021)
Mayor's Viability SPG (2017)
Mayor's Housing SPG (2016)
Freight and servicing action plan (2019)
The control of dust and emissions from construction and demolition SPG (2011)
London Freight Plan (2007)
Hillingdon Local Plan: Strategic Policies (2012)
Hillingdon Local Plan: Development Management Policies (2020)
Development Control for Noise Generating and Noise Sensitive Development SPD (2016)
Planning Obligations SPD (2014)
National Planning Policy Framework (NPPF) (2021)
BRE Pollution Control Guide 'Controlling particles and noise pollution from construction sites'
BRE Pollution Control Guide 'Controlling particles, vapour and noise pollution from construction sites'
BRE Site layout planning for daylight and sunlight; A guide to good practice (2022)
BS 4142; Methods for rating and assessing industrial and commercial sound
BS8300-2:2018; Design of an accessible and inclusive built environment. Buildings. Code of practice.
BS EN 81-76; Safety rules for the construction and installation of lifts.
Historic England Listing Selection Guide for Commerce and Exchange Buildings (2017)

Appendix 9 – Full Application Decision Notice (1058/APP/2021/3423):



Ms Zena Foale-Banks
Nexus Planning
Holmes House
Pear Place
London
SE1 8BT

Application Ref: 1058/APP/2021/3423

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:

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.

Location of development: Paddington Packet Boat Public House High Road Cowley Uxbridge

Date of application: 9th September 2021

Plan Numbers: See attached Schedule of plans

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

R Schonen

Head of Development Management and Building Control

Date: 8 September 2023

- 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: 1058/APP/2021/3423

SCHEDULE OF CONDITIONS

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

REASON

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

- 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. 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).

REASON

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).

- 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.
- 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.

REASON

To ensure that if bats are present, they are recorded and monitored properly, and appropriate mitigation measures are in place to ensure the proposal does not harm bats in accordance with Policy G6 of the London Plan (2021).

- 4 Prior to the commencement of the development hereby approved (including demolition), a Demolition and Construction Logistics Plan (DLP/CLP) and a Demolition and Construction Management Plan (DMP/CMP) shall be submitted to, and approved in writing by, the Local Planning Authority, to minimise impacts to the local highway network and to control noise, vibration and air pollutants generated as a result of the construction process. These documents shall be prepared in accordance with the London Freight Plan, 'The control of dust and emissions from construction and demolition' Supplementary Planning Guidance, BRE Pollution Control Guides 'Controlling particles and noise pollution from construction sites' and 'Controlling particles, vapour and noise pollution from construction sites'.

The DLP/CLP and DMP/CMP shall include details of (but shall not necessarily be limited to):

- (a) loading and unloading of plant and materials;
- (b) storage of plant and materials;
- (c) programme of works;
- (d) measures for traffic management and encouragement of sustainable modes of transport for workers, including prohibition of construction vehicles parking on the local highway network within the vicinity of the application site;
- (e) details of a vehicle booking system, ensuring construction deliveries are received outside peak hours;
- (f) provision of boundary hoarding and visibility zones of construction traffic routing;
- (g) hours of construction;
- (h) means to prevent deposition of mud on the highway;
- (i) likely noise levels to be generated from plant and construction works;
- (j) a dust risk assessment;
- (k) means to monitor and control dust, noise and vibrations, following the published guidance by The Institute of Air Quality Management (IAQM) on how to assess impacts of emissions of dust from demolition and construction sites.
- (l) use of a banksman (if applicable)
- (m) haulage routes;
- (n) a site plan identifying location of site entrance, exit, wheel washing, hard standing hoarding (distinguishing between solid hoarding and other barriers such as heras and monarflex sheeting), stock piles, dust suppression, location of water supplies and location of nearest neighbouring receptors;
- (o) bonfire policy;
- (p) confirmation that a mobile crusher will/won't be used on site and if so, a copy of the permit and intended dates of operation;
- (q) confirmation of all Non-Road Mobile Machinery (NRMM) to be used, or a statement confirming that NRMM will not be used. All Non-Road Mobile Machinery (NRMM) and plant to be used on site of net power between 37kW and 560 kW shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" and must be registered at <http://nrmm.london/>;
- (r) details of any closures of public routes and diversions, demonstrating how time spent closed to the public has been minimised;
- (s) the arrangement for monitoring and responding to complaints relating to demolition and construction;
- (t) details of cranes and other tall construction equipment (including the details of obstacle lighting);
- (u) all Heavy Goods Vehicles shall comply with the Direct Vision Standard. A rating of 3 stars (or more) will be required;
- (v) all deliveries to the site, particularly Heavy Goods Vehicles, shall be made using vehicles which have a Class VI mirror fitted in accordance with EU directive 2007/38/EC;

(w) the precautions set out to eliminate or reduce noise levels where the operational risk levels illustrated within The Control of Noise at Work Regulations 2005 could be exceeded; and
 (x) the provision of secured restricted access as the sole means of entry to site for cyclist along with secured turnstile entrance for pedestrians.

The development hereby approved shall be implemented in accordance with the approved DLP/CLP and DMP/CMP.

REASON

To ensure that the proposed development does not interfere with the free flow of traffic and conditions of safety on the public highway, and to ensure the development process does not have a significant adverse impact on the amenities of nearby residential properties in accordance with Policies DMT 1, DMT 2 and DMEI 14 of the Hillingdon Local Plan: Development Management Policies (2020) and Policies D14, SI 1, T4 and T7 of the London Plan (2021). Also, to ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems, in accordance with Policy DMAV 1 of the Hillingdon Local Plan: Development Management Policies (2020).

- 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.

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 Policies DMEI 11 and DMEI 12 of the Hillingdon Local Plan: Development Management Policies (2020).

- 6 Prior to commencement of the development hereby approved (including demolition), an Updated Energy Strategy 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 100% reduction (zero carbon) 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 and zero carbon technology (i.e. roof plans showing the inclusion of PV panels).

The Energy Strategy must clearly set out any shortfall (tCO₂) of the zero-carbon requirement, with a minimum on-site reduction of at least 35% beyond Building Regulations.

The development must proceed in accordance with the approved Updated Energy Assessment.

REASON

To ensure that the development complies with zero-carbon targets, in accordance with Policy SI 2 of the London Plan (2021).

- 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.

REASON

To ensure compliance with Policy D14 of the London Plan (2021) and Policy EM8 of the Hillingdon Local Plan: Strategic Policies (2012).

- 8 A) 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.

REASON

To ensure the safety of all building users in accordance with Policy D12 of the London Plan (2021).

- 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.

REASON

To protect critical sewage infrastructure which is in close proximity to the proposed development.

- 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 set out in .

(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.

REASON

To ensure compliance with Policies SI 12 and SI 13 of the London Plan (2021).

- 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.

REASON

To ensure compliance with Policy D14 of the London Plan (2021) and Policy EM8 of the Hillingdon Local Plan: Strategic Policies (2012).

- 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 and balustrades, 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.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Development Management Policies (2020).

- 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.

REASON

To ensure compliance with Policies SI7 and D6 of the London Plan (2021) and Policy EM11 of the Hillingdon Local Plan: Strategic Policies (2012).

- 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 used for any other purpose for the lifetime of the development.

REASON

To ensure that adequate arrangements are made for cycle parking in accordance with Policy T5 of the

London Plan (2021).

- 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 bat boxes.

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.

REASON

In order to encourage a wide diversity of wildlife on the existing semi-natural habitat of the site in accordance with Policy DME1 7 of the Hillingdon Local Plan: Development Management Policies (2020) and Policies G5 and G6 of the London Plan (2021).

- 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 surf/seedling 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.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the area in accordance with Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Development Management Policies (2020).

- 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.

REASON

To ensure the appropriate operation of the car park, in accordance with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Development Management Policies (2020) and Policy T6 of the London Plan (2021).

- 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.

REASON

To encourage out of hours/off peak servicing to help mitigate the site's contribution to local congestion levels in compliance with Policy T7 of the London Plan (2021) and Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020).

- 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.

REASON

To reduce the impact on air quality in accordance with Policy EM8 of the Local Plan: Strategic Policies (2012), Policy DMEI 14 of the Hillingdon Local Plan: Development Management Policies (2020), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, and Policies SI 1 and T4 of the London Plan (2021), noting that the application site is within an Air Quality Management Area.

- 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.

REASON

To ensure the development provides an inclusive and accessible environment for all users in accordance with Policies D5 and D7 of the London Plan (2021).

- 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.

REASON

In the interests of sustainable development and to maximise on-site carbon dioxide savings in accordance with Policy SI 2 of the London Plan (2021).

- 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.

REASON

To ensure the development provides a safe and secure environment in accordance with Policy DMHB 15 of the Hillingdon Local Plan: Development Management Policies (2020) and Policy D11 of the London Plan (2021).

- 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.

REASON

To ensure the appropriate operation of the car park, in accordance with Policies DMHB 11 of the Hillingdon Local Plan: Development Management Policies (2020).

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 In dealing with the application the Council has implemented the requirement in the National Planning

Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

- 3 As part of the decision making process the Local Planning Authority have taken due regard to the public sector equality duty of the Equality Act 2010.
- 4 You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
- 5 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. Before commencement of works the development parties must notify the London Borough of Hillingdon of the commencement date for the construction works (by submitting a Commencement Notice) and assume liability to pay CIL (by submitting an Assumption of Liability Notice) to the Council at planning@hillingdon.gov.uk. The Council will then issue a Demand Notice setting out the date and the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed.

The above forms can be found on the planning portal at:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Pre-Commencement Conditions: These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of the pre-commencement conditions have been discharged/complied with.

- 6 Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is drawn to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at www.aoa.org.uk/publications/safeguarding.asp)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2021).

Part 1 Policies

- PT1.BE1 (2012) Built Environment
- PT1.CI1 (2012) Community Infrastructure Provision
- PT1.EM1 (2012) Climate Change Adaptation and Mitigation
- PT1.EM11 (2012) Sustainable Waste Management
- PT1.EM6 (2012) Flood Risk Management
- PT1.EM8 (2012) Land, Water, Air and Noise
- PT1.H1 (2012) Housing Growth

PT1.H2 (2012) Affordable Housing

Part 2 Policies

DMAV 1	Safe Operation of Airports
DMCI 1	Retention of Existing Community Sport and Education Facilities
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 3	Decentralised Energy
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMH 7	Provision of Affordable Housing
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 2	Listed Buildings
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D11	(2021) Safety, security and resilience to emergency
LPP D12	(2021) Fire safety
LPP D13	(2021) Agent of change

LPP D14	(2021) Noise
LPP D2	(2021) Infrastructure requirements for sustainable densities
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP D8	(2021) Public realm
LPP DF1	(2021) Delivery of the Plan and Planning Obligations
LPP E6	(2021) Locally Significant Industrial Sites
LPP G5	(2021) Urban greening
LPP GG1	(2021) Building strong and inclusive communities
LPP GG2	(2021) Making the best use of land
LPP GG4	(2021) Delivering the homes Londoners needs
LPP H1	(2021) Increasing housing supply
LPP H15	(2021) Purpose-built student accommodation
LPP H4	(2021) Delivering affordable housing
LPP H5	(2021) Threshold approach to applications
LPP H6	(2021) Affordable housing tenure
LPP H7	(2021) Monitoring of affordable housing
LPP HC1	(2021) Heritage conservation and growth
LPP HC7	(2021) Protecting public houses
LPP S1	(2021) Developing London's social infrastructure
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI17	(2021) Protecting and enhancing London's waterways
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP SI3	(2021) Energy infrastructure

LPP SI7	(2021) Reducing waste and supporting the circular economy
LPP T1	(2021) Strategic approach to transport
LPP T2	(2021) Healthy Streets
LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP T7	(2021) Deliveries, servicing and construction

END OF SCHEDULE

Address:

Development Management
Directorate of Place
Hillingdon Council

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

www.hillingdon.gov.uk

GRANT OF PLANNING PERMISSION

Application Ref: 1058/APP/2021/3423

SCHEDULE OF PLANS

02-03-202 - received 07 Oct 2022
 02-03-203 - received 07 Oct 2022
 02-03-204 - received 07 Oct 2022
 02-04-101 (Rev. D) - received 07 Oct 2022
 02-04-102 (Rev. D) - received 07 Oct 2022
 02-05-101 (Rev. G) - received 07 Oct 2022
 02-05-102 (Rev. F) - received 07 Oct 2022
 02-05-103 (Rev. E) - received 07 Oct 2022
 02-05-104 (Rev. F) - received 07 Oct 2022
 Updated Noise Assessment (Ref: 20/0043/R1) (Rev. 1) (January 2022) - received 16 Mar 2022
 02-91-100 - received 10 Sep 2021
 02-91-102 - received 10 Sep 2021
 02-91-103 - received 10 Sep 2021
 02-91-104 - received 10 Sep 2021
 02-91-105 - received 10 Sep 2021
 02-91-106 - received 10 Sep 2021
 Air Quality Assessment (July 2021) - received 10 Sep 2021
 Archaeological Desk-Based Assessment (June 2021) - received 10 Sep 2021
 Construction Logistics Plan (August 2021) - received 10 Sep 2021
 Energy Statement (August 2021) - received 10 Sep 2021
 Heritage Statement - received 10 Sep 2021
 Phase 1 Geoenvironmental Desk Study (June 2021) - received 10 Sep 2021
 Student Accommodation Needs (August 2021) - received 10 Sep 2021
 Thermal Comfort Appraisal (August 2021) - received 10 Sep 2021
 Marketing Report (August 2021) - received 10 Sep 2021
 Marketing Evidence (13-12-21) - received 25 Jul 2022
 Marketing Evidence (20-07-22) - received 25 Jul 2022
 02-05-105 (Rev. F) - received 07 Oct 2022
 02-05-106 (Rev. E) - received 07 Oct 2022
 Design and Access Statement (Rev. J) (06-10-22) - received 07 Oct 2022
 Daylight and Sunlight Supplementary Statement No. 2 (September 2022) - received 26 Sep 2022
 Draft Fire Statement Form (10-06-22) - received 10 Jun 2022

Planning Statement (May 2022) - received 10 Jun 2022
Transport Statement (May 2022) - received 10 Jun 2022
Travel Plan Statement (May 2022) - received 10 Jun 2022
Daylight and Sunlight Report (June 2022) - received 10 Jun 2022
Car Parking Survey (05-04-22) (Ref: VRP1391-01) - received 07 Apr 2022
02-02-101 (Rev. G) - received 07 Oct 2022
02-03-100 (Rev. J) - received 07 Oct 2022
02-03-101 (Rev. G) - received 07 Oct 2022
02-03-102 (Rev. G) - received 07 Oct 2022
02-03-103 (Rev. G) - received 07 Oct 2022
02-03-104 (Rev. G) - received 07 Oct 2022
02-03-105 (Rev. G) - received 07 Oct 2022
02-02-111 (Rev. D) - received 07 Oct 2022
02-03-200 - received 07 Oct 2022
02-03-201 - received 07 Oct 2022

RIGHTS OF APPLICANTS AGGRIEVED BY DECISION OF LOCAL PLANNING AUTHORITY

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the office of the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel 0117 372 8424). Appeal forms can be downloaded from the Planning Inspectorate website at www.Planning-inspectorate.gov.uk

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.

Further details are available at www.gov.uk/government/collections/casework-dealt-with-by-inquiries

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of an appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices.

If either the local planning authority or the officer of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Appendix 10 – Full Application (1058/APP/2021/3423) Section 106 Agreement:

DATED

18TH AUGUST

2023

PADDINGTON PACKET BOAT DEVELOPMENTS LIMITED

and

THE LONDON BOROUGH OF HILLINGDON

PLANNING OBLIGATION BY DEED PURSUANT TO SECTION 106
OF THE TOWN AND COUNTRY PLANNING ACT 1990 AND ASSOCIATED POWERS

RELATING TO THE DEVELOPMENT OF LAND AT

Paddington Packet Boat Public House

PLANNING APPLICATION NUMBER:

1058/APP/2021/3423

Planning & Corporate Team
London Borough of Hillingdon
Civic Centre, High Street
Uxbridge, Middlesex
Ref: CMcGrath 021294

THIS PLANNING OBLIGATION BY DEED is dated 18TH AUGUST 2023

and is made BETWEEN:

1. **PADDINGTON PACKET BOAT DEVELOPMENTS LIMITED** (company number: 10899799) a company incorporated in England and Wales whose registered office is situated at 2 – 3 Little Burrow Welwyn Garden City AL7 4SP ("the Owner");
2. **THE LONDON BOROUGH OF HILLINGDON** of the Civic Centre, High Street, Uxbridge, Middlesex UB8 1UW ("the Council").

BACKGROUND

- A The Council is the local planning authority for the purposes of the Act in respect of the Site and by whom the obligations in this Agreement are enforceable.
- B The Owner has a freehold interest in the Site registered under Title No AGL46992 at the Land Registry.
- C On 9 September 2021, the Owner submitted the Planning Application to the Council for permission to develop the Site for the purposes and in the manner described in the Planning Application.
- D The Owner intends to develop the Site pursuant to the Planning Permission.
- E The Council resolved at its Major Applications Planning Committee meeting on 9 November 2022 to delegate authority to determine the Planning Application to the Head of Planning, Transportation & Regeneration subject to the prior completion of this Agreement.
- F The Council has considered the provisions of the development plan and taken into account planning considerations affecting the Site and considers that in the interests of the proper planning of its area the Development of the Site ought to only be permitted subject to the terms of this Agreement and for that purpose the parties are willing to enter into this Agreement.

THIS DEED WITNESSES AS FOLLOWS:-**OPERATIVE PROVISIONS****1 INTERPRETATION**

- 1.1 For the purposes of the recitals and this Agreement, the following words and expressions shall have the following meaning:

"1990 Act"	means the Town and Country Planning Act 1990 (as amended);
"Academic Year"	means the period during which a Higher Education Institution holds classes and examinations from time to time such period being a minimum of 38 weeks and "Academic Years" shall be construed accordingly;
"Additional Affordable Student Accommodation"	means Affordable Student Accommodation to be provided at the Development pursuant to the Early-Stage Viability Review;
"Additional Affordable Student Accommodation Bedspaces"	means those bedspaces to be provided as Additional Affordable Student Accommodation which (individually or together with any Additional PIL) shall not exceed the Early Stage Review Cap;
"Additional PIL"	means additional payment in lieu of the provision of on-site Affordable Student Accommodation Housing calculated in accordance with Formula 1a which (individually or together with any Additional Affordable Student Accommodation) shall not exceed the Early-Stage Review Cap;
"Affordable Student Accommodation"	means the Student Accommodation Bedspaces provided as Affordable Student Accommodation Bedspace and (if any) the Additional Affordable Student Accommodation Bedspaces and that is operated at the Development and allocated to Students during the Academic Year:- (a) in accordance with the provisions of Part One of Schedule 7; (b) for an annual rent that does not exceed the Affordable Rent Cap (defined under Part One of Schedule 7 of this agreement); (c) with the same package of service and utilities as are provided to Students

	Occupying the Open Market Student Accommodation Bedspaces the cost of which shall be included in the annual rent detailed at subparagraph (b) above; and (d) access to the same facilities as the Students Occupying the Open Market Student Accommodation Bedspaces
"Affordable Student Accommodation Bedspaces"	means the 36% (being 22 rooms) Student Accommodation Bedspaces that are provided as Affordable Student Accommodation and "Affordable Student Accommodation Bedspace" shall be construed accordingly
"Agreement"	means this Deed
"Auditor"	means a suitably qualified, experienced and independent person nominated by the Owner and approved in writing by the Council for the purpose of verifying the results of the Monitoring;
"Authority's Area"	means the administrative area of the Council;
"Blue Badge Contribution"	means the sum of five thousand four hundred (£5,400.00) for the creation of blue badge street spaces which will only be provided within 50 (fifty) meters of the Development by the Council upon reasonable request of the qualifying residents of the Site
"Build Costs"	means the build costs comprising construction of the Development supported by evidence of these costs to the Council's reasonable satisfaction including but not limited to: (a) details of payments made or agreed to be paid in the relevant building contract; (b) receipted invoices; (c) costs certified by the Owner's quantity surveyor, costs consultant or agent, but for the avoidance of doubt build costs exclude: (i) professional, finance, legal and marketing costs;

	(ii) all internal costs of the Owner including but not limited to project management costs, overheads and administration expenses; and
"Carbon Offset Contribution"	means the Index Linked sum of £95 per tonne over a period of 30 years which is the amount that the Owner would pay as a contribution towards the Council's implementation of projects to reduce carbon emissions in its area to offset any proposed shortfall of the Development and in order to make the development policy compliant in accordance with Schedule 1
"Commencement of Development"	means the carrying out in relation to the Development of any material operation (as defined within section 56(4) of the 1990 Act) on the Site pursuant to the Planning Permission but (for the purposes of this Agreement) excluding operations consisting of: - site clearance; - demolition (provided always that such works do not relate to any listed building within the Site); - archaeological investigations and works; - ground investigations; - site survey works; - temporary access construction works; - preparatory or remediation works; - works for the laying termination or diversion of services; - the erection of any temporary means of enclosure or site notices; - decontamination works; - erection of any fences and hoardings around the Site; and - environmental site investigations, and Commence and Commenced shall be construed accordingly;
"Construction Training Contribution"	means the Index Linked sum for the Training Costs plus the Co-ordinator Costs, to be calculated in accordance with the formula provided at paragraph 6.18 (Page 41) the Planning Obligations Supplementary Planning Document July 2014 which shall be used by the Council towards

	construction training courses delivered by recognised providers and the provision of a construction work-place co-ordinator within the Authority's Area;
"Construction Training Scheme"	means a construction training scheme to be implemented by the Owner to fund, arrange and/or provide construction training and employment for Hillingdon residents during the construction of the Development. This scheme referred to in Schedule 5 shall be delivered in accordance with the construction training formula as contained within the Council's Planning Obligations Supplementary Planning Document (in terms of waged construction training places;
"Contributions"	means together the Carbon Offset Contribution, Public Open Space Contribution, Grand Union Canal Quietway Contribution, HUDU Contribution, Parking Management Scheme Contribution, and the Blue Badge Contribution; and all Contributions are payable in full by the Owner to the Council prior to the Commencement of Development;
"Co-ordinator Costs"	means a sum to be agreed with the Council in the event the Owner implements the Construction Training Scheme or, in the event that the Construction Training Contribution is paid, means the sum calculated using the following formula as prescribed within the Planning Obligations Supplementary Planning Document: <i>"Co-ordinator Costs" to be agreed but is assumed as size of development as a % of work placement co-ordinator threshold size x total cost of work place co-ordinator. One full time post, estimated at £71,675 p.a. (based on typical salary with on-costs, training budget and promotion budget) would be required for commercial schemes of 7,500 square metres or residential developments of 160 units or more. The length of the post would depend on the length of period that placements would be required to the development;</i>
"Interim Deputy Director of Planning and Public Realm"	means the Council's Interim Deputy Director of Planning and Public Realm or such person as the Council designates as undertaking this role;

"Development"	means the development of the Site pursuant to the Planning Permission;
"Early Stage Review"	means an upward only review of the financial viability of the Development and submission of the Development Viability Information for the Early Stage Review prepared by or on behalf of the Owner in connection with the whole of the Development in accordance with the provisions of Part Five of Schedule 7
"Early Stage Review Cap"	means the maximum total of the Affordable Student Accommodation Bedspaces and the Additional Affordable Student Accommodation Bedspaces that may be provided as calculated using Formula 2 or Additional PIL as calculated with Formula 1a which together with the Affordable Student Accommodation Bedspaces is the equivalent to the provision of 50% (fifty percent) of the Student Accommodation as Affordable Student Accommodation (or the financial equivalent) when the Early Stage Review is undertaken;
"Form PO1"	means the form in the substantial format attached at Appendix 1 ;
"Future Mortgagee"	means any chargee or mortgagee who acquires a charge over all or part of the Property subsequent to the date of this Agreement;
"GLA"	means Greater London Authority;
"Grand Union Canal Quietway Contribution"	means the Index Linked sum of fifteen thousand pounds (£15,000.00) referred to in Schedule 1 as a contribution towards initiatives to improve the Grand Union Canal Quietway within the Authority's Area;
"Higher Education Institution"	means an education institution that provides a designated course that has been approved by the Department of Education (or its successor body) and recognised as such by the Office of Students

	(or such other equivalent or successor body) for higher education study which allows Students to apply for government financed student loans;
"Highway Agreement"	means one or more highway agreements to be entered into by the Owner and the Council under Section 38 and/or Section 278 of the Highways Act 1980 if appropriate and necessary;
"Highways Works"	means the highway works to be carried out by the Owner within the area shown for indicative purposes only edged orange and edged blue on the Highway Works Plan, to include (but not limited to) the works as described in paragraph 7 of Schedule 2 of this Agreement;
"Highway Works Plan"	means drawing number 02-02-101 attached to this Agreement at Appendix 2 and labelled 'Highway Works Plan';
"HUDU Contribution"	means the Index Linked sum of twenty-four thousand three hundred and eighty pounds (£24,380.00) referred to in Schedule 1 as a contribution towards the healthcare facilities within the Authorities Area;
"Index Linked"	means the application of the formula provided at clause 15 ;
"London Plan"	means the London Plan published in March 2021 as revised from time to time;
"Mayor's Funding Guidance"	means "Homes for Londoners: Affordable Homes Programme 2021-26 Funding Guidance" published by the Mayor of London in November 2020 or any update or replacement guidance;
"Parking Design and Management Plan"	means a plan for the potential provision of blue badge spaces on the highway (up to a maximum of three) in the event parking restrictions are

	introduced in roads neighbouring the Development that sets out: 1) the results of an assessment whether occupiers of the Development require on-street blue badge spaces (up to a maximum of three); 2) if one to three blue badge spaces are required, the location (as specified by the Council as highway authority) of such spaces on the highway within 50 metres of the Development; 3) the methodology for ongoing reviews (up to seven years from the payment of the Blue Badge Contribution) for the assessment of the need for and location of blue badge spaces on the highway within 50 metres of the Development (up to a maximum of three);
"Travel Plan Monitoring"	means a survey of employees/residents/users, being persons making the journey to/from the Development, using a questionnaire in a form supplied or approved by the Council with the object of ascertaining the modes of transport used by such persons (or any alternative method of achieving that object approved in writing by the Council from time to time);
"Travel Plan Monitoring Period"	means the period of up to a maximum of five (5) years beginning on Occupation of the Student Accommodation;
"Occupied"	means occupation for any purpose for which Planning Permission has been granted but not including occupation by personnel engaged in the construction, fitting out or occupation for marketing or display purposes and for security purposes and Occupation and Occupy shall be construed accordingly;
"Open Market Student Accommodation Bedspaces"	means those Student Accommodation Bedspaces that are not provided as Affordable Student Accommodation Bedspaces and "Open Market Student Accommodation Bedspace" shall be construed accordingly but in the singular;

"Parking Management Scheme Contribution"	means the Index Linked sum of twenty thousand pounds (£20,000.00) to enable the reasonable consultation, implementation; and creation of a Parking Management Scheme for the surroundings grounds on the reasonable request from the local residents;
"Parking Permit"	means a parking permit issued by the Council (which for the avoidance of doubt does not include a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 as amended);
"Plan"	means the plan attached to this Agreement at Appendix 2 ;
"Planning Application"	means the application for 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" under the Council's reference number 1058/APP/2021/3423;
"Planning Obligations Officer"	means the Council's Planning Obligations Officer or such person as the Council designates as undertaking this role;
"Planning Permission"	means the planning permission that may be granted in pursuance of the Planning Application substantially in the form of the draft permission at Appendix 3 ;
"Planning Reference"	means planning reference 1058/APP/2021/3423;
"Project Management and Monitoring Fee"	means the sum equivalent to five percent (5%) of the total Contributions to be used by the Council at its discretion for its costs incurred in administering, monitoring, reviewing and implementing this Agreement;
"Public Open Space Contribution"	means the Index Linked sum of fifteen thousand seven hundred and fifty pounds (£15,750.00) to be provided in accordance with Schedule 1 to be used

	by the Council towards the provision of open space in the local area and/or enhancements to existing public open space within the Authority's Area;
"Public Subsidy"	means funding from the Council and/or the GLA together with any additional public subsidy secured by the Owner to support the delivery of the Development;
"Review Date"	means the date of the submission of the Development Viability Information pursuant to Part Five of Schedule 2 ;
"Travel Plan"	means a Travel Plan to be provided and adopted by the Owner as approved in writing by the Council to encourage and enable means of travel to and from the Student Accommodation by means other than in a driver only private car in accordance with Schedule 3 ;
"Travel Plan Bond"	means the bond in the sum of twenty thousand pounds (£20,000.00) for Travel Plan measures to secure compliance with Schedule 3 or the Travel Plan in order to meet the objectives of the Travel Plan in a form first approved by the Council in writing;
"Travel Plan Co-ordinator"	means the person or persons to be appointed by the Owner to act as co-ordinator of the Travel Plan who shall be responsible for the implementation, monitoring and progress reporting of the Travel Plan for a period of not less than the Monitoring Period in order to achieve the objectives of the Travel Plan;
"RPI"	means the Retail Prices Index published monthly by the Office for National Statistics or, if the Retail Prices Index is no longer maintained, such replacement or alternative index as the Council may determine;
"Significant Under-Performance"	means delivery of less than fifty percent (50%) of the total outputs specified in the Construction Training Scheme;
"Site"	means the property known as Paddington Packet Boat Public House as registered at the Land

	Registry under title number AGL46992 and shown for identification purposes only edged red on the Plan;
"Specified Date"	means the date upon which an obligation arising under this Agreement is due to be performed;
"Student"	means any of the following: a) full time students enrolled at a Higher Education Institution; b) Executive masters students; c) Exchange students; d) Students undertaking a programme of research at a Higher Education Institution; e) Nurses or other medical/dental staff professional undergoing training or on a related course of study at a Higher Education Institution and "Students" shall be construed accordingly;
"Student Accommodation"	means the Development to be used by Students and those supporting the Students including all student amenity spaces and which includes the Student Accommodation Bedspaces
"Student Accommodation Bedspaces"	means the sixty-one (61) bedspaces for Occupation by Students within the Development which comprises the Affordable Student Accommodation Bedspaces including (if any) the Additional Affordable Accommodation Bedspaces and the Open Market Student Accommodation Bedspaces;
"Substantial Implementation"	means the occurrence of the following in respect of the Development: (a) completion of all ground preparation works for the Development and all site-wide enabling works;

	(b) completion of the foundations for the core of the Development; (c) construction of the ground floor slab to the first floor of the Development; (d) letting of a contract for the construction of the Development; and (e) practical completion of the first floor of Development;
"Substantial Implementation Target Date"	means the date twenty-four (24) months from but excluding the date of grant of the Planning Permission with reference 1058/APP/2021/3423 ;
"Travel Plan Targets"	means for targets for achieving a decrease in the proportion of persons travelling to and from the Student Accommodation by driver only private car to using more sustainable modes of transport (where walking, cycling or the use of public transport are more sustainable than using a car) as calculated in the Travel Plan which shall be submitted to and approved by the Council for the Development hereby approved;
"Training Costs"	means the sum calculated using the following formula as prescribed within the Planning Obligations Supplementary Planning Document 2014: <i>"£2,500 (two thousand five hundred pounds) for every £1,000,000 (one million pounds) worth of construction costs for the Development. Based on the average cost of training for one person on an NVQ construction course at college";</i>
"VAT"	means value added tax chargeable under the Value Added Tax Act 1994 and any similar replacement tax and any similar additional tax;
"Updated Energy Strategy"	means an updated energy strategy submitted pursuant to Condition 6 of the associated Planning Permission;

"Use Class"	means the relevant class of development use as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended);
"Working Day"	means any day except Saturday, Sunday and any bank or public holiday and Working Days shall be construed accordingly.

1.2 In this Agreement:

- 1.2.1 the clause headings do not affect its interpretation;
 - 1.2.2 unless the context otherwise requires, words denoting the singular shall include the plural and vice versa and words denoting any one gender shall include all genders and words denoting persons shall include bodies corporate, unincorporated associations and partnerships;
 - 1.2.3 a reference to any party shall include that party's personal representatives, successors and permitted assigns and in the case of the Council the successors to its respective statutory functions;
 - 1.2.4 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;
 - 1.2.5 the headings in this Agreement are inserted for convenience only and shall not affect the construction or interpretation of this Agreement;
 - 1.2.6 unless otherwise indicated, references to clauses and Schedules are to clauses of and Schedules to this Agreement and references in a Schedule to a Part or paragraph are to a Part of paragraph of that Schedule;
 - 1.2.7 where the agreement, approval, consent or an expression of satisfaction is required by the Owner under the terms of this Agreement from the Council that agreement, approval, consent or satisfaction shall be given in writing and shall not be unreasonably withheld or delayed;
 - 1.2.8 references to any statute or statutory provision include references to:
 - 1.2.8.1 all Acts of Parliament and all other legislation having legal effect in the United Kingdom as directly or indirectly amended, consolidated, extended, replaced or re-enacted by subsequent legislation; and
 - 1.2.8.2 any orders, regulations, instruments or other subordinate legislation made under that statute or statutory provision;
-
- 1.2.9 references to the Site include any part of it;

- 1.2.10 references to any party in this Agreement include the successors in title of that party and any person deriving title through or under that party. In addition, references to the Council include any successor local planning authority exercising planning powers under the 1990 Act or any successor local highway authority exercising powers under the 1980 Act;
- 1.2.11 "including" means "including, without limitation";
- 1.2.12 any covenant by the Owner not to do any act or thing includes a covenant not to permit or allow the doing of that act or thing;
- 1.2.13 without prejudice to the terms of any other provision contained in this Agreement the Owner shall pay all costs, charges and expenses (including without prejudice to legal costs and Surveyor's fees) reasonably incurred by the Council for the purpose of or incidental to the enforcement of any right or power of the Council or any obligation of the Owner arising under this Agreement;
- 1.2.14 where two or more people form a party to this Agreement, the obligations they undertake may be enforced against them jointly or against each of them individually; and
- 1.2.15 if any provision is held to be illegal, invalid or unenforceable, the legality, validity and enforceability of the remainder of the Agreement is to be unaffected.

2 LEGAL BASIS

- 2.1 This Agreement is made pursuant to section 106 of the 1990 Act. To the extent that they fall within the terms of section 106 of the 1990 Act, the obligations contained in this Agreement are planning obligations for the purposes of section 106 of the 1990 Act and are enforceable by the Council as local planning authority against the Owner without limit of time.
- 2.2 To the extent that any of the obligations contained in this Agreement are not planning obligations within the meaning of the 1990 Act, they are entered into pursuant to the powers contained in 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 all other enabling powers with the intent that it will bind the Owner and the Security Trustee and their successors in title to the Site.

3 CONDITIONALITY

The obligations contained in the schedules to this Agreement are subject to and conditional upon:

- (i) the grant of the Planning Permission; and
- (ii) Commencement of the Development.

and all other parts of this Agreement shall be of immediate force and effect unless otherwise stated.

4 MISCELLANEOUS

- 4.1 Nothing contained or implied in this Agreement shall prejudice or affect the rights, powers, duties and obligations of the Council in exercise of their functions as local planning authority and their rights, powers, duties and obligations under all public and private statutes, bylaws and regulations may be as fully and effectually exercised as if the Council were not a party to this Agreement.
- 4.2 Nothing in this Agreement prohibits or limits the right to develop any part of the Site in accordance with a planning permission, other than one relating to the Development as specified in the Planning Application, granted after the date of this Agreement, whether or not pursuant to an appeal.
- 4.3 No waiver (whether express or implied) by the Council of any breach or default by the Owner in performing or observing any of the covenants undertakings obligations or restrictions contained in this Agreement shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the said covenants undertaking or obligation from acting upon any subsequent breach or default in respect of the Owner.
- 4.4 Nothing in this Agreement shall be construed as a grant of planning permission.
- 4.5 Unless expressly agreed otherwise in this Agreement, the covenants in this Agreement shall be enforceable without any limit of time against the Owner and any successors in title to the Site and assigns of the Owner in an interest or estate to the Site or any part or parts of the Site as if that person had also been an original covenanting party in respect of the interest or estate for the time being held by that person.
- 4.6 No party to this Agreement nor its successors in title nor any person deriving title from or under them shall be liable for any breach of any of the planning obligations or other obligations contained in this Agreement after it shall have parted with its entire interest in the Site but without prejudice to liability for any subsisting breach arising prior to parting with such interest.
- 4.7 This Agreement shall cease to have effect (insofar only as it has not already been complied with) if the Planning Permission is quashed or revoked or otherwise withdrawn or (without the consent of the Owner or their successors in title) is modified by any statutory procedure or expires prior to Commencement of Development.
- 4.8 Insofar as any clause or clauses of this Agreement are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Agreement.
- 4.9 In the event that the planning obligations contained in this Agreement being modified a note or memorandum thereof shall be endorsed upon this Agreement.
- 4.10 The Agreement cannot be amended or discharged without the prior consent in writing of the Owner and the Council or their respective successors in title.
- 4.11 The obligations contained within this Agreement shall not be binding upon or enforceable against:

4.11.1 any statutory undertaker or other person who acquires any part of the Site or interest therein for the purposes of the supply of electricity gas water drainage telecommunication services or public transport services;

4.11.2 except for Schedules 4, and 6 which shall apply, individual occupiers of the Student Accommodation Bedspaces.

5 THE OWNER'S PLANNING OBLIGATIONS

The Owner covenants with the Council so as to bind the Site to observe and perform the obligations contained in this Agreement and the Schedules hereto.

6 COSTS

6.1 The Owner hereby covenants with the Council that on completion of this Agreement it will pay the Council's reasonable and proper legal costs, together with all disbursements, incurred in connection with the negotiation, preparation, completion and registration of this Agreement.

6.2 Prior to Commencement of Development the Owner will pay to the Council the Project Management and Monitoring Fee. For the avoidance of doubt the Project Management and Monitoring Fee shall be paid in addition to the costs referred to in clause 6.1 above.

7 REGISTRATION OF AGREEMENT

The Owner recognises and agrees that the covenants in this Agreement shall be treated and registered as local land charges for the purposes of the Local Land Charges Act 1975.

8 RIGHT OF ACCESS

8.1 Without prejudice to the Council's statutory right of entry the Owner shall permit the Council and its authorised employees and agents upon reasonable written notice to enter the Site at all reasonable times for the purpose of verifying whether or not any obligation arising under the Agreement has been performed or observed.

9. ARBITRATION

9.1 Any dispute, controversy or claim arising out of or relating to this Agreement, including any question regarding its breach, existence, validity or termination or legal relationship established by this Agreement shall be finally resolved by arbitration in accordance with the Arbitration Act 1996. It is agreed that:

9.1.1 the tribunal shall consist of one other arbitrator appointed jointly by the parties;

9.1.2 in default of the parties' agreement as to the arbitrator, the arbitrator shall be appointed on either party's request by the President for the time being of the Royal Institution of Chartered Surveyors;

9.1.3 the costs of the arbitration shall be payable by the parties in the proportions determined by the arbitrator (or if the arbitrator makes no direction, then equally); and

9.1.4 the seat of the arbitration shall be London

10. THIRD PARTIES

10.1 A person who is not named in this Agreement does not have any right to enforce any term of this Agreement under the Contracts (Rights of Third Parties) Act 1999.

11. NOTICES

11.1 All notices served under or in connection with this Agreement shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party.

11.2 Any notice to be served under or in connection with this Agreement shall be sent to the:

- a) Interim Deputy Director of Planning and Public Realm, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, Middlesex, UB8 1UW and shall cite the Planning Reference for this Agreement; and
- b) The Owner at 2 – 3 Little Burrow Welwyn Garden City AL7 4SP.

12. FORM PO1

12.1 Prior to Commencement of the Development the Owner shall notify the Council that it intends to Commence the Development by completing and sending Form PO1 to the Council addressed to the Planning Obligations Officer, 3 North, London Borough of Hillingdon, High Street Uxbridge UB8 1UW or by email to cil@hillingsdon.gov.uk and shall cite the Planning Reference.

13. CHANGE IN OWNERSHIP

13.1 The Owner agrees to provide the Council with immediate written notification of any change in Ownership of any of its interest in the Site occurring before all of the obligations under this Agreement have been discharged (such notice to give details of the transferee's full name and registered office) together with the area of the Site or unit of occupation purchased by reference to a plan and the Section 106 Reference

PROVIDED THAT this shall not apply to any change of interest in the individual Student Accommodation Bedspaces.

14. CONTRIBUTIONS

14.1 Payment of the Contributions required by this Agreement shall be made on the following basis:

- (a) The Contributions due under this Agreement shall be delivered to the person and address specified in clause 11 above;
- (b) pursuant to the Local Government Act 2003, the Council shall be at liberty to charge the Contributions to a Council revenue account and for the avoidance of doubt it is agreed and declared that this shall be without prejudice to the Council's right to apply the Contributions or any part or parts thereof to revenue purposes or to capital purposes or partly to the one and partly to the other.

14.2 Where any sum is paid for a particular purpose in accordance with this Agreement the Council shall not use the payment otherwise than for that purpose or for such other purpose as the Owner (at its absolute discretion) and the Council may agree in writing.

14.3 In the event that the Contributions or any element or part of the Contributions remain unspent or committed unconditionally (including if no blue badge on street spaces have been created within 50 metres of the Development in relation to the Blue Badge Contribution) to be spent within seven (7) years after the date on which the relevant Contribution was paid to the Council, then the Council shall within 28 days of a written demand return to the Owner the unexpended or uncommitted (as the case may be) part of the Contributions (with any accrued interest).

15. INDEXATION

The Owner agrees with the Council that any sums payable by the Owner in respect of the Contributions under this Agreement shall be increased by the application of the formula $A=B \times C/D$ where:

- (a) A is the sum actually payable on the Specified Date;

- (b) B is the original sum mentioned in this Agreement;
- (c) C is the Index of Retail Prices for the month 2 months before the Specified Date;
- (d) D is the Index of Retail Prices for the month 2 months before the date of this Agreement; and
- (e) C/D is equal to or greater than 1.

16. INDEMNITY

16.1 The Owner hereby undertakes and agrees with the Council that in the event of any claim or claims being made against the Council for any one or more of the following payments:

- a) compensation (including any claim arising under the Land Compensation Acts)
- b) damages
- c) costs
- d) charges
- e) any other payment

such claim arising in connection with or incidental to or in consequence of any failure on the part of the Owner to comply with its obligations under this Agreement the Owner will hold the Council fully indemnified from and against each and every said claim

16.2 The Owner shall not be liable under this clause to indemnify the Council in respect of any claim only insofar as and to the extent that the said claim is found to have resulted from the negligent act or omission of the Council or its servants or agents save that for the purpose of this clause the Owner or persons acting on behalf of the Owner shall not be regarded as servants or agents of the Council and the Owner shall be under no obligation to pay such compensation, damages, costs, charges or any other payment if it is found in a court of law, that a breach has not occurred and/or it is determined that no costs are payable.

17. INTEREST

All costs, payments and expenses payable to the Council under this Agreement shall bear the Interest rate from time to time being charged from the date such payment is due until the payment is received by the Council.

18. VAT

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

18.2 The Owner hereby acknowledges and agrees that if at any time VAT is required to be paid in respect of the Site and the Contributions then to the extent that VAT had not been previously charged in respect of that payment the Council shall have the right to issue a VAT invoice to the Owner and the VAT shall be paid accordingly.

19. JURISDICTION

This Agreement is governed by and interpreted in accordance with the law of England and Wales.

20. FUTURE MORTGAGEE'S CONSENT

Any Future Mortgagee acknowledges and declares that this Agreement has been entered into by the Owner with its consent and that the Site shall be bound by the obligations contained in this Agreement and that the security of its charge over the Site shall take effect subject to this Agreement PROVIDED THAT the Future Mortgagee shall otherwise have no liability under this Agreement unless they take possession of the Site in which case they too will be bound by the obligations as if they were a person deriving title from the Owner.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

SCHEDULE 1

CONTRIBUTIONS

1. The Owner hereby covenants and agrees with the Council as follows:
 - 1.1. Prior to Commencement of the Development to pay all of the Contributions to the Council and for the avoidance of doubt this is the Carbon Offset Contribution, Public Open Space Contribution, Grand Union Canal Quietway Contribution, HUDU Contribution, Parking Management Scheme Contribution, and the Blue Badge Contribution; and all Contributions are payable in full by the Owner to the Council prior to the Commencement of Development;
 - 1.2. Not to Commence or cause or allow or permit Commencement of the Development before all of the Contributions referred to in paragraph 1 of this schedule 1 have been paid to the Council in full.

SCHEDULE 2

HIGHWAY AGREEMENT

1. The Owner hereby covenants and agrees with the Council as follows:
 - 1.1. Not to Occupy or permit or cause to be Occupied any part of the Development until the Highway Works have been completed to the satisfaction of the Council.
 - 1.2. To enter into one or more Highway Agreement for the Highway Works before the Highway Works are commenced or to procure that the Owner's successor in title to the Site shall enter into one or more Highway Agreements for the Highway Works before the Highway Works are commenced.

- 1.3. Without prejudice to the requirements of paragraph 1.2 of this Schedule, the scope and specification of any Highway Works (including the scope and specification of any associated works, studies, audits or modelling referred to in paragraph 6 below) shall be first agreed in writing by the Council's Highways Engineer.
- 1.4. To be responsible for the full costs of the Highway Works including any traffic orders the Council seeks to make which are necessary to implement the Highway Works, whether or not such orders are successfully made.
- 1.5. The Owner shall pay the Council's reasonable and proper legal costs in entering into any Highway Agreement.
- 1.6. The Highway Works shall include (but may not be limited to):
 - 1.6.1. within the area outside the Site edged blue on the Highway Works Plan the reinstatement of a footway on the public highway along the boundary of the Development to be delivered under the powers provided by Section 278 of the Highways Act 1980;
 - 1.6.2. within the areas in the Site that are edged orange on the Highway Works Plan to undertake works to provide footway that is to be dedicated by the Owner as highway and adopted by the Council as maintainable at the public expense to be delivered under the powers provided by Section 38 of the Highways Act 1980;
 - 1.6.3. the provision of dropped curbs off Packet Boat Lane (for access to the Site to use the disabled parking bay) and the High Road (for pedestrians crossing High Road and to enable access to the Site for the parking of motorcycles and bicycles)
 - 1.6.4. such works within the areas hatched orange and edged blue on the Highway Works Plan that immediately adjoin the footway that is existing public highway on Packet Boat Lane to ensure that the Highway Works in that location integrate with the existing footway;

SCHEDULE 3

TRAVEL PLAN

1. The Owner hereby covenants and agrees with the Council as follows:
 - 1.1. Not to Occupy the Development until the Travel Plan has been submitted to and approved in writing by the Council (such approval not to be unreasonably withheld or delayed).
 - 1.2. The Travel Plan shall include as a minimum:
 - 1.2.1. Details as to compliance with TfL methodology and details of the methodology to be used to implement and monitor the Travel Plan;
 - 1.2.2. The length of the monitoring period for the Travel Plan which shall not be less than the Travel Plan Monitoring Period;
 - 1.2.3. A timetable for the preparation, implementation, monitoring and review (within the Travel Plan Monitoring Period) of all stages of the Travel Plan;
 - 1.2.4. a review of the ongoing need for on-site motorcycle spaces;
 - 1.2.5. The period post Occupation when the initial Travel Plan Monitoring will be undertaken and details of subsequent Travel Plan Monitoring for the purposes of assessment achievement of the Travel Plan Targets; and
 - 1.2.6. The Travel Plan Targets.
 - 1.3. The Travel Plan shall be implemented by the Owner as soon as reasonably practicable and in any event no later than two (2) months following first Occupation of the Development.
 - 1.4. To procure the funding and implementation of the Travel Plan in accordance with the actions and timetable specified therein and thereafter to comply with the Travel Plan for the Travel Plan Monitoring Period.
 - 1.5. The Owner shall not Occupy any part of the Development until a Travel Plan Co-ordinator has been appointed and details of the name, office, address, email address and telephone number of the said Travel Plan Co-ordinator have been supplied to the Council and TfL in the case of referred applications to the GLA.
 - 1.6. The Owner shall be responsible for the reasonable and proper costs of any Travel Plan Monitoring and auditing and any remuneration and reasonable and proper expenses payable to the Travel Plan Co-ordinator and the Auditor.
 - 1.7. In the event that the Travel Plan Co-ordinator resigns or is otherwise dismissed from employment for any reason, the Owner will employ (or will procure the employment of) a replacement Travel Plan Co-ordinator as soon as reasonably practicable.

- 1.8. Following approval of the Travel Plan, the Travel Plan Co-ordinator shall monitor and review the Travel Plan for a period of not less than the Travel Plan Monitoring Period including undertaking the following:
 - 1.8.1. within twenty-eight (28) days of the Occupation of the Development to provide written details of the Travel Plan to all new occupiers of the Development;
 - 1.8.2. to use reasonable endeavours to ensure that Occupants of the Development comply with the Travel Plan;
 - 1.8.3. to undertake the initial Travel Plan Monitoring which shall not be carried out later than one (1) year after Occupation of the Development and to undertake an annual review of the Travel Plan and provide a written report within twenty-eight (28) days of the review to the Council;
 - 1.8.4. to supply the Council with a statistical summary of the modes of transport used by occupants disclosed by any Travel Plan Monitoring or copies of any questionnaires completed by occupants; and
 - 1.8.5. to secure that the results of each Travel Plan Monitoring are verified by an Auditor within two (2) calendar months of the Monitoring taking place by methods that accord with the reasonable requirements of the Council.
2. The Owner will implement any reasonable recommendations made by the Council following each annual review of the Travel Plan within twenty eight (28) days of such recommendation being made by the Council.
3. Prior to Occupation of the Development the Owner shall enter into a Travel Plan Bond in order to secure the due performance by the Owner of its Travel Plan Monitoring and reporting obligations, or the achievement of Travel Plan Targets as contained in the Travel Plan.
4. The Council shall not be entitled to drawdown any of the Travel Plan Bond except in the event of a default by the Owner to submit one or more Travel Plan Monitoring surveys, as shall be detailed in the Travel Plan, within the timetable specified in the Travel Plan or failure to achieve the Travel Plan Targets and the Council shall only be entitled to drawdown any of the Travel Plan Bond as is necessary in order to cover the reasonable and proper cost the Council incurs in carrying out the said Travel Plan Monitoring or implementing measures to achieve compliance with the aims of the Travel Plan, to include implementing measures to achieve the Travel Plan Targets.
5. The Travel Plan Bond shall be released following the expiration of the Travel Plan Monitoring Period.

SCHEDULE 4

PARKING PERMITS

1. The Owner hereby covenants and agrees with the Council as follows:

- 1.1. Upon completion of this Agreement not to apply to the Council for a Parking Permit in respect of any Student Accommodation Bedspace nor to knowingly permit any owner or occupier of the Student Accommodation to apply to the Council for a Parking Permit and if such a permit is issued in respect of the Student Accommodation bedspace it shall be surrendered to the Council within seven (7) days of written demand.
- 1.2. That all material used for advertising or marketing the Development for letting or sale will notify prospective owners and occupiers that they will not be entitled to apply for a Parking Permit.
- 1.3. That in respect of every freehold transfer or lease granted, assigned, transferred or otherwise provided in respect of the Development the following covenant shall be imposed (or a covenant of substantially the same nature in respect of any tenancy agreement licence or other instrument entitling Occupation of the Development):

"the transferee/lessee for himself and his successors in title being the owner or owners for the time being [of [plot No. []]/the terms of years hereby granted] hereby covenant with the transferor/lessor and separately with the Mayor and Burgesses of the London Borough of Hillingdon ("the Council") not to apply for nor knowingly permit an application to be made by any person residing in the premises to the London Borough of Hillingdon for a parking permit (save for the display of badges on motor vehicles used by disabled persons issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 as amended) and if such a permit is issued then it shall be surrendered within seven (7) days of written request to do so from the Council and this covenant shall also be enforceable by the Council under the Contracts (Rights of Third Parties) Act 1999, section 1"

SCHEDULE 5

CONSTRUCTION TRAINING SCHEME

1. The Owner hereby covenants and agrees with the Council as follows:
 - 1.1. Securing an employment or training agreement is the Council's priority. The Construction Training Contribution will only be acceptable in exceptional circumstances as set out in the Council's Planning Obligations Supplementary Planning Document 2014;
 - 1.2. Prior to Commencement of Development to meet (along with the Owner's main contractor) with representatives from the Council's partnership team and agree the basis and methodology of the Construction Training Scheme for this Development;
 - 1.3. The Owner shall implement and adhere to the agreed Construction Training Scheme during the construction of the Development in order that obligations in this Schedule are met;
 - 1.4. The Owner shall issue a written statement to prospective contractors and sub-contractors at the tendering of work stage for the Development which sets out the obligations in this Schedule and the Owner's commitment to ensuring that the obligations contained in this Schedule are complied with.;
 - 1.5. Prior to Commencement of the Development the Owner and the Council shall agree the Co-ordinator Costs (if any);
 - 1.6. Prior to Commencement of the Development the Owner shall pay the agreed Co-ordinator Costs to the Council (if any);
2. Not to Commence or cause or permit to be Commenced any part of the Development until the obligations contained in paragraphs 1.1 to 1.6 of this Schedule have been complied with;
3. In the event of Significant Under-Performance the Council reserves the right to request the Construction Training Contribution. The Owner will have a period of not less than twenty eight (28) days to address any Significant Under-Performance from the date of the written notice by the Council prior to making the said payment and if within that twenty eight (28) days delivery rises to fifty (50) per cent or more of the total outputs specified in the Construction Training Scheme then the Construction Training Contribution will not be payable by the Owner and the request for payment will be withdrawn by the Council;
4. In the event of Significant Under-Performance, not to Occupy or cause to be Occupied any part of the Development before the Construction Training Contribution is paid to the Council;

Construction Training Contribution in lieu:

5. The Construction Training Scheme will not be required and the obligations within paragraphs 1 – 3 (inclusive) above shall not apply where the Owner and the Council agree in writing prior to Commencement of Development that the Owner shall pay the Construction Training Contribution in lieu of provision of the Construction Training Scheme. In the event that the parties agree that the Construction Training Contribution is due this shall be paid to the Council prior to Commencement of the Development
6. Not to Occupy or cause to be Occupied any part of the Development before either:
 - 6.1. the approved Construction Training Scheme has been implemented and delivered by the Owner throughout the Development;
 - 6.2. construction period of the Development in accordance with the approved scheme and the Co-ordinator Costs have been paid to the Council (if any);
 - 6.3. in the event of Significant Under-Performance the Construction Training Contribution has been paid to the Council; or
 - 6.4. the Construction Training Contribution has been paid to the Council pursuant to paragraph 5 above.

SCHEDULE 6

STUDENT ACCOMMODATION MANAGEMENT PLAN

Definitions

In this Schedule 6 the following expressions shall have the following meanings:

Student Accommodation Management Plan means the management plan which includes but is not limited to the details for the logistics and coordination of the Students moving in and out of the Student Accommodation, the provision of 24/7 security, the management of noise disturbance and anti-social behaviour, the prevention of Students bringing private vehicles to the Site and the provision of Student Support within the Student Accommodation.

1 The Owner covenants with the Council to:

- 1.1 submit the Student Accommodation Management Plan to the Council for approval prior to first Occupation of the Student Accommodation.
- 1.2 not to Occupy the Student Accommodation until the Student Accommodation Management Plan has been approved in writing by the Council (the “**Approved Student Accommodation Management Plan**”);
- 1.3 To comply with the Approved Student Accommodation Management Plan during the use of the Student Accommodation subject to any revised Student Accommodation Management Plan approved by the Council in writing.

SCHEDULE 7

STUDENT ACCOMMODATION

PART ONE

STUDENT ACCOMMODATION DEFINITIONS

In this schedule 7 the following expressions shall have the following meanings:

"Affordable Housing" means housing which is accessible to people whose incomes are insufficient to enable them to afford adequate housing locally on the open market and includes affordable rented housing and intermediate affordable housing provided by registered providers or local authorities;

"Affordable Rent Cap" means

- (a) For the Academic Year of First Occupation of the Affordable Student Accommodation Bedspaces, and for the subsequent three Academic Years, annual rental costs (inclusive of service charges, utilities and estate charges) for the Affordable Student Accommodation Bedspaces which does not exceed the higher of:
 - (i) £6,967 being fifty-five per cent (55%) of the 2022/2023 maximum full time student maintenance for living costs at the date of this Deed; or
 - (ii) maximum annual rental costs (inclusive of service charges, utilities and estate charges) for affordable purpose-built student accommodation published annually by the Greater London Authority as set out in the Mayor of London's Annual Monitoring Report from time to time; and
- (b) for Academic Years starting on every third anniversary of First Occupation and for the subsequent three Academic Years, annual rent costs shall not exceed either:
 - (i) Annual rent costs of the first Academic year, described in part (a), subject to the Consumer Price Index ("CPI"); or
 - (ii) maximum annual rental costs (inclusive of service charges, utilities charges and estate charges) for affordable purpose-built student accommodation published annually by the Greater London Authority as set in the Mayor of London's Annual Monitoring Report

"Average Market Student Accommodation Value" means that average value of the Open Market Student Accommodation Bedspaces per bedspace (as applicable) at the Relevant Date based on the relevant information provided to establish the Early-Stage Review Estimated GDV to be assessed by the Council and the Owner;

"Build Costs" means the build costs comprising construction of the Development supported by the evidence of these costs to the Council's reasonable satisfaction including but not limited to:

- (i) details of payments made or agreed to be paid in the relevant building contract;
- (ii) receipted invoices; and
- (iii) costs certified by the Owner's quantity surveyor, costs consultant or agent

but for the avoidance of doubt build costs exclude:

- (i) professional, finance, legal and marketing costs;
- (ii) all internal costs of the Development including but not limited to project management costs, overheads and administration expenses; and
- (iii) any costs arising from Fraudulent Transactions;

"Component" means a part of the Development within the Site including but not limited to:

- (i) Student Accommodation Bedspaces;
- (ii) any other floorspace
- (iii) property; and
- (iv) land;

"Development Viability Information" means

- (i) In respect of Formula 1a:
 - a. Early Stage Review Estimated GDV;
 - b. Early Stage Review Estimated Build Costs; and
- (ii) In respect of Formula 2:
 - a. Average Market Student Accommodation Value;
 - b. Average Affordable Student Accommodation Value; and
 - c. Average Student Bedspace Room Size.

and including each case supporting evidence to the Council's reasonable satisfaction;

"Disposal" means:

- (i) The freehold sale of part or all of the Development;
- (ii) The grant of a lease of a term of less than 125 years of Component of the Development;
or

- (iii) The grant of an assured shorthold tenancy agreement or a short term let in respect of a Component of the Development

ALWAYS excluding any Fraudulent Transaction and "Dispose", "Disposals" and "Disposed" shall be construed accordingly

"Early Stage Review Date" means the Substantial Implementation Target Date;

"Early Stage Review Estimated Build Costs" means the sum of:

- (i) the estimated Build Costs remaining to be incurred; and
- (ii) the Build Costs actually incurred

at the Early Stage Review Date;

"Early Stage Review Estimated GDV" means the price at which a sale of the Market Value of the Open Market Student Accommodation Bedspaces would have been completed unconditionally for cash consideration on the date of the submission of the Development Viability Information pursuant to paragraph 7 of this Schedule based on detailed comparable market evidence to be assessed by the Council;

"External Consultant" means an external consultant appointed by the Council to assess the Development Viability Information;

"First Occupation" means the first Occupation of the Student Accommodation and referenced to "First Occupy" or "First Occupied" shall be construed accordingly;

"Finally Determined" means Proceedings have been finally disposed of such that all statutory periods have expired without any further application being made to the relevant determining authority / Court or tribunal of competent jurisdiction

"Formula 1a" means the formula for calculating the surplus profit available for Additional Affordable Student Accommodation or Additional PIL at the Early Stage Viability Review, identified as "Formula 1a" within Appendix 4 to this Deed;

"Formula 2" means the formula for calculating the Additional Affordable Student Accommodation at the Early Stage Viability Review, identified as "Formula 2" within Appendix 4 to this Deed;

"Fraudulent Transaction" means:

- (i) a transaction the purpose or effect of which is to artificially reduce the GDV at the Early Stage Review Date and/or the Late Stage Review Date and/or artificially increase the build Costs for the purposes of any of the Reviews; or
- (ii) a Disposal that is not an arm's length third party bona fide transactions;

"GDV" means the gross development value of the Development based on the detailed comparable market evidence provided by the Owner;

“Higher Education Institution” means an education institution that provides a designated course that has been approved by the Department of Education (or its successor body) for higher education study which allows Students to apply for government financed student loans;

“London Plan Annual Monitoring Report” means the monitoring report published annually by the Mayor of London reviewing the progress being made in implementing the policies and addressing the objectives of the London Plan or any replacement GLA guidance or policy;

“Market Value” means the price at which the sale of the relevant property interest would have been completed unconditionally for cash consideration on the Relevant Review Date based on the detailed comparable market evidence, including evidence of rental values for the Student Accommodation bedspaces which have been let, a valuation of the Student Accommodation bedspaces and evidence of the rental yield of the Student Accommodation bedspaces, to be assessed by the Council and assuming:

(i) a willing seller and a willing buyer;

(ii) that, prior to the date of valuation, there has been a reasonable period of not less than six months for the proper marketing of the interest (having regard to the nature of the property and the state of the market) for the agreement of the price and the terms and for completion of the sale;

(iii) that no account is taken of any additional bid by a prospective purchaser with a special interest; and

(iv) that both parties to the transaction have acted knowledgeably, prudently and without compulsion;

“Nominations Agreement” means an agreement or agreements to be entered into between the Owner and one or more Higher Education Institution (in the form of a contract or a lease or a freehold transfer of the relevant parts of the Student Accommodation) that either: (a) secures the operation and management of Nominations Units by the Higher Education Institution directly; or (b) grants rights to the Higher Education Institution to nominate any of its Students to become Occupants of Nominations Units;

“Nominations Units” means the Student Accommodation Bedspaces which are subject to a Nominations Agreement which shall be a minimum of 51% of the Student Accommodation Bedspaces comprising (a) all of the Affordable Student Accommodation Bedspaces and (if applicable) any Additional Affordable Student Accommodation Bedspaces; and (b) up to a further 9 Open Market Student Accommodation Units (being 15% of the Student Accommodation Bedspaces);

“Open Market Student Accommodation” means the Student Accommodation that is not provided as Affordable Student Accommodation;

“Open Market Student Accommodation Bedspaces” means those Student Accommodation Bedspaces that are not provided as Affordable Student Accommodation Bedspaces or Additional Affordable Student Accommodation Bedspaces and **“Open Market Student Accommodation Bedspace”** shall be construed accordingly;

"Public Subsidy" means finding from the Council and/or the GLA together with any additional public subsidy by the Owner or Affordable Housing Provides to support the delivery of Development;

"Relevant Review Date" means the Early-Stage Review Date;

"Service Charges" means all amounts payable by a tenant or owner (as appropriate) of the Student Accommodation as part of or in addition to the rent and directly or indirectly for services, repairs, maintenance, improvements, insurance and/or the landlord's costs of management in relation to that Student Accommodation;

"Surplus" means surplus value available for Additional Affordable Student Accommodation or Additional PIL as calculated in accordance with Formula 1a and Formula 2 for the Early-Stage Viability Review;

PART TWO of SCHEDULE 7 – STUDENT ACCOMMODATION

1. The Owner covenants with the Council for the lifetime of the Development to:

1.1 secure the use of the Development as purpose-built Student Accommodation, providing sixty-one (61) bedspaces which shall be limited to Students for Student use only in accordance with the Planning Permission; and

1.2 to enter into a Nominations Agreement for the Nominations Units with one or more Higher Education providers for the allocation of the bedspaces.

PART THREE of SCHEDULE 7 – AFFORDABLE STUDENT ACCOMMODATION

1. The Owner covenants with the Council for the lifetime of the Development to provide:

1.1. thirty-six per cent (36%) of the Student Accommodation Bedspaces as Affordable Student Accommodation Bedspaces (being 22 bedspaces),

1.2. the level (if any) of Additional Affordable Student Accommodation Bedspaces or Additional PIL which is agreed under [Part 5 of this Schedule]

PROVIDED THAT the maximum total of the Affordable Student Accommodation Bedspaces and the Additional Affordable Student Accommodation Bedspaces (or Additional PIL) shall together not exceed the equivalent of 50 per cent of the Student Accommodation Bedspaces (or the financial equivalent in the event it is agreed that Additional PIL is payable) .

1.3. not to Occupy the Student Accommodation Bedspaces unless and until the Owner has entered into a Nominations Agreement to let all of the Nominations Units, including all of the Affordable Student Accommodation and any Additional Affordable Student Accommodation Bedspaces; and

1.4. not to let the Affordable Student Accommodation Bedspaces or the Additional Affordable Student Accommodation for more than the Affordable Rent Cap, nor levy the Occupants of the Affordable Student Accommodation Bedspaces with any additional service charges, utilities charges or estate charges.

2. The Owner shall provide written confirmation to the Planning Obligations Officer that a Nominations Agreement has been entered into for the lifetime of the Development for all of the Affordable Student Accommodation and that the Affordable Student Accommodation annual rent levels shall not exceed the Affordable Rent Cap, and that the Students occupying the Affordable Student Accommodation shall benefit from:
 - 2.1. full and free rights of access both pedestrian and vehicular from the public highway to the Affordable Student Accommodation Bedspaces; and
 - 2.2. full and free rights of the passage of water soil electricity gas and other services through the pipes drains channels wires cables and conduits which shall be in the adjoining land up to and abutting the boundary to the Affordable Student Accommodation Bedspaces all such services to be connected to the mains.
 - 2.3. The Owner shall ensure that the Affordable Student Accommodation Bedspaces are used, occupied and retained for the lifetime of the Development for no purpose other than for the provision of Affordable Student Accommodation PROVIDED THAT outside of the Academic Year the use of the Affordable Student Accommodation Bedspaces is limited to Students.

PART FOUR OF SCHEDULE 7 – AFFORDABLE STUDENT ACCOMMODATION MONITORING

1. The Owner covenants to provide the Council with:
 - 1.1. before the Commencement of each Academic Year following First Occupation, the number of and the annual rents for the Affordable Student Accommodation Bedspaces (and, if applicable, any Additional Affordable Student Accommodation Bedspaces) to be let in the forthcoming Academic Year;
 - 1.2. such other information on the operation of the Affordable Student Accommodation including allocation of the Affordable Student Accommodation Bedspaces (and, if applicable, any Additional Affordable Student Accommodation Bedspaces) under the Nominations Agreement to aid the establishment of a central allocations body or the operation of a monitoring group initiated by the Mayor's Academic Forum;
 - 1.3. to construct the Affordable Student Accommodation to the same design and accessibility standards as the Open Market Student Accommodation in accordance with the Planning Permission;
 - 1.4. to ensure that the Affordable Student Accommodation Bedspaces are:
 - 1.4.1. only Occupied as Affordable Student Accommodation during each Academic Year, and
 - 1.4.2. not Occupied for any purpose other than as Affordable Student Accommodation during each Academic Year

PART FIVE OF SCHEDULE 7 – EARLY-STAGE REVIEW

EARLY VIABILITY REVIEW TRIGGER

1. The Owner shall notify the Council in writing of the date on which it considers that Substantial Implementation has been achieved no later than 10 Working Days after such date and such notice shall be accompanied by full documentary evidence on an open book basis to enable the Council to independently assess whether Substantial Implementation has been achieved and whether it was achieved on or before the Substantial Implementation Target Date and subject to clause 9 and in the event that Substantial Implementation has occurred by the Substantial Implementation Target Date an Early Stage Review shall not be undertaken and Part Five of this Schedule 7 shall not apply.
2. No later than 10 Working Days after receiving a written request from the Council, the Owner shall provide to the Council any additional documentary evidence reasonably requested by the Council to enable it to determine whether the Substantial Implementation has been achieved on or before the Substantial Implementation Target Date.
3. Following the Owner's notification pursuant to paragraph 1 of Part Five of this schedule, the Owner shall afford the Council access to the Site to inspect and assess whether or not the works which have been undertaken achieve the Substantial Implementation PROVIDED ALWAYS THAT the Council shall:
 - 3.1. provide the Owner with reasonable written notice of its intention to carry out such an inspection;
 - 3.1.1. comply with relevant health and safety legislation; and
 - 3.1.2. at all times be accompanied by the Owner or its agent.
4. No later than 20 Working Days after the Council receives:
 - 4.1. notice pursuant to paragraph 1 of Part Five of this schedule 7; or
 - 4.2. if the Council makes a request under paragraph 2 of Part Five of this schedule, the Council shall inspect the Site and thereafter provide written confirmation to the Owner within 10 Working Days of the inspection date as to whether or not the Council considers that the Substantial Implementation has been achieved and whether it was achieved on or before the Substantial Implementation Target Date.
5. If the Council notifies the Owner that the Council considers that the Substantial Implementation has not been achieved then this paragraph shall continue to apply mutatis mutandis until the Council has notified the Owner pursuant to paragraph 4 of Part Five of this Schedule that the Substantial Implementation has been achieved and for the avoidance of doubt in the event of a dispute as to whether Substantial Implementation has been achieved and whether it was achieved on or before the Substantial Implementation Target Date either party may refer the matter for determination pursuant to clause 9.
6. The Owner shall not Occupy the Development or any part thereof until:
 - 6.1. the Council has notified the Owner pursuant to paragraph 4 of Part Five of this schedule that the Substantial Implementation has been achieved on or before the Substantial Implementation Target Date; and

- 6.2. the Council has notified the Owner pursuant to paragraph 11 of Part Five of this schedule, that no Additional Affordable Student Accommodation Bedspaces are required; or
- 6.3. the Council notifies the Owner pursuant to paragraph 11 of Part Five of this schedule, that Additional Affordable Student Accommodation Bedspaces are required and an Affordable Student Accommodation Scheme has been approved pursuant to paragraph 12 of Part Five of this schedule;
- 6.4. if the Council has agreed in writing or it has been determined that it is not feasible to provide Additional Affordable Student Accommodation Bedspaces and that an Additional PIL in lieu of Additional Affordable Student Accommodation Bedspaces shall be payable (such amount having been notified to the Owners by the Council), such payment has been made in full to the Council pursuant to 16 of this Schedule.

SUBMISSION OF DEVELOPMENT VIABILITY INFORMATION AND OTHER INFORMATION

7. Where Substantial Implementation has not occurred before the Substantial Implementation Target Date (as determined by the Council under paragraph 4 of Part Five of this Schedule or as determined pursuant to clause 9) the Owner shall submit the following information no later than 20 Working Days after the date on which the Owner is notified pursuant to paragraph 4 or 6 of Part Five of this Schedule that Substantial Implementation has been achieved:
 - 7.1. the Development Viability Information for Formula 1a and Formula 2;
 - 7.2. a written statement that applies the applicable Development Viability Information to Formula 1a (PROVIDED ALWAYS THAT if the result produced by Formula 1a is less than zero it shall be deemed to be zero) and Formula 2 thereby confirming whether in the Owner's view any Surplus is available for either Additional Affordable Student Accommodation or Additional PIL;
 - 7.3. where such written statement confirms that Additional Affordable Student Accommodation can be provided, an Additional Affordable Student Accommodation Scheme; and
 - 7.4. paragraphs 8 to 18 of Part Five of this Schedule 7 shall apply.

ASSESSMENT OF DEVELOPMENT VIABILITY INFORMATION AND OTHER INFORMATION

8. The Council shall assess the information submitted pursuant to paragraph 7 of Part Five of this Schedule within 20 Working Days of receipt and assess whether in its view Additional Affordable Student Accommodation or Additional PIL is required to be delivered in accordance with Formula 1a and Formula 2 (which (individually or together with any Additional Affordable Student Accommodation) shall not exceed the Early-Stage Review Cap) and for the avoidance of doubt the Council will be entitled to rely on its own evidence in determining inputs into Formula 1a and Formula 2 subject to such evidence also being provided to the Owner.
9. The Council may appoint an External Consultant to assess the information submitted pursuant to paragraph 7 of Part Five of this Schedule.

10. In the event that the Council and/or an External Consultant requires further Development Viability Information or supporting evidence of the same then the Owner shall provide any reasonably required information to the Council or the External Consultant (as applicable and with copies to the other parties) within 10 Working Days of receiving the relevant request and this process may be repeated until the Council and/or the External Consultant (as applicable) has all the information it reasonably requires to assess whether in their view Additional Affordable Student Accommodation or Additional PIL is required to be delivered or paid in accordance with Formula 1a and Formula 2.
11. When the Council or its External Consultant has completed its assessment of the information submitted pursuant to paragraph 7 of Part Five of this schedule, the Council shall notify the Owner in writing of the Council's decision as to whether any Additional Affordable Student Accommodation is required and whether the submitted Affordable Student Accommodation Scheme is approved or if Additional PIL is payable.
12. Where the Council concludes that Additional Affordable Student Accommodation (which (individually or together with any Additional Affordable Student Accommodation) shall not exceed the Early Stage Review Cap) is required but the Owner's initial submission concluded otherwise, the Owner shall provide an Affordable Student Accommodation Scheme to the Council for approval (such approval not to be unreasonably withheld or delayed) within 10 Working Days of the date on which it receives the Council's notice pursuant to paragraph 11.
13. Where reasonable endeavours to provide Additional Affordable Student Accommodation has first been undertaken but it is not feasible to provide such bedspaces and those endeavours have been acknowledged by the Council in writing (or it is otherwise agreed in writing), pay the Additional PIL in accordance with paragraph 16. Where the Council concludes that Additional Affordable Student Accommodation Bedspaces are required and or the Additional PIL is payable but the Owners' initial submission concluded otherwise or is based on a different calculation of the Additional PIL, the parties shall have 28 Working Days to seek resolution and thereafter either Party shall have the ability to refer the matter to dispute resolution pursuant to clause 9 of the Agreement.
14. If the Council's assessment pursuant to paragraph 11 of Part Five of this schedule concludes that
 - a. a surplus profit arises following the application of Formula 1a but such surplus profit is insufficient to provide any Additional Affordable Student Accommodation pursuant to Formula 2; or
 - b. a surplus profit arises following the application of Formula 1a but such surplus profit cannot deliver a whole number of Affordable Student Accommodation Bedspaces pursuant to Formula 2;
 then in either scenario, the Owner shall pay any such surplus profit allocable to any incomplete Affordable Student Accommodation Bedspaces to the Council as a financial contribution towards offsite Affordable Housing falling within the C3 Use Class.

15. The Owner shall pay the Council's costs which are reasonably and properly incurred in assessing the information submitted pursuant to paragraph 7 of Part Five of this Schedule

including those of the External Consultant within 20 Working Days of receipt of a written request for payment.

DELIVERY OF ADDITIONAL AFFORDABLE STUDENT ACCOMMODATION

16. Where it is determined pursuant to paragraph 11 of this Part Five of this Schedule 7 that one or more Additional Affordable Student Accommodation Bedspaces are required the Owner shall not Occupy the Open Market Student Accommodation unless and until it has:

16.1. practically completed all of the Additional Affordable Student Accommodation in accordance with the Additional Affordable Student Accommodation Scheme approved by the Council and made them available for Occupation; and

16.2. paid any remaining surplus profit pursuant to paragraph 14 of this Schedule to the Council towards the delivery of offsite Affordable Housing within the Authority's Area.

17. Where the Council has agreed in writing or it has been determined that it is not feasible to provide Additional Affordable Student Accommodation Bedspaces (and/or where a whole number of Additional Affordable Student Accommodation Bedspaces cannot be delivered) and that an Additional PIL in-lieu of Additional Affordable Student Accommodation will be payable, the Owner covenants to pay the Additional PIL within one month of the date of receiving the Council's approval of the Early Stage Review that confirms the agreed amount of Additional PIL in writing or within one month of the date on which any dispute is determined (whichever is the later) PROVIDED THAT no Additional PIL is payable if the surplus is 0 (zero).

18. The Owner and the parties agree that the terms of Part Three of this Schedule 7 shall apply mutatis mutandis to the provision of any Additional Affordable Student Accommodation Units.

19. The Owner or the Higher Education Provider where relevant shall pay the Council's reasonable and proper costs in dealing with any notices, enquiries or further agreements relating to Part Five of this Schedule 7.

SCHEDULE 8

PARKING DESIGN AND MANAGEMENT PLAN

1. The Owner hereby covenants and agrees with the Council as follows:
 - 1.1. Not to Occupy the Development until the Parking Design and Management Plan has been submitted to and approved in writing by the Council (such approval not to be unreasonably withheld or delayed).
 - 1.2. Following approval of the Parking Design and Management Plan, the Owner and/or the Travel Plan Co-ordinator shall monitor and review the Parking Design and Management Plan for a period up to seven years from the payment of the Blue Badge Contribution including undertaking the following:
 - 1.2.1. if the location of one to three blue badge spaces are identified as being required and capable of being provided in the approved Parking Design and Management Plan, to work with the Council to provide such spaces on the highway within 50 metres of the Development;
 - 1.2.2. implementing the methodology for ongoing reviews (up to seven years from the payment of the Blue Badge Contribution) for the assessment of the need for and location of blue badge spaces on the highway within 50 metres of the Development (up to a maximum of three);
 - 1.2.3. If one to three blue badge spaces are identified as being required through the ongoing reviews of the Parking Design and Management Plan, to work with the Council (as highway authority) to identify the location of such spaces on the highway within 50 metres of the Development and if the location of one to three blue badge spaces are identified as being required and capable of being provided, to work with the Council to provide such spaces on the highway within 50 metres of the Development.

PROVIDED ALWAYS that the maximum number of blue badge spaces that may be required to be provided within 50 metres of the Development shall not exceed three.

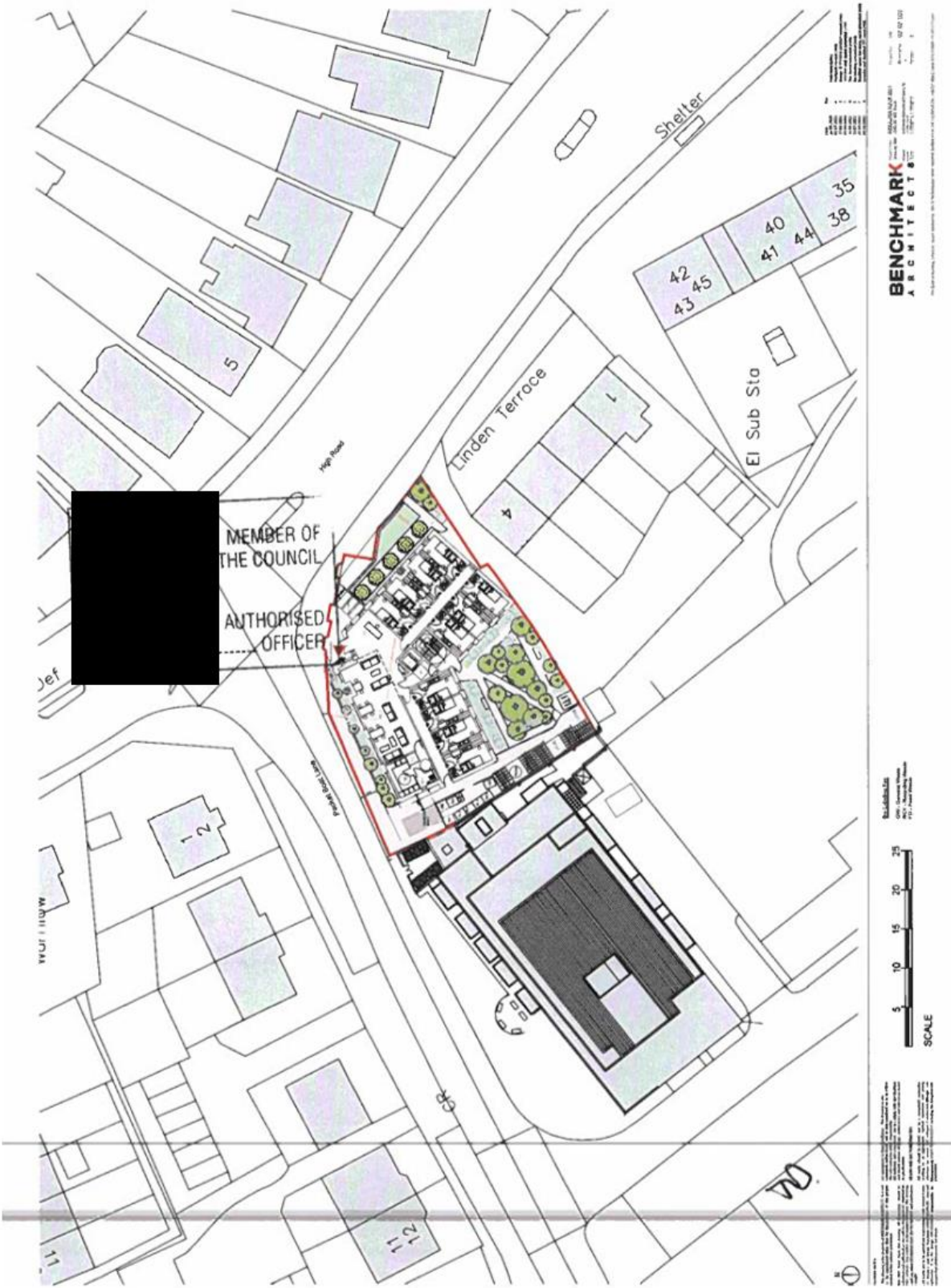
**APPENDIX 1
FORM PO1**

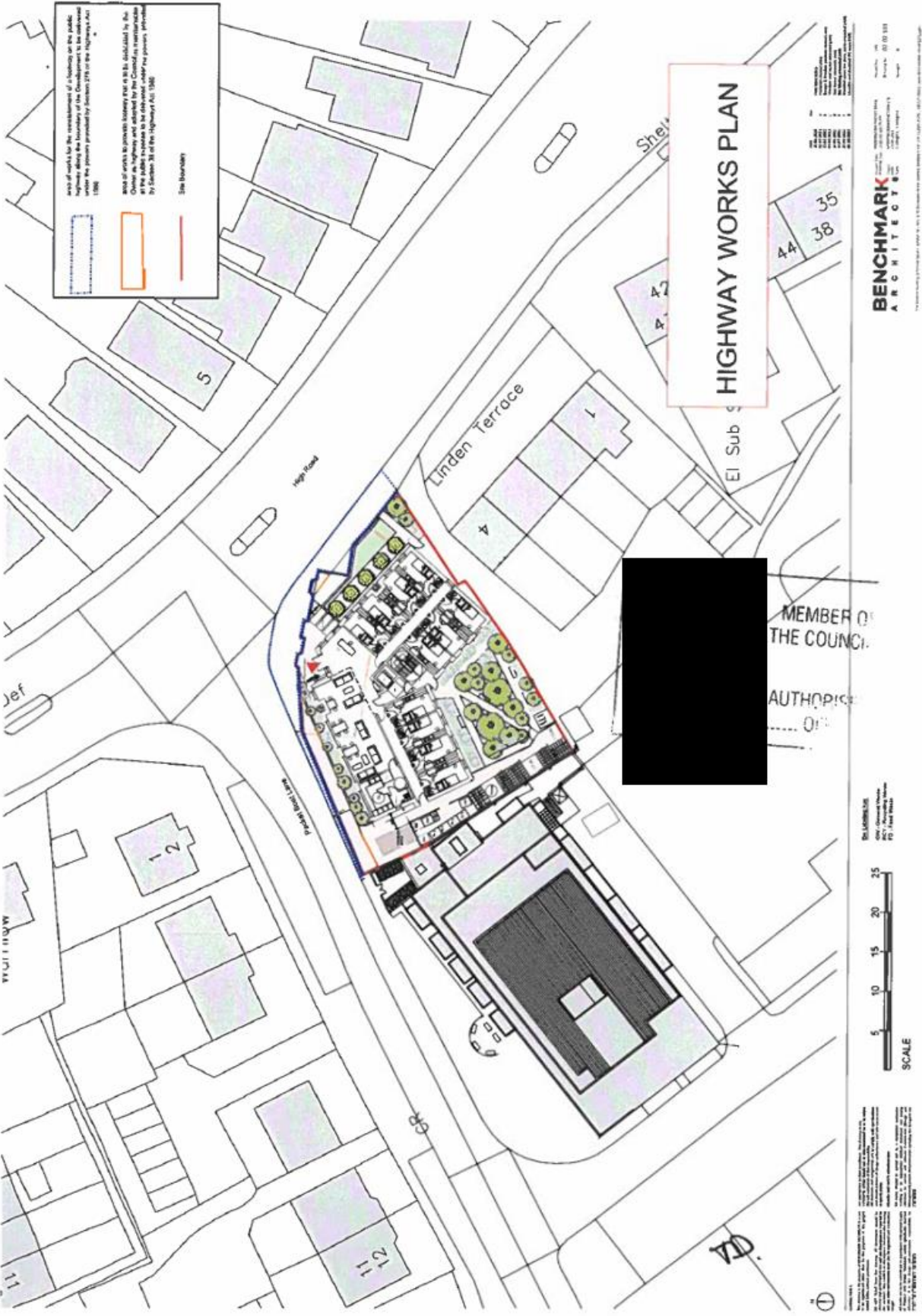
TO: PLANNING OBLIGATIONS OFFICER PLANNING AND REGENERATION LONDON BOROUGH OF HILLINGDON 3N CIVIC CENTRE HIGH STREET UXBRIDGE MIDDLESEX UB8 1UW EMAIL: cil@hillingdon.gov.uk	FORM PO1
SECTION 106/278 LEGAL AGREEMENT	
SITE ADDRESS: _____	
PLANNING REFERENCE: _____	
DESCRIPTION OF DEVELOPMENT: _____	
DATE OF COMMITTEE AUTHORISATION: _____	
SECTION 106 OBLIGATIONS _____	
DATE OF IMPLEMENTATION OF DEVELOPMENT: _____	

(i) NOTIFIED TO THE COUNCIL: _____ (ii) SUBMITTED TO THE COUNCIL WITH THIS FORM: _____ _____ NB: Please continue of separate sheet(s) if necessary. TICK BOX IF THIS FORM IS TO CONSTITUTE THE "FIRST NOTICE" UNDER THE SECTION 278 HIGHWAY AGREEMENT IF THIS IS THE "FIRST NOTICE" PLEASE ATTACH THE "FIRST PAYMENT" AS SPECIFIED IN THE AGREEMENT	
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FOR COUNCIL USE
NB: IF THIS IS THE FIRST NOTICE PASS IMMEDIATELY TO HIGHWAYS ENGINEERS COST CODE: _____ PLANNING COSTS: _____ LEGAL COSTS: _____ OTHER COSTS (IDENTIFY): _____ MAINTENANCE COSTS (COMMUTED SUM) _____ INTEREST BEARING ACCOUNT FOR BENEFIT OF OBLIGATIONS YES/NO

APPENDIX 2
PLAN
HIGHWAY WORKS PLAN





APPENDIX 3
DRAFT PLANNING PERMISSION

DRAFT

Ms Zena Foale-Banks
Nexus Planning
Holmes House
Pear Place
London
SE1 8BT

Application Ref: 1058/APP/2021/3423

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:

Formal Description: 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.

Location of development: Paddington Packet Boat Public House High Road Cowley Uxbridge

Date of application: 9th September 2021

Plan Numbers: See attached Schedule of plans

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

Draft Decision Notice produced:

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).

DRAFT

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

GRANT OF PLANNING PERMISSION

Application Ref: 1058/APP/2021/3423

SCHEDULE OF CONDITIONS

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

REASON

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

- 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. 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).

REASON

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).

- 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.
- 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.

REASON

To ensure that if bats are present, they are recorded and monitored properly, and appropriate mitigation measures are in place to ensure the proposal does not harm bats in accordance with Policy G6 of the London Plan (2021).

- 4 Prior to the commencement of the development hereby approved (including demolition), a Demolition and Construction Logistics Plan (DLP/CLP) and a Demolition and Construction Management Plan (DMP/CMP) shall be submitted to, and approved in writing by, the Local Planning Authority, to minimise impacts to the local highway network and to control noise, vibration and air pollutants generated as a result of the construction process. These documents shall be prepared in accordance with the London Freight Plan, 'The control of dust and emissions from construction and demolition' Supplementary Planning Guidance, BRE Pollution Control Guides 'Controlling particles and noise pollution from construction sites' and 'Controlling particles, vapour and noise pollution from construction sites'.

The DLP/CLP and DMP/CMP shall include details of (but shall not necessarily be limited to):

- (a) loading and unloading of plant and materials;
- (b) storage of plant and materials;
- (c) programme of works;
- (d) measures for traffic management and encouragement of sustainable modes of transport for workers, including prohibition of construction vehicles parking on the local highway network within the vicinity of the application site;
- (e) details of a vehicle booking system, ensuring construction deliveries are received outside peak hours;
- (f) provision of boundary hoarding and visibility zones of construction traffic routing;
- (g) hours of construction;
- (h) means to prevent deposition of mud on the highway;
- (i) likely noise levels to be generated from plant and construction works;
- (j) a dust risk assessment;
- (k) means to monitor and control dust, noise and vibrations, following the published guidance by The Institute of Air Quality Management (IAQM) on how to assess impacts of emissions of dust from demolition and construction sites.
- (l) use of a banksman (if applicable)
- (m) haulage routes;
- (n) a site plan identifying location of site entrance, exit, wheel washing, hard standing hoarding (distinguishing between solid hoarding and other barriers such as heras and monarflex sheeting), stock piles, dust suppression, location of water supplies and location of nearest neighbouring receptors;
- (o) bonfire policy;
- (p) confirmation that a mobile crusher will/won't be used on site and if so, a copy of the permit and intended dates of operation;
- (q) confirmation of all Non-Road Mobile Machinery (NRMM) to be used, or a statement confirming that NRMM will not be used. All Non-Road Mobile Machinery (NRMM) and plant to be used on site of net power between 37kW and 560 kW shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" and must be registered at <http://nrmm.london/>;
- (r) details of any closures of public routes and diversions, demonstrating how time spent closed to the public has been minimised;

- (s) the arrangement for monitoring and responding to complaints relating to demolition and construction;
- (t) details of cranes and other tall construction equipment (including the details of obstacle lighting);
- (u) all Heavy Goods Vehicles shall comply with the Direct Vision Standard. A rating of 3 stars (or more) will be required;
- (v) all deliveries to the site, particularly Heavy Goods Vehicles, shall be made using vehicles which have a Class VI mirror fitted in accordance with EU directive 2007/38/EC;
- (w) the precautions set out to eliminate or reduce noise levels where the operational risk levels illustrated within The Control of Noise at Work Regulations 2005 could be exceeded; and
- (x) the provision of secured restricted access as the sole means of entry to site for cyclist along with secured turnstile entrance for pedestrians.

The development hereby approved shall be implemented in accordance with the approved DLP/CLP and DMP/CMP.

REASON

To ensure that the proposed development does not interfere with the free flow of traffic and conditions of safety on the public highway, and to ensure the development process does not have a significant adverse impact on the amenities of nearby residential properties in accordance with Policies DMT 1, DMT 2 and DME1 14 of the Hillingdon Local Plan: Development Management Policies (2020) and Policies D14, SI 1, T4 and T7 of the London Plan (2021). Also, to ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems, in accordance with Policy DMAV 1 of the Hillingdon Local Plan: Development Management Policies (2020).

- 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.

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 Policies DMEI 11 and DMEI 12 of the Hillingdon Local Plan: Development Management Policies (2020).

- 6 Prior to commencement of the development hereby approved (including demolition), an Updated Energy Strategy 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 100% reduction (zero carbon) 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 and zero carbon technology (i.e. roof plans showing the inclusion of PV panels).

The Energy Strategy must clearly set out any shortfall (tCO₂) of the zero-carbon requirement, with a minimum on-site reduction of at least 35% beyond Building Regulations.

The development must proceed in accordance with the approved Updated Energy Assessment.

REASON

To ensure that the development complies with zero-carbon targets, in accordance with Policy SI 2 of the London Plan (2021).

- 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.

REASON

To ensure compliance with Policy D14 of the London Plan (2021) and Policy EM8 of the Hillingdon

Local Plan: Strategic Policies (2012).

- 8 A) 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.

REASON

To ensure the safety of all building users in accordance with Policy D12 of the London Plan (2021).

- 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.

REASON

To protect critical sewage infrastructure which is in close proximity to the proposed development.

- 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 set out in .
 - (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.

REASON

To ensure compliance with Policies SI 12 and SI 13 of the London Plan (2021).

- 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.

REASON

To ensure compliance with Policy D14 of the London Plan (2021) and Policy EM8 of the Hillingdon Local Plan: Strategic Policies (2012).

- 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 and balustrades, 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.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Development Management Policies (2020).

- 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.

REASON

To ensure compliance with Policies SI7 and D6 of the London Plan (2021) and Policy EM11 of the Hillingdon Local Plan: Strategic Policies (2012).

- 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 used for any other purpose for the lifetime of the development.

REASON

To ensure that adequate arrangements are made for cycle parking in accordance with Policy T5 of the London Plan (2021).

- 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 bat boxes.

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.

REASON

In order to encourage a wide diversity of wildlife on the existing semi-natural habitat of the site in accordance with Policy DME1 7 of the Hillingdon Local Plan: Development Management Policies (2020) and Policies G5 and G6 of the London Plan (2021).

- 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.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the area in accordance with Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Development

Management Policies (2020).

- 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.

REASON

To ensure the appropriate operation of the car park, in accordance with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Development Management Policies (2020) and Policy T6 of the London Plan (2021).

- 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.

REASON

To encourage out of hours/off peak servicing to help mitigate the site's contribution to local congestion levels in compliance with Policy T7 of the London Plan (2021) and Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020).

- 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.

REASON

To reduce the impact on air quality in accordance with Policy EM8 of the Local Plan: Strategic Policies (2012), Policy DME1 14 of the Hillingdon Local Plan: Development Management Policies (2020), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, and Policies SI 1 and T4 of the

London Plan (2021), noting that the application site is within an Air Quality Management Area.

- 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.

REASON

To ensure the development provides an inclusive and accessible environment for all users in accordance with Policies D5 and D7 of the London Plan (2021).

- 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.

REASON

In the interests of sustainable development and to maximise on-site carbon dioxide savings in accordance with Policy SI 2 of the London Plan (2021).

- 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.

REASON

To ensure the development provides a safe and secure environment in accordance with Policy DMHB 15 of the Hillingdon Local Plan: Development Management Policies (2020) and Policy D11 of the London Plan (2021).

- 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.

REASON

To ensure the appropriate operation of the car park, in accordance with Policies DMHB 11 of the Hillingdon Local Plan: Development Management Policies (2020).

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 In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
- 3 As part of the decision making process the Local Planning Authority have taken due regard to the public sector equality duty of the Equality Act 2010.
- 4 You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
- 5 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. Before commencement of works the development parties must notify the London Borough of Hillingdon of the commencement date for the construction works (by submitting a Commencement Notice) and assume liability to pay CIL (by submitting an Assumption of Liability Notice) to the Council at planning@hillington.gov.uk. The Council will then issue a Demand Notice setting out the date and the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed.

The above forms can be found on the planning portal at:

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Pre-Commencement Conditions: These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of the pre-commencement conditions have been discharged/complied with.

- 6 Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is drawn to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at www.aoa.org.uk/publications/safeguarding.asp)

The decision to GRANT planning permission has been taken having regard to the policies and

proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2021).

Part 1 Policies

PT1.BE1	(2012) Built Environment
PT1.CI1	(2012) Community Infrastructure Provision
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.EM11	(2012) Sustainable Waste Management
PT1.EM6	(2012) Flood Risk Management
PT1.EM8	(2012) Land, Water, Air and Noise
PT1.H1	(2012) Housing Growth
PT1.H2	(2012) Affordable Housing

Part 2 Policies

DMAV 1	Safe Operation of Airports
DMCI 1	Retention of Existing Community Sport and Education Facilities
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 3	Decentralised Energy
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMH 7	Provision of Affordable Housing
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping

DMHB 15	Planning for Safer Places
DMHB 2	Listed Buildings
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D11	(2021) Safety, security and resilience to emergency
LPP D12	(2021) Fire safety
LPP D13	(2021) Agent of change
LPP D14	(2021) Noise
LPP D2	(2021) Infrastructure requirements for sustainable densities
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP D8	(2021) Public realm
LPP DF1	(2021) Delivery of the Plan and Planning Obligations
LPP E6	(2021) Locally Significant Industrial Sites
LPP G5	(2021) Urban greening
LPP GG1	(2021) Building strong and inclusive communities
LPP GG2	(2021) Making the best use of land
LPP GG4	(2021) Delivering the homes Londoners needs
LPP H1	(2021) Increasing housing supply
LPP H15	(2021) Purpose-built student accommodation
LPP H4	(2021) Delivering affordable housing

LPP H5	(2021) Threshold approach to applications
LPP H6	(2021) Affordable housing tenure
LPP H7	(2021) Monitoring of affordable housing
LPP HC1	(2021) Heritage conservation and growth
LPP HC7	(2021) Protecting public houses
LPP S1	(2021) Developing London's social infrastructure
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI17	(2021) Protecting and enhancing London's waterways
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP SI3	(2021) Energy infrastructure
LPP SI7	(2021) Reducing waste and supporting the circular economy
LPP T1	(2021) Strategic approach to transport
LPP T2	(2021) Healthy Streets
LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP T7	(2021) Deliveries, servicing and construction

END OF SCHEDULE

Address:

Development Management
 Directorate of Place
 Hillingdon Council
 3 North, Civic Centre, High Street, Uxbridge UB8 1UW
www.hillingdon.gov.uk

GRANT OF PLANNING PERMISSION

Application Ref: 1058/APP/2021/3423

SCHEDULE OF PLANS

02-03-202 - received 07 Oct 2022
 02-03-203 - received 07 Oct 2022
 02-03-204 - received 07 Oct 2022
 02-04-101 (Rev. D) - received 07 Oct 2022
 02-04-102 (Rev. D) - received 07 Oct 2022
 02-05-101 (Rev. G) - received 07 Oct 2022
 02-05-102 (Rev. F) - received 07 Oct 2022
 02-05-103 (Rev. E) - received 07 Oct 2022
 02-05-104 (Rev. F) - received 07 Oct 2022
 Updated Noise Assessment (Ref: 20/0043/R1) (Rev. 1) (January 2022) - received 16 Mar 2022
 02-91-100 - received 10 Sep 2021
 02-91-102 - received 10 Sep 2021
 02-91-103 - received 10 Sep 2021
 02-91-104 - received 10 Sep 2021
 02-91-105 - received 10 Sep 2021
 02-91-106 - received 10 Sep 2021
 Air Quality Assessment (July 2021) - received 10 Sep 2021
 Archaeological Desk-Based Assessment (June 2021) - received 10 Sep 2021
 Construction Logistics Plan (August 2021) - received 10 Sep 2021
 Energy Statement (August 2021) - received 10 Sep 2021
 Heritage Statement - received 10 Sep 2021
 Phase 1 Geoenvironmental Desk Study (June 2021) - received 10 Sep 2021
 Student Accommodation Needs (August 2021) - received 10 Sep 2021
 Thermal Comfort Appraisal (August 2021) - received 10 Sep 2021
 Marketing Report (August 2021) - received 10 Sep 2021
 Marketing Evidence (13-12-21) - received 25 Jul 2022
 Marketing Evidence (20-07-22) - received 25 Jul 2022
 02-05-105 (Rev. F) - received 07 Oct 2022
 02-05-106 (Rev. E) - received 07 Oct 2022
 Design and Access Statement (Rev. J) (06-10-22) - received 07 Oct 2022
 Daylight and Sunlight Supplementary Statement No. 2 (September 2022) - received 26 Sep 2022

Draft Fire Statement Form (10-06-22) - received 10 Jun 2022
Planning Statement (May 2022) - received 10 Jun 2022
Transport Statement (May 2022) - received 10 Jun 2022
Travel Plan Statement (May 2022) - received 10 Jun 2022
Daylight and Sunlight Report (June 2022) - received 10 Jun 2022
Car Parking Survey (05-04-22) (Ref: VRP1391-01) - received 07 Apr 2022
02-02-101 (Rev. G) - received 07 Oct 2022
02-03-100 (Rev. J) - received 07 Oct 2022
02-03-101 (Rev. G) - received 07 Oct 2022
02-03-102 (Rev. G) - received 07 Oct 2022
02-03-103 (Rev. G) - received 07 Oct 2022
02-03-104 (Rev. G) - received 07 Oct 2022
02-03-105 (Rev. G) - received 07 Oct 2022
02-02-111 (Rev. D) - received 07 Oct 2022
02-03-200 - received 07 Oct 2022
02-03-201 - received 07 Oct 2022

**RIGHTS OF APPLICANTS AGGRIEVED BY DECISION OF LOCAL PLANNING AUTHORITY
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the office of the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel. 0117 372 8428). Appeal forms can be downloaded from the Planning Inspectorate's website at www.planningportal.gov.uk.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In Practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices.

- If either the local planning authority or the office of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

APPENDIX 4 ADDITIONAL AFFORDABLE STUDENT ACCOMMODATION FORMULAS**Formula 1a (Surplus profit available for additional affordable student accommodation units)**

X = Surplus profit available for Additional Affordable Student Accommodation Bedspaces or Additional PIL

$$X = ((A - B) - (D - E)) - P \times 0.6$$

A = Estimated GDV for Open Market Student Accommodation Bedspaces as determined for the time of review (£)

B = $A \div (C + 1)$ Assumed application stage GDV for Open Market Student Accommodation Bedspaces at the date of planning permission (£)

C = Percentage change in value for the Open Market Student Accommodation Bedspaces of the development from grant of planning permission to review date based on percentage change in the House Prices Index for the postcode area for the Site (decimal output, e.g 5% change would be 0.05)

D = Estimated build costs as determined at the time of review (£)

E = $D \div (F + 1)$ Assumed application stage build costs at the date of planning permission (£)

F = Percentage change in build costs from grant of planning permission to review with reference to the BCIS All-In Tender Price Index (%)

P = $(A - B) \times Y$ Developer profit on change in GDV of Open Market Student Accommodation Bedspaces (£)

Y = Developer profit of 20% as a percentage of GDV for the Open Market Student Accommodation Bedspaces as determined as part of the review (%)

FORMULA 2 (Additional affordable student accommodation bedspaces)

X = Additional Affordable Student Accommodation Bedspace requirement (Habitable Rooms)

$$X = E / (A - B)$$

E = Surplus profit available for Additional Affordable Student Accommodation (as determined by applying Formula 1a) (£)

A = Average value of Open Market Student Accommodation Bedspace/square metre (£)

B = Average value of Affordable Student Accommodation Bedspace/square metre (£)

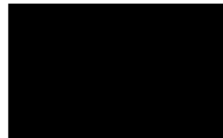
$$Y = ((E \times G) + (A - C)) \div D$$

D = Average Habitable Room size for Development (sqm)

E = Surplus profit available for Additional Affordable Student Accommodation (as determined applying Formula 1a)

THE COMMON SEAL of the
**MAYOR AND BURGESSES OF THE
LONDON BOROUGH OF HILLINGDON**

was duly affixed to this Agreement
in the presence of:-



MEMBER OF
THE COUNCIL

AUTHORISED OFFICER...



EXECUTED AS A DEED by

**PADDINGTON PACKET BOAT
DEVELOPMENTS LIMITED**

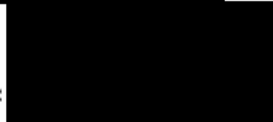
acting by a director:-

DIRECTOR.....



In the presence of:

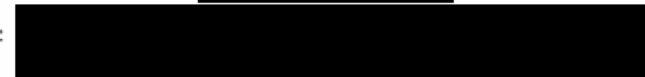
Witness:



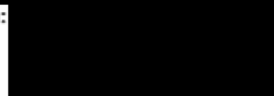
Name (in BLOCK CAPITALS):



Address:



Occupation:



Appendix 11 – Site Photos, dated 12.09.2024:











Appendix 12 – Site Photos, dated June 2025:





Appendix 13 – Email by Hillingdon Council to PINS Regarding the Validity of the Appeal, dated 12.03.2025:

12/03/2025, 12:29

APP/R5510/W/25/3360212 - Appeal by Paddington Packet Boat Developments Ltd. - Michael Briginshaw - Outlook

 Outlook

APP/R5510/W/25/3360212 - Appeal by Paddington Packet Boat Developments Ltd.

From Roz Johnson <RJohnson@hillingdon.gov.uk>
 Date Wed 12/03/2025 9:23 AM
 To West3@planninginspectorate.gov.uk <West3@planninginspectorate.gov.uk>
 Cc Michael Briginshaw <mbriginshaw1@hillingdon.gov.uk>; Katie Crosbie <KCrosbie@hillingdon.gov.uk>; Planning Appeals <planningappeals@hillingdon.gov.uk>; Noel Kelly <NKelly@hillingdon.gov.uk>

 1 attachment (320 KB)
 Hillingdon Council Representation on Validation of Appeal.pdf;

FAO Rachel Owen

Dear Rachel,

I write with reference to the following appeal:

Appeal by Paddington Packet Boat Developments Ltd.
Site Address: Paddington Packet Boat Public House, High Road, Uxbridge, UB8 2HT
LBH Ref: 1058/APP/2024/1013
PINS Ref: APP/R5510/W/25/3360212

The Local Planning Authority (LPA) has reviewed the Appeal submission and strongly contests the validity of this Appeal. The LPA's concerns regarding this are summarised below, and a more detailed explanation is contained in the attached Representation document. Furthermore, without prejudice to the LPA's firm view that the appeal is invalid, the LPA disagrees with the choice of procedure (Hearing procedure) and strongly objects to the proposed Appeal Timetable for the reasons set out below.

Validation of Appeal

The LPA submits that the Appeal is not valid and respectfully requests that the Planning Inspectorate reject the appeal as invalid. Please see attached the Council's case explaining the reasons why the Appeal should not be accepted as submitted. To summarise:

- 1. S73 Application vs Appeal Submission:** The S73 Application, subject to this Appeal, proposed the removal of affordable student accommodation and removal of a Nominations Agreement from the Section 106 legal agreement tied to planning permission reference 1058/APP/2021/3423. It did not propose affordable student accommodation at a reduced quantum, and it did not propose a modified or amended Nominations Agreement (these being the subject points of discussion and reason the Appellant has requested a Hearing at paragraph 1.4 of the Appellant's Statement of Case). The scheme proposed under this Appeal is substantially different to the S73 Application considered and refused by the LPA.
- 2. Change to Description of Development:** The S73 Application considered by the LPA necessitated a change to the description of development which cannot be approved under Section 73 of the Town and Country Planning Act 1990 and would require a new Full Planning application submission. The S73 Application, as submitted to the LPA (not as submitted under this Appeal), was submitted under the wrong planning procedure and cannot be accepted in principle.
- 3. Wheatcroft Principles:** The appeal process should not be used to evolve a scheme and there are no provisions within the Rules for amendments to be submitted. As the Appeal scheme

about:blank

1/3

12/03/2025, 12:29

APP/R5510/W/25/3360212 - Appeal by Paddington Packet Boat Developments Ltd. - Michael Briginshaw - Outlook

submitted is so substantially different to the S73 Application, accepting the Appeal as submitted would be contrary to the Wheatcroft Principles, would prejudice parties involved and it would be unfair to proceed with appeal proceedings.

For these reasons set out above, the Planning Inspectorate is requested to reject the Appeal as invalid.

Appeal Procedure

Notwithstanding the LPAs firm view that the Appeal is invalid, should the Planning Inspectorate consider the appeal to be valid, the LPA strongly contests the choice of procedure. It is considered that the Appeal ought to be dealt with under the written representation's procedure. The reasons are set out below:

1. **Limited Complexity:** The Appeal is based on one single matter which can be clearly understood from the appeal documents. The issue at hand does not present significant complexity that would warrant a hearing. The planning policies and guidelines applicable to this case are clear, and the arguments can be effectively articulated through written submissions.
2. **Limited Public Interest:** The case has not generated a level of local interest such as to warrant a Hearing.
3. **Efficiency and Timeliness:** Hearings can prolong the appeal process, leading to unnecessary delays. Given the importance of timely decision-making in planning matters, determining the appeal through the written representations procedure would ensure a more efficient resolution, without compromising the adequacy of the assessment.

Appeal Timetable

Should the Planning Inspectorate be minded to continue with a Hearing, the LPA strongly objects to the Appeal Timetable. Whilst the LPA is cognisant of the Rosewell principles and appreciates the need for timely decision making, there are specific circumstances in this case, which the LPA requests are taken into account in a revised Appeal Timetable. The reasons are set out below:

1. **Conflicting Appeal Hearings:** The Land at Rainbow Industrial Estate Appeal (ref. APP/R5510/C/24/3350657) is scheduled for Tuesday 24th June 2025. Whilst the Hearing is set to be a 1-day Hearing, it is possible this appeal could overrun which would pose significant practical issues to the Council. Appeal Hearings require significant Council resources and to propose two Hearings back-to-back is not practicable or reasonable. For this reason, the Planning Inspectorate is respectfully requested to postpone the Paddington Packet Boat Public House Appeal Hearing date.
2. **Specialist Consultation and Resources:** If the information currently submitted to support the Appeal is accepted by PINS, this will require the Council to procure a Specialist Viability Consultant to independently review the new information submitted at a cost to the Council. This will take a significant amount of time and resource which cannot be feasibly completed before the Council's Statement of Case deadline set for 10th April 2025. For this reason, the Planning Inspectorate is respectfully requested to postpone the deadline for the Council's Statement of Case.
3. **Personal Circumstances of the Case Officer:** The Case Officer who led on the S73 Application, and who would lead on the Appeal, is set for an extended period of leave, commencing in April and ending in June 2025. The Council has already committed resources to the work programme leading up to this period of extended leave and it would be impractical to re-allocate the Appeal to a new case officer (who would be unfamiliar with the case), having regard to the current deadlines proposed. For this reason, the Planning Inspectorate is respectfully requested to postpone the Appeal deadlines.

I reiterate that the LPA fully understands and appreciates the need for timely decision making, however the LPA has serious concerns regarding the validity of this Appeal and firmly objects to the proposed Appeal Procedure and Timetable for the reasons stated. I trust that the LPAs serious concerns will be given careful consideration by PINS and I look forward to receiving your response shortly.

Kind regards

12/03/2025, 12:29

APP/R5510/W/25/3360212 - Appeal by Paddington Packet Boat Developments Ltd. - Michael Briginshaw - Outlook

Roz Johnson (MRTPI)

Head of Development Management and Building Control
Planning and Sustainable Growth
Place Directorate
Hillingdon Council



Please note that the comments made in this email represent officer opinion and cannot be seen to prejudice the Local Planning Authority's formal determination in relation to any application or planning matter.

Appendix 14 – Hillingdon Council Representation on Validation of Appeal:



Hillingdon Council Representation on Validation of Appeal

Hillingdon Council Ref: 1058/APP/2024/1013

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

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

1. Introduction

The Appellant's Statement of Case (Dated February 2025) submits the following in respect of the requested Appeal procedure:

1.4 The Appellant has carefully considered the advice provided at Annexe K of the Planning Inspectorate Procedural Guidance and is of the opinion that a Hearing would be the most appropriate means of determining this Appeal. The Appellant has requested a Hearing rather than Written Representations to enable a detailed discussion between parties in relation to viability, the nature of the Nominations Agreement proposed, and the provision of affordable housing (Reason for Refusal 1). [own emphasis added]

The Local Planning Authority (LPA) emphasise that the Appellant's Statement of Case submitted under this Appeal includes a Nominations Agreement proposal which did not form part of the S73 planning application reference 1058/APP/2024/1013 (referred to as the S73 Application going forward). The scheme proposed under this Appeal is therefore substantially different to the S73 Application considered and refused by the LPA.

2. Description of Development

Officers should be completely clear that the S73 Application, subject to this Appeal, proposed the removal of affordable student accommodation and removal of a Nominations Agreement from the Section 106 legal agreement tied to planning permission reference 1058/APP/2021/3423 (referred to as the Original Planning Permission going forward). It did not propose affordable student accommodation at a reduced quantum, and it did not propose a modified or amended Nominations Agreement (these being the subject points of discussion and reason the Appellant has requested a Hearing at paragraph 1.4 of the Appellant's Statement of Case (Dated February 2025)). This position is evidenced below.

The Application Form submitted to accompany the S73 Application submission made no reference to affordable student accommodation or a Nominations Agreement.

The Cover Letter (Dated 18th April 2024) submitted to support the S73 Application submission stated the following:

The objectives of this application are twofold:

- 1. To amend Condition 2 (approved plans and documents) to respond to minor design changes that are necessitated in order that the development meets Building Regulations as follows...*
- 2. To replace the legal agreement associated with the development so as to remove obligations to provide affordable student accommodation at the site. This is unfortunately because to provide affordable student accommodation in line with the current obligation would render the development unviable [own emphasis added]*

A Planning and Affordable Housing Statement (Dated April 2024) was submitted to support the S73 Application. Section 1 of this statement, titled “Introduction” states the amendments that are sought. Paragraphs 1.2 and 1.3 are copied below:

1.2 The amendments sought are minor in nature and are a consequence of revisions necessary to comply with Building Regulations. There would be no loss, or addition to the floorspace created when compared with the consented scheme.

1.3 The original planning permission was subject to a s106 agreement that secured various planning obligations. That agreement will need to be replaced at the point of this application being approved. The Applicant requires that alongside a replacement to the agreement to reflect the change in planning permission reference number, the obligation to provide affordable housing at the site is removed. This is because providing affordable housing at the site would render it financially unviable. This is evidenced by a Viability Report that is submitted in support of this application. [own emphasis added]

Section 4 of this statement, titled “Proposed Amendments”, lists out all of the various amendments proposed. Paragraph 4.1 states:

4.1 Alongside changes to the quantum of affordable student accommodation provided by the development, this Section 73 application seeks approval for a series of minor revisions to the previously consented scheme [own emphasis added]

Section 5 of this statement, titled “Planning Considerations”, made one reference to a Nominations Agreement in paragraph 5.12. It stated the following:

5.12 The Viability Report further suggests the removal of a Nominations Agreement from the application, to ensure unrestricted Market Rents. For the reasons set out in the Viability Report in detail, this will mean that there will not be a restricted tenure split through one higher education institution, opening up the rooms to any interested student. This again is a necessity to ensure the projects viability [own emphasis added]

A Viability Report (Dated January 2024) was submitted to support the S73 Application. Paragraph 9.3 of the report set out the four different scenarios that were modelled and stated the following in respect of a Nominations Agreement:

Scenario 1 = as per the consented scheme but with no Nominations Agreement and no affordable student accommodation.

Scenario 2 = as per the consented scheme (i.e. with a Nominations Agreement which is potentially exploitable by HEIs with regard to rent levels) but without any affordable student accommodation.

Scenario 3 = as per the consented scheme but with a modified/clarified Nominations Agreement (drafted with a view to being much less exploitable by HEIs with regard to rent levels) and without any affordable student accommodation.

Scenario 4 = the consented scheme (i.e. with 36% affordable student accommodation, existing Nominations Agreement and CIL/S.106 payments of around £250,000.

[own emphasis added]

The LPA's consideration of the scenarios referenced above is as follows:

- **Scenario 1** removes affordable student accommodation and a Nominations Agreement, as per the wording of the proposal set out within the Planning and Affordable Housing Statement (Dated April 2024). Paragraph 16.2 of the Applicant's Viability Report (Dated January 2024) states that Scenario 1, in their opinion, is the most viable. It was concluded that **Scenario 1 was the proposal made to the LPA for consideration.**
- **Scenario 2** removes affordable student accommodation but includes a Nominations Agreement. Paragraph 16.2 of the Applicant's Viability Report (Dated January 2024) states that Scenario 2, in their opinion, is not viable, instead stating that it was "substantially unviable". This scenario was not proposed in any of the S73 Application submission documents. It was concluded that **Scenario 2 was not the proposal made to the LPA for consideration.**
- **Scenario 3** removes affordable student accommodation but includes a modified Nominations Agreement, the wording for which did not form part of the S73

Application submission. Paragraph 16.2 of the Applicant's Viability Report (Dated January 2024) states that Scenario 3, in their opinion, is not viable. It was concluded that **Scenario 3 was not the proposal made to the LPA for consideration.**

- **Scenario 4** is the scheme consented under the Original Planning Permission. Paragraph 16.2 of the Applicant's Viability Report (Dated January 2024) states that Scenario 4, in their opinion, is not viable. Clearly, **Scenario 4 was not the proposal made to the LPA for consideration.**

Officers would emphasise, therefore, that nowhere in the S73 Application submission is it stated that the proposal is to amend or modify the Nominations Agreement. To the contrary, the Planning and Affordable Housing Statement (Dated April 2024) states that the Nominations Agreement should be removed and the Applicant's Viability Report (Dated January 2024) states that, in their opinion, the only viable scenario is to remove both the affordable student accommodation and Nominations Agreement from the proposal. Scenario 1 was the proposal made by the Applicant and it is this scenario that was considered and refused by the LPA.

Having established what the proposal was, Officers were required to consider the implications of such a proposal in respect of the relevant planning policy. Purpose-built student accommodation (PBSA) is subject to the requirements of Policy H15 of the London Plan (2021) and supporting paragraphs. Specifically, paragraph 4.15.5 of the London Plan (2021) confirms that if the student accommodation is not secured through a Nominations Agreement (except for affordable student accommodation which is exempt), it will not be considered as PBSA or meeting a need for PBSA. It follows that the S73 Application proposal was instead considered to be a large-scale purpose-built shared living development subject to the requirements of Policy H16 of the London Plan (2021).

3. Change to Description of Development

The description of development approved under the Original Planning Permission is copied below for reference:

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. [own emphasis added]

As confirmed under the High Court cases of *Finney v Welsh Ministers & Ors* [2019] EWCA Civ 1868 and *Armstrong v Secretary of State for Levelling-Up, Housing and Communities and Another* [2023] EWHC 176 (Admin), applications made under Section 73 of the Town and Country Planning Act 1990 can only be used to amend conditions and cannot be used to vary the description of development.

As set out above, the S73 Application was considered and determined by the LPA as it was proposed (under Scenario 1). The proposed amendments to the consented development would have changed the description of the development from a PBSA scheme to a large-scale purpose-built shared living development. Such a change to the description of development cannot be approved under Section 73 of the Town and Country Planning Act 1990 and any such proposal would require a new Full Planning application submission. The S73 Application, as submitted to the LPA (not as submitted under this Appeal), was submitted under the wrong planning procedure and cannot be accepted in principle.

4. Wheatcroft Principles

As established under *Bernard Wheatcroft Ltd v Secretary of State for the Environment* (1982), the Wheatcroft Principles guide whether amendments to a planning application can be accepted during an appeal process. The appeal process should not be used to evolve a scheme and there are no provisions within the Rules for amendments to be submitted. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the LPA and by interested parties at the application stage. Any substantial changes to an application should not be allowed if they would deprive those who should have been consulted of the opportunity to make representations. Essentially, the test is whether the changes alter the substance of the application so significantly that it would be unfair to proceed without further consultation.

As per the position established on the description of development (Section 3 outlined above), the LPA submit that the Appeal scheme submitted is substantially different to the S73 Application considered and refused by the LPA. The change to the proposal is so significant that it would prejudice parties involved and it would be unfair to proceed with appeal proceedings.

5. Conclusion

As stated in Sections 1 to 4, the scheme proposed under this Appeal is substantially different to the S73 Application considered and refused by the LPA. The S73 Application considered by the LPA necessitated a change to the description of development which cannot be approved under Section 73 of the Town and Country Planning Act 1990. Furthermore, as the Appeal scheme submitted is so substantially different to the S73 Application, accepting the Appeal as submitted would prejudice parties involved contrary to the Wheatcroft Principles. For these reasons, the Planning Inspectorate is respectfully requested to reject this invalid Appeal.

Appendix 15 – The LPAs Recommended Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from 8th September 2023.

REASON

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

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

02-91-100 Site Location Plan
02-02-101 (Rev. G) Proposed Site Plan
02-02-111 (Rev. D) Proposed Landscape Site Plan
02-03-100 (Rev. J) Proposed Ground Floor Plan
02-03-101 (Rev. G) Proposed First Floor Plan
02-03-102 (Rev. G) Proposed Second Floor Plan
02-03-103 Rev. J Level 03 GA Floor Plan
02-03-104 Rev. J Level 04 GA Floor Plan
02-03-105 Rev. J Level 05 Roof Plan
02-05-101 Rev. J Elevation A-A
02-05-102 Rev. H Elevation B-B
02-05-103 Rev. G Elevation C-C
02-05-104 Rev. H Elevation D-D
02-05-105 Rev. H Elevation E-E
02-05-106 Rev. G Elevation F-F
02-04-101 (Rev. D) Proposed Section (A-A)
02-04-102 (Rev. D) Proposed Sections (B-B)
02-91-106 Demolition Plan

[Insert Affordable Unit Plans]

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 (February 2024),
Air Quality Assessment (February 2024),
Travel Plan Statement (Dated February 2024),
Transport Statement (Dated February 2024),
Planning and Affordable Housing Statement (Dated April 2024),
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) (27-03-24),
Updated Noise Assessment (Ref: 20/0043/R1) (Rev. 1) (January 2022),
2061655-RSKA-RP-002-(03) Noise Break-In Assessment (Dated January 2024)
Draft Fire Statement Form (10-06-22), and

Energy Statement (Dated March 2024).

REASON

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).

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.

- 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.

REASON

To ensure that if bats are present, they are recorded and monitored properly, and appropriate mitigation measures are in place to ensure the proposal does not harm bats in accordance with Policy G6 of the London Plan (2021).

4. Prior to the commencement of the development hereby approved (including demolition), a Demolition and Construction Logistics Plan (DLP/CLP) and a Demolition and Construction Management Plan (DMP/CMP) shall be submitted to, and approved in writing by, the Local Planning Authority, to minimise impacts to the local highway network and to control noise, vibration and air pollutants generated as a result of the construction process. These documents shall be prepared in accordance with the London Freight Plan, 'The control of dust and emissions from construction and demolition' Supplementary Planning Guidance, BRE Pollution Control Guides 'Controlling particles and noise pollution from construction sites' and 'Controlling particles, vapour and noise pollution from construction sites'.

The DLP/CLP and DMP/CMP shall include details of (but shall not necessarily be limited to):

- (a) loading and unloading of plant and materials;
- (b) storage of plant and materials;
- (c) programme of works;
- (d) measures for traffic management and encouragement of sustainable modes of transport for workers, including prohibition of construction vehicles parking on the local highway network within the vicinity of the application site;
- (e) details of a vehicle booking system, ensuring construction deliveries are received outside peak hours;
- (f) provision of boundary hoarding and visibility zones of construction traffic routing;
- (g) hours of construction;
- (h) means to prevent deposition of mud on the highway;
- (i) likely noise levels to be generated from plant and construction works;
- (j) a dust risk assessment;
- (k) means to monitor and control dust, noise and vibrations, following the published guidance by The Institute of Air Quality Management (IAQM) on how to assess impacts of emissions of dust from demolition and construction sites.
- (l) use of a banksman (if applicable)
- (m) haulage routes;
- (n) a site plan identifying location of site entrance, exit, wheel washing, hard standing hoarding (distinguishing between solid hoarding and other barriers such as heras and monarflex sheeting), stock piles, dust suppression, location of water supplies and location of nearest neighbouring receptors;
- (o) bonfire policy;
- (p) confirmation that a mobile crusher will/won't be used on site and if so, a copy of the permit and intended dates of operation;
- (q) confirmation of all Non-Road Mobile Machinery (NRMM) to be used, or a statement confirming that NRMM will not be used. All Non-Road Mobile Machinery (NRMM) and plant to be used on site of net power between 37kW and 560 kW shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" and must be registered at <http://nrmm.london/>;
- (r) details of any closures of public routes and diversions, demonstrating how time spent closed to the public has been minimised;
- (s) the arrangement for monitoring and responding to complaints relating to demolition and construction;
- (t) details of cranes and other tall construction equipment (including the details of obstacle lighting);
- (u) all Heavy Goods Vehicles shall comply with the Direct Vision Standard. A rating of 3 stars (or more) will be required;
- (v) all deliveries to the site, particularly Heavy Goods Vehicles, shall be made using vehicles which have a Class VI mirror fitted in accordance with EU directive 2007/38/EC;
- (w) the precautions set out to eliminate or reduce noise levels where the operational risk levels illustrated within The Control of Noise at Work Regulations 2005 could be exceeded; and
- (x) the provision of secured restricted access as the sole means of entry to site for cyclist along with secured turnstile entrance for pedestrians.

The development hereby approved shall be implemented in accordance with the approved DLP/CLP and DMP/CMP.

REASON

To ensure that the proposed development does not interfere with the free flow of traffic and conditions of safety on the public highway, and to ensure the development process does not have a significant adverse impact on the amenities of nearby residential properties in accordance with Policies DMT 1, DMT 2 and DMEI 14 of the Hillingdon Local Plan: Development Management Policies (2020) and Policies D14, SI 1, T4 and T7 of the London Plan (2021). Also, to ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems, in accordance with Policy DMAV 1 of the Hillingdon Local Plan: Development Management Policies (2020).

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.

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 Policies DMEI 11 and DMEI 12 of the Hillingdon Local Plan: Development Management Policies (2020).

6. Prior to commencement of the development hereby approved (including demolition), an Updated Energy Strategy 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 100% reduction (zero carbon) 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 and zero carbon technology (i.e. roof plans showing the inclusion of PV panels).

The Energy Strategy must clearly set out any shortfall (tCO₂) of the zero-carbon requirement, with a minimum on-site reduction of at least 35% beyond Building Regulations.

The development must proceed in accordance with the approved Updated Energy Assessment.

REASON

To ensure that the development complies with zero-carbon targets, in accordance with Policy SI 2 of the London Plan (2021).

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.

REASON

To ensure compliance with Policy D14 of the London Plan (2021) and Policy EM8 of the Hillingdon Local Plan: Strategic Policies (2012).

8. A) 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.

REASON

To ensure the safety of all building users in accordance with Policy D12 of the London Plan (2021).

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.

REASON

To protect critical sewage infrastructure which is in close proximity to the proposed development.

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.

REASON

To ensure compliance with Policies SI 12 and SI 13 of the London Plan (2021).

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.

REASON

To ensure compliance with Policy D14 of the London Plan (2021) and Policy EM8 of the Hillingdon Local Plan: Strategic Policies (2012).

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 and balustrades, 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.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Development Management Policies (2020).

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.

REASON

To ensure compliance with Policies SI7 and D6 of the London Plan (2021) and Policy EM11 of the Hillingdon Local Plan: Strategic Policies (2012).

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.

REASON

To ensure that adequate arrangements are made for cycle parking in accordance with Policy T5 of the London Plan (2021).

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 bat boxes.

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.

REASON

In order to encourage a wide diversity of wildlife on the existing semi-natural habitat of the site in accordance with Policy DMEI 7 of the Hillingdon Local Plan: Development Management Policies (2020) and Policies G5 and G6 of the London Plan (2021).

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 surf/seedling 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.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the area in accordance with Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Development Management Policies (2020).

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.

REASON

To ensure the appropriate operation of the car park, in accordance with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Development Management Policies (2020) and Policy T6 of the London Plan (2021).

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.

REASON

To encourage out of hours/off peak servicing to help mitigate the site's contribution to local congestion levels in compliance with Policy T7 of the London Plan (2021) and Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020).

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.

REASON

To reduce the impact on air quality in accordance with Policy EM8 of the Local Plan: Strategic Policies (2012), Policy DMEI 14 of the Hillingdon Local Plan: Development Management Policies (2020), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, and Policies SI 1 and T4 of the London Plan (2021), noting that the application site is within an Air Quality Management Area.

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.

REASON

To ensure the development provides an inclusive and accessible environment for all users in accordance with Policies D5 and D7 of the London Plan (2021).

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.

REASON

In the interests of sustainable development and to maximise on-site carbon dioxide savings in accordance with Policy SI 2 of the London Plan (2021).

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.

REASON

To ensure the development provides a safe and secure environment in accordance with Policy DMHB 15 of the Hillingdon Local Plan: Development Management Policies (2020) and Policy D11 of the London Plan (2021).

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.

REASON

To ensure the appropriate operation of the car park, in accordance with Policies DMHB 11 of the Hillingdon Local Plan: Development Management Policies (2020).

Appendix 16 – Carter Jonas Viability Report:

Carter Jonas

**PADDINGTON PACKET BOAT PUBLIC
HOUSE, HIGH ROAD, COWLEY**

**PROOF OF EVIDENCE BY GUY INGHAM
OF CARTER JONAS**

Viability Proof (FINAL)

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

**SUBMITTED ON BEHALF OF CLIENT:
LONDON BOROUGH OF HILLINGDON
JUNE 2025**

Classification L2 - Business Data

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1. NAME AND QUALIFICATIONS

- 1.1 My name is Guy Ingham, I am a Director in the London Development Team at Carter Jonas LLP. I hold a BSc Urban Property Surveying and I am a Member of the Royal Institute of Chartered Surveyors (RICS).
- 1.2 I have been working in the development field since 2000 and have over 20 years of experience advising public sector clients, working for number a of surveying practices including Donaldsons, DTZ, Knight Frank and GL Hearn.
- 1.3 Carter Jonas is a leading UK property consultancy working across commercial, residential, rural, planning, development and infrastructure. At Carter Jonas, I lead the Planning Viability team, offering advice on viability for various projects nationwide, with a particular focus on London and the southeast. These projects vary from smaller infill developments to large-scale strategic mixed-use projects.
- 1.4 I am Hillingdon Council's (The Council) financial viability consultant with responsibility for reviewing the affordable housing viability position with the Appellant's advisors James R Brown & Company Ltd (JRB).
- 1.5 I originally advised the Council on planning viability matters concerning the subject site in 2019. Most recently, I was appointed in May 2024 to review a Financial Viability Assessment produced by JRB and submitted in support of a Section 73' application in relation to permission ref 1058/APP/2024/1013.
- 1.6 I understand my duty as an Expert Witness to the Hearing. I have complied with that duty. The evidence includes all matters relevant to the issues on which my expert evidence is given.
- 1.7 I confirm that, insofar as the facts stated within my evidence are within my own knowledge, I have made clear which they are and I believe them to be true, and that the opinions that I have expressed represent my true and complete professional opinion.

2. BACKGROUND & CONTEXT

2.1 Planning permission was granted on 18/8/23 for a purpose-built student accommodation ('PBSA') scheme comprising 61 studios. The planning application reference was/is 1058/APP/2021/3423. The permission required:-

- 36% Affordable Student Accommodation (as defined);
- The requirement for there to be a Nominations Agreement (in the form required) with a higher education institution ('HEI') in connection with at least 51% of the 61 studios (inclusive of the affordable student accommodation), and;
- An early-stage review clause to assess whether the scheme should be offering more affordable student accommodation. This review will occur 24 months after the date of planning permission and;
- CIL and S.106 payments of around £250,000.

2.2 The Financial Viability Assessment submitted alongside this permission was produced by JRB but reviewed by BNP Paribas, who were acting as the Council's viability consultant at the time. Carter Jonas was not involved in the review of viability at this stage.

2.3 Despite the permission being granted and the S106 signed in August 2023, the applicant submitted a Section 73' application ref 1058/APP/2024/1013, which was supported by an updated viability assessment produced by JRB dated January 2024.

2.4 JRB Viability Assessment concluded that "...the scheme is unable to provide any on-site affordable housing on viability grounds given the projected scheme deficit £1,162,013" when applying his aforementioned assumptions in respect of the proposed scheme and opinion of Benchmark Land Value.

2.5 To support this conclusion JRB has appraised four development scenarios, namely:-

- Scenario 1 - as per the consented scheme but with no Nominations Agreement and no affordable student accommodation.
- Scenario 2 - as per the consented scheme (i.e. with a Nominations Agreement) but without any affordable student accommodation.

- Scenario 3 - as per the consented scheme but with a modified/clarified Nominations Agreement and without any affordable student accommodation.
- Scenario 4 - the consented scheme (i.e. with 36% affordable student accommodation, existing Nominations Agreement and CIL/S.106 payments of around £250,000.

- 2.6 Carter Jonas were appointed by the Council in May 2024 to undertake a comprehensive review of the viability assessment and to advise if the approach, assumptions adopted, and outputs were reasonable.
- 2.7 For ease of reference our review report (dated June 2024) is appended to this Proof (Appendix 1).
- 2.8 We did not object to the methodology adopted by JRB. Their approach involved fixing a view on the Benchmark Land Value (BLV), then applying a series of value and cost assumptions related to the proposed scheme to derive an outturn profit. This profit is then measured against their target margin. Where the outturn falls short of the target, the scheme is considered unviable and unlikely to proceed unless the developer is prepared to accept a lower return, or the planning obligations are reduced.
- 2.9 The viability modelling was carried out using Argus Developer, with live versions of each scenario shared with us. This supported a consistent approach and enabled us to undertake our own modelling and sensitivity testing where we considered certain assumptions to be inadequately justified or misaligned with prevailing market conditions.
- 2.10 Our review concluded that *"although we agree with most of the adopted assumptions, we find the site Benchmark Land Value to be overstated. For the proposed scheme, we have also adjusted the build costs, finance costs, and profit assumptions, which we believe are above market levels and typical viability assessments."*
- 2.11 Applying our own adjustment to the above inputs the table summarised our position against that of JRB. A copy of our full appraisals can be found at Appendix 2.

Scenario	JRB's Outturn Profit	Carter Jonas Outturn Profit	Project Surplus / Deficit
	Target Profit 17.5% on GDV	Target Profit 15.0% on GDV	Against CJ target profit 15% on GDV
Scenario 1	17.92% on cost and/or 15.20% on GDV	33.05% on cost and/or 24.84% on GDV.	£1,028,454
Scenario 2	8.69% on cost and/or 7.99% on GDV	22.65% on cost and/or 18.46% on GDV.	£333,329
Scenario 3	16.92% on cost and/or 14.47% on GDV	31.93% on cost and/or 24.20% on GDV.	£953,079
Scenario 4	-5.83% on cost and/or -6.19% on GDV	6.29% on cost and/or 5.92% on GDV.	-£755,421

- 2.12 JRB ultimately concluded that based on an assumed profit target 20% on cost and/or 17.5% on GDV JRB all scenarios where not viable
- 2.13 Based on our inputs and modelling, we acknowledge that Scenario 4 presented viability challenges. However, all other scenarios were viable, each achieving a return above our 15.0% target. Notably, Scenarios 2 and 4 also generated a significant project surplus.
- 2.14 In terms of the differences of opinion between viability consultants these related to four key areas, namely:
- 1) Benchmark Land Value (BLV)
 - 2) Construction costs
 - 3) Finance rates
 - 4) Developers profit / Target return

Carter Jonas

2.15 The table below summarise our respective assumption in respect of the above.

Inputs	JRB's Assumption	Carter Jonas Assumption
BLV	£1,000,000	£440,200
Construction Costs	£5,920,000	£5,835,456
Finance rate	9%	7.5%
Developers Profit	20% on cost and 17.5% on GDV	15% on GDV

2.15 The following section sets out Carter Jonas' justification and Statement of Case in relation to these matters.

3. RESPONSE TO FINANCIAL VIABILITY CONCERNS

3.1 This section sets out Carter Jonas' justification and Statement of Case in relation to the viability inputs in dispute.

1. Benchmark Land Value

3.2 There remains a significant disagreement in respect of the sites Benchmark Land Value. JRB adopted a notional value of £1m compared to our assumption of £440,200.

3.3 By way of background, within the FVA James Brown references a previously agreed value from the 2019 review, which I was involved in. It's worth noting that this earlier assessment was pre-pandemic, and at that point the property had only recently closed. The valuation assumed it was in a reasonable and lettable condition – which is an important distinction from the current context.

3.4 We understand the property has remained vacant and boarded up since 2019 and is now in a derelict condition. The photographs included within JRB's FVA were undated, but it is evident they are historic and do not reflect the building's condition at the time of submission or currently. We have undertaken a further site inspection, and up-to-date photographs illustrating the property's present state are provided at Appendix 3.

3.5 No details of demand or the condition or the likely cost to reinstate the building into a lettable / saleable asset were provided and that is also the position to date. Clearly these are key factors in determining the sites reasonable benchmark land value.

3.6 Given the subject of demand has not been addressed we have now reviewed the marketing Report issued as part of the previous application (ref 1058/APP/2021/3423), which provides a comprehensive overview of the marketing efforts of the Applicants and the level of interest. Page 4 of the report states *"Most recently, the public house was operated by Fullers Ltd, one of the largest pub operators across the country. Fullers, however, were running the pub at a loss for some period before it was deemed to be unviable, the pub ceased to trade and was sold."*

3.7 *This decline led to the property being in generally poor repair when the current owners purchased the site. The subsequent years of vacancy have left the property in a poor state of repair. The reality is that any ingoing commercial operator would require*

significant capital expenditure to bring the property up to a condition ready for their fit out. Due to the lack of potential demand for the premises the owner has not deemed it prudent to speculatively refurbish the property at this stage.

- 3.8 The report concluded *"The marketing exercises that have taken place over the last 24 months by Telsar and CDG have identified 80 genuine enquiries regarding the sale of the site. Of those 80, only two enquiries were from pub operators, and where an enquiry was made, the sale was not pursued. The vast majority of enquiries made were from developers interested in redeveloping the site for other uses. The extensive marketing exercise that has been carried out has evidenced that there is no demand for the public house use on-site."*
- 3.9 Marketing updates were provided on 16th August 2021, 13th December 2021, and 20th July 2022. All report no meaningful interest was established. The latest update states *"The details have been sent out twice during 2022 to our internal database and our inhouse email database of circa 14,500 active enquiries for leisure premises across the UK. This generated enquiries but nothing that progressed any further than a phone call. The update goes on to say, "Generally the feedback is still that potential occupiers are turned off by the amount of work there is to do in order to get it back to a trading pub and the risk against return is working out to be too high for anyone to consider making an offer."*
- 3.10 Since this reporting the property has remained vacant and the images attached illustrate the level of decline the property is now in. Therefore, it is perhaps unsurprising that no explanation was provided as to how JRB has arrived at the capital value of £1,000,000 knowing the extent of the lack of interest in the site for continued operation as a public house.
- 3.11 In terms of our approach to establishing a reasonable benchmark land value, we identified the Pipemakers Arms, St Johns Rd, Uxbridge, UB8 2UR as a useful comparable but we noted it was in a more attractive location and was acquired in a lettable condition. The Pipemakers Arms was marketed by Flurets agents for £825,000 and we understand acquired for £935,000 in March 2024.

- 3.12 We also liaised with our specialised QS who advised of a possible refurbishment cost of circa £100 - £120 psf taking a view on required façade / window improvement and reuse of existing infrastructure. We also reviewed standard building indices and the BCIS lower quartile rate for public house fit-out aligns with the midpoint of this cost range, while the conversion cost exceeds this range at £126 per square foot.
- 3.13 We then applied the lower end of the cost range suggested by our QS (£100 psf) to the existing building area of 5,598 sq ft, which equated to a total capital expenditure / cost allowance of circa £559,800.
- 3.14 We then deducted from JRB's proposed value of £1,000,000 to arrive at our suggested benchmark land value of £440,200.
- 3.15 In summary we adopted JRB's opinion of value as our baseline, which reflected a higher capital value than the Pipemakers Arms comparable, despite our view that the latter was superior. We also applied low-end build costs and assumed an occupier could be secured, notwithstanding the results of extensive marketing. These factors collectively support the reasonableness of our approach.
- 3.16 Also worthy of note it's the conclusions reached by the Council's previous viability advisor in respect of the sites benchmark land value. Highlighting a number of the same issues, they adopted a notional value of £1.
- 3.17 JRB also referenced a number of potential alternative uses which, in his view, support his opinion of value. However, insufficient detail has been provided on these hypothetical alternatives to allow for any meaningful analysis by Carter Jonas or the LPA and, of course, they would still need to be acceptable in planning terms to the Council.

2. Construction costs

- 3.18 For context, JRB have relied upon a construction cost plan prepared by QSetc dated June 2023. The total build cost assessment totalled £5.84m including a 5% contingency, which they have indexed to Q2 2024 reflecting the BCIS All-In Tender Price Index which equates to an increase of 1.31% and a revised figure of £5.92m.

- 3.19 Carter Jonas subcontracted Johnson Associates, with whom we regularly work alongside for viability reviews to undertake a line-by-line review of the QSetc cost plan.
- 3.20 Jonhson Associates agreed with most of the costs adopted but identified several rates which they consider to be high and making their opinion of an appropriate downward adjustment advised of a potential saving of £80,000.
- 3.21 We accept that this is a relatively small difference between the parties in the context of the overall build costs.
- 3.22 We would also highlight that within our rebuttal letter (dated August 2024), we commented "*We would be happy for the respective cost advisors to liaise and discuss whether the variance in build costs can be narrowed*", however we understand this has not been actioned by the Applicant or their consultant.

3. Finance rates

- 3.23 By way of background, JRB has adopted a finance rate of 9%, compared with the 7.5% rate used by Carter Jonas. Finance assumptions in FVAs continue to attract scrutiny from LPAs, with variation expected due to differing delivery models and developer profiles. However, FVA modelling typically assumes 100% debt funding, making consistency in benchmarking essential.
- 3.24 While we acknowledge that SME borrowing costs can exceed 7%, viability assessments are not designed to reflect bespoke lending terms. Rather, they rely on standardised assumptions aligned with prevailing market conditions. This approach is consistent with both RICS and PPG guidance, which advocate the use of benchmark rates to support comparability and transparency.
- 3.25 As part of our FVA review, we submitted a schedule of finance rates drawn from assessments Carter Jonas was involved with at the time. This evidence, summarised in the table below, demonstrates a prevailing trend toward lower finance assumptions.

London Borough	Street	Date	Debt Interest Rate Assumption	Consultant
H&F	North End Road	Aug-23	7.50%	TM
Kingston	Penryn Road	Current	7.00%	TM
Wandsworth	Lydden Road	Jan-23	6.00%	BNP
Kensington & Chelsea	Victoria Road	Mar-23	7.00%	Montague Evans
Kingston	Kingston Road	Aug-23	6.50%	WLS
Wandsworth	Balham High Road	Sep-23	7.25%	BNP
Richmond	Mortlake	Current	6.00%	BNP
Barnet	High Road	May-23	6.50%	Avison Young
Hillingdon	West End Road	Sep-23	7.25%	Savills
Kingston	County Hall	May-23	7.00%	BPC
New Malden	Burlington	May-23	7.00%	Barratts
Reading	Silver Street	Dec-23	7.50%	S106 Man
Hillingdon	Travstock Works	Current	7.50%	HCL
Reading	Broad Street	Current	7.50%	DS2
Croydon	Purley High Street	Current	6.75%	Avison Young
Barnet	Colindale	Current	7.25%	DS2
Kingston	Commbe Road	Jan-24	7.25%	TM

- 3.25 In our rebuttal letter dated 14 August, we noted *“We provided 17 recent or current examples of debt finance rates below the 9% rate adopted by James Brown, and several instances below the 7.5% rate used in our modelling. This data, drawn from 13 different consultancy practices, in our view, offers sufficient justification for our adopted rate. We remain open to reviewing any evidence JRB may provide where a 9% finance rate has been accepted by an LPA for FVA purposes.”*
- 3.26 To date, we are not aware of any such examples having been provided by JRB.
- 3.27 Since our initial review, we have continued to monitor trends in FVA finance assumptions. As shown in the updated table below, there is a clear downward trajectory, with 7% now commonly adopted and emphasises the importance of precedent and consistency in planning viability assessments.

London Borough	Street	Date	Debt Interest Rate Assumption	Consultant
Wandsworth	Lydden Road	Jan-23	6.00%	BNP
Kensington & Chelsea	Victoria Road	Mar-23	7.00%	Montague Evans
Kingston	Kingston Road	Aug-23	6.50%	WLS
Wandsworth	Balham High Road	Sep-23	7.25%	BNP
Richmond	Mortlake	Current	6.00%	BNP
Barnet	High Road	May-23	6.50%	Avison Young
Hillingdon	West End Road	Sep-23	7.25%	Savills
Kingston	County Hall	May-23	7.00%	BPC
New Malden	Burlington	May-23	7.00%	Barratts
Kingston	Combe Road	Jan-24	7.25%	TM
Reading	Silver Street	Dec-23	7.50%	S106 Man
Hillingdon	Travstock Works	Aug-24	7.50%	HCL
Reading	Broad Street	Nov-24	7.50%	DS2
Croydon	Purley High Street	Feb-25	6.75%	Avison Young
Kingston	Penryn Road	Current	7.00%	TM
Barnet	Colindale	Current	7.25%	DS2
Kingston	Sigma Park P2	Current	7.00%	DS2
Barnet	Great North Park	Current	7.00%	DS2
Haringey	Barol Quarter	Current	7.00%	DS2
Barnet	Land at Finchley	Current	7.00%	BNP
Kingston	Cromwell Road	Current	7.00%	TM

- 3.28 Our review of a broad sample of recent and ongoing FVAs across the borough indicates that assumed finance rates reflect benchmarked norms rather than actual lending terms. This further supports the reasonableness of the 7.5% assumption, particularly given these assessments predate the Bank of England's base rate reduction on 8 May.

4. Developers profit / Target return

- 3.29 JRB has adopted a developer's profit of 20% on cost and/or 17.5% on GDV (whichever yields the higher return). We consider this to be above what is reasonable in the current market context and have therefore applied an all-inclusive profit rate of 15% on GDV in our assessment.
- 3.30 No supporting evidence has been provided by JRB to justify their position on the developer's return.
- 3.31 While we acknowledge that the S106 refers to a 20% return on value, Carter Jonas was not involved in that review and the context is important.
- 3.32 We understand that the original planning application was not initially submitted as a 'fast-track' route application, as it was not initially proposed to include policy compliant affordable student accommodation. Following initial viability assessment and negotiation with the applicant, the scheme was amended to provide 36% affordable

student accommodation. The application thus became a fast-track proposal where no viability assessment was required. This was acknowledged in the Committee Report. This being the case, it was appropriate that the early-stage review formulas included within the S106 were standard formulas specifying 20% GDV. The proposal at appeal is no-longer a fast-track proposal, as it is proposed to remove the affordable student accommodation, and therefore it must be viability assessed, and it is now appropriate to determine a suitable GDV based on the evidence. Accordingly, the 20% GDV stated in the S106 does not set a precedent in determining what is now a suitable GDV in the appeal.

- 3.33 It is also worth noting that BNP Paribas (the Council's previous viability consultant) modelled a developer's return of 18% on cost, equating to an effective profit of 14.5%, slightly below our proposed figure.
- 3.34 BNP's profit allowance referenced the return agreed at appeal (APP/A5840/W/19/3228534) in relation to a PSBA development at 272 St Jamess Road London Southwark, where JRB represented the applicant.
- 3.35 JRB adopted a 16.8% GDV profit margin in the FVA for the St James Street Health Centre (January 2023, ref: 230208), which is below the level now being proposed. We understand the S106 was signed on 7 June 2024, though it remains unclear what developer profit hurdle was ultimately agreed following review.
- 3.36 A 15% GDV profit was agreed in the viability assessment for the PSBA component of the Kingston Gate development, as well as the PSBA scheme at 313–349 Ilderton Road, Southwark SE15 1NW (20/AP/1329).
- 3.37 Additionally, the S106 agreement for the PSBA development at 158 Trundlely Road, Lewisham (Apollo Business Centre), signed in February 2024 under application no. DC/23/130258 and approved on 2 February 2023, also reflected a 15% profit on GDV.
- 3.38 Given JRB's lack of supporting evidence and the substantial precedent cited above, we consider that a developer profit hurdle of 15% on GDV is fully justified and reasonable in the current context.

4. SUMMARY & CONCLUSIONS

4.1 This Proof of Evidence has been prepared on behalf of the London Borough of Hillingdon to address the viability of delivering affordable student accommodation as part of the consented development at the former Paddington Packet Boat Public House site.

4.2 A Financial Viability Assessment (FVA) prepared by James R Brown & Company Ltd (JRB) concluded that the development scheme is not viable in any of the tested scenarios. However, following a detailed independent review by Carter Jonas, we find this conclusion to be based on overstated assumptions and unsubstantiated inputs.

Key Findings:

Benchmark Land Value (BLV):

- JRB adopts a BLV of £1,000,000 without sufficient supporting evidence, despite the site's prolonged vacancy and dereliction.
- Carter Jonas determines a more realistic BLV of £440,200, considering extensive marketing history, lack of commercial demand, and the property's poor condition.

Construction Costs:

- While broadly aligned, a modest downward revision of £80,000 is suggested following a detailed review by our quantity surveyors.

Finance Rate:

- JRB applies an unusually high rate of 9%, unsupported by current market evidence.
- Carter Jonas uses a more reflective 7.5% benchmark, consistent with recent FVAs and industry standards.

Developer's Profit:

- JRB assumes an aggressive profit target of 20% on cost / 17.5% on GDV, exceeding what is typically accepted and no evidence has been provided.
- Carter Jonas adopts a 15% GDV return, supported by precedent cases.

- 4.3 Carter Jonas concludes that the scheme, in all but one scenario, is viable when using market-appropriate inputs. Specifically:
- Scenario 4, which includes the full policy-compliant level of affordable student accommodation, presents viability challenges.
 - Scenarios 1–3 are all viable under our assumptions, achieving profit levels above our target threshold.
- 4.4 The difference in viability outcomes arises primarily from JRB's unjustified assumptions regarding land value, finance costs, and profit margin expectations. Our review demonstrates that the development can viably deliver affordable student housing if a reasonable and evidence-based approach is taken.
- 4.5 We recommend that the Inspector gives significant weight to our independent analysis, which aligns with current market norms and established planning guidance, and finds that the scheme, particularly in Scenarios 2 and 3, has the capacity to make affordable housing contributions.

5. EXPERTS DECLARATION

- 5.1 I confirm that my report has drawn attention to all material facts which are relevant and have affected my professional opinion.
- 5.2 I confirm that I understand and have complied with my duty as an expert witness which overrides any duty to those instructing or paying me, that I have given my evidence impartially and objectively, and that I will continue to comply with that duty as required.
- 5.3 I confirm that I am not instructed under any conditional or other success-based fee arrangement.
- 5.4 I confirm that I have no conflicts of interest.

Statement of Truth

- 5.5 I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not.
- 5.6 Those that are within my own knowledge I confirm to be true.
- 5.7 The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

Prepared by:

Guy Ingham

Development Director

Carter Jonas LLP

Carter Jonas

APPENDIX 1 – Carter Jonas FVA Review (Dated June 2024)

Carter Jonas

PADDINGTON PACKET BOAT

REVIEW OF APPLICANT'S FINANCIAL VIABILITY ASSESSMENT

Draft Report

SUBMITTED ON BEHALF OF CLIENT:

LONDON BOROUGH OF HILLINGDON
JUNE 2024

Classification L2 - Business Data

QUALITY STANDARDS

Carter Jonas has prepared this Financial Viability Assessment review report in accordance with the Royal Institution of Chartered Surveyors (RICS) Professional Statement 'Financial Viability in Planning: Conduct and Reporting' 1st Edition, May 2019.

The authors of the FVA review report are:

[signature]

David Price, Associate, MRICS

[signature]

Guy Ingham, Partner, MRICS

The version of the report is dated June 2024

The authors, whilst undertaking the review of the FVA have acted:

- With objectivity;
- Impartially;
- Without interference; and
- With reference to all appropriate available sources of information.

Terms of Engagement

Carter Jonas has been instructed by LB Hillingdon to undertake a detailed review of the Financial Viability Assessment (FVA) of the subject planning application scheme to determine the most viable position in relation to the level of affordable housing, in accordance with the National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG).

Carter Jonas confirms that it has no Conflicts of Interest in acting for LB Hillingdon in reviewing the FVA submitted by the Applicant.

In preparing the FVA review report Carter Jonas confirms that no performance related or contingent fees have been agreed.

Limitations

This report has been prepared for the stated objective and should not be used for any other purpose without the prior written authority of Carter Jonas. We accept no responsibility or liability for the consequences of this document being used for a purpose other than for which it was commissioned.

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1. EXECUTIVE SUMMARY

Carter Jonas has been instructed by the London Borough of Hillingdon (as local planning authority) to undertake a viability review in respect of a proposed development at Paddington Packet Boat, High Road, Cowley, Uxbridge, UB8 2HT. The planning application for the comprehensive redevelopment of the site has been submitted by Paddington Packet Boat Developments Ltd (as landowner).

Planning permission was granted on 18/8/23 for a purpose-built student accommodation ('PBSA') scheme comprising 61 studio units subject to a number of conditions including the provision of 36% affordable student units, the requirement for there to be a Nominations Agreement (in the form required) with a higher education institution ('HEI') in connection with at least 51% of the 61 studios and a CIL and S.106 payments of around £250,000.

Despite the S106 being signed less than 12 months ago, a Viability Assessment has been produced testing a range of development scenario which concluded that the scheme is unable to provide any on-site affordable housing.

Carter Jonas have undertaken analysis of the viability scenarios and where our own market research has indicated that the inputs used have not been fully justified, or in our opinion do not align with market expectations, we have sought to illustrate the potential impact on viability.

Although we agree with most of the adopted assumptions, we find the site Benchmark Land Value to be overstated. For the proposed scheme, we have also adjusted the build costs, finance costs, and profit assumptions, which we believe are above market levels and typical viability assessments.

The outputs of our modelling are presented in the table below, alongside the Applicant's viability consultant for ease of reference.

Scenario	JRB's Outturn Profit Target Profit	Carter Jonas Outturn Profit Target Profit
	17.5% on GDV	15.0% on GDV
Scenario 1	17.92% on cost and/or 15.20% on GDV.	33.05% on cost and/or 24.84% on GDV.
Scenario 2	8.69% on cost and/or 7.99% on GDV	22.65% on cost and/or 18.46% on GDV.
Scenario 3	16.92% on cost and/or 14.47% on GDV	31.93% on cost and/or 24.20% on GDV.
Scenario 4	-5.83% on cost and/or -6.19% on GDV	6.29% on cost and/or 5.92% on GDV.

Based on an assumed profit target of 20% on cost and/or 17.5% on GDV, the Applicant's viability consultant concluded that all scenarios were not viable, stating "*Scenario 1 is almost viable with Scenario 3 not far behind. Scenarios 2 and 4 are not viable and are substantially unviable.*"

As indicated in the outputs in the table above, we have reached a different conclusion. While we acknowledge the viability challenges of delivering Scenario 4, all other scenarios are viable based on our modelling, with Scenarios 1 and 3 generating a significant project surplus.

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2. INTRODUCTION

2.1. Background

Carter Jonas has been instructed by the London Borough of Hillingdon (as local planning authority) to undertake a viability review in respect of a proposed development at Paddington Packet Boat, High Road, Cowley, Uxbridge, UB8 2HT. The planning application for the comprehensive redevelopment of the site has been submitted by Paddington Packet Boat Developments Ltd (as landowner).

We understand that planning permission was granted on 18/8/23 for a purpose-built student accommodation ('PBSA') scheme comprising 61 studios. The planning application reference was/is 1058/APP/2021/3423. The permission includes/requires:-

- 36% Affordable Student Accommodation (as defined);
- The requirement for there to be a Nominations Agreement (in the form required) with a higher education institution ('HEI') in connection with at least 51% of the 61 studios (inclusive of the affordable student accommodation), and;
- An early-stage review clause to assess whether the scheme should be offering more affordable student accommodation. This review will occur 24 months after the date of planning permission and;
- CIL and S.106 payments of around £250,000.

Despite the S106 being signed less than 12 months ago, James.R.Brown and Co Ltd (JRB) has submitted a Viability Assessment concluding that "...the scheme is unable to provide any on-site affordable housing on viability grounds given the projected scheme deficit £-1,162,013 when applying his aforementioned assumptions in respect of the proposed scheme and opinion of Benchmark Land Value".

To support this conclusion JRB has appraised four development scenarios, namely:-

- Scenario 1 - as per the consented scheme but with no Nominations Agreement and no affordable student accommodation.
- Scenario 2 - as per the consented scheme (i.e. with a Nominations Agreement) but without any affordable student accommodation.
- Scenario 3 - as per the consented scheme but with a modified/clarified Nominations Agreement and without any affordable student accommodation.
- Scenario 4 - the consented scheme (i.e. with 36% affordable student accommodation, existing Nominations Agreement and CIL/S.106 payments of around £250,000.

This report presents an objective assessment of JRB's Viability Assessment Report to determine whether the affordable housing offer and Section 106 contributions can be viably delivered.

2.2. The Site

The subject site is located on the corner of High Road and Packet Boat Lane, Cowley Peachy. The vacant pub itself is a two-storey white rendered building set close to the road. The pub dates back to circa. 1826. The pub and its beer garden occupy the eastern side of the site fronting onto the High Road. The car park to the rear, occupies the western half of the site.

The site is situated between residential and industrial uses with the immediate area east of the High Road providing a mix of flats, terraced and semi-detached residential properties. The site lies just outside of the Cowley Lock Conservation Area which is located to the west of the site.

The site is located approximately 1.9 miles to the south of Uxbridge Underground Station which provides access to the Metropolitan and Piccadilly lines. West Drayton train station is also situated 0.9 miles to the south. The site is in close proximity to the M25 to the west and M4 to the south with the M40 located to the north of Uxbridge.

Pertinent to the proposed use, the Brunel University campus is located within a circa 16 minute walk, a 7 minute cycle or a 13 minute bus trip from the site.

2.3. The Planning Application

Planning permission was granted at the site on 8th September 2023 for the following development:

Demolition of the existing structure and erection of a scheme of purpose-built student accommodation, and associated common areas and facilities, landscaping, amenity space, bicycle and motorcycle parking, and refuse storage.

That planning permission was subject to a s106 Agreement and various planning conditions. We understand that no pre-commencement conditions have yet been discharged. The s106 Agreement attached to the consent required that twenty-two of the studios (36%) were designated as affordable student accommodation.

The scheme comprises 61 self-contained student studios with a total scheme GIA is 1,659 sq.m. (17,857 sq.ft.) which includes a; residents lounge, reception area, cycle store, refuse store, laundry, plant room and communal parts.

The majority of the 61 units extend to 16.7 square metres in size; however, 6 of the units are proposed as 'accessible studios' extending to between 24.6 square metres and 32.5 square metres. The table below provides a breakdown of the type and size of the units proposed.

Count	Floor	Unit Type	Occupancy	Area (sq.m.)	Area (sq.ft.)
1	0	Studio	1 person	16.7	179.8
2	0	Studio	1 person	16.7	179.8
3	0	Studio	1 person	16.7	179.8
4	0	Studio	1 person	16.7	179.8
5	0	Studio	1 person	16.7	179.8
6	0	Studio	1 person	16.7	179.8
7	0	Studio	1 person	16.7	179.8
8	0	Studio	1 person	16.7	179.8
9	0	Studio	1 person	16.7	179.8
10	0	Studio	1 person	16.7	179.8
11	0	Studio	1 person	16.7	179.8
12	0	Studio	1 person	16.7	179.8
13	0	Studio	1 person	16.7	179.8
14	1	Accessible Studio	1 person	24.6	264.8
15	1	Studio	1 person	18.1	194.8
16	1	Studio	1 person	16.7	179.8
17	1	Studio	1 person	16.7	179.8
18	1	Studio	1 person	16.7	179.8
19	1	Studio	1 person	16.7	179.8
20	1	Studio	1 person	16.7	179.8
21	1	Accessible Studio	1 person	32.5	349.8
22	1	Studio	1 person	16.7	179.8
23	1	Studio	1 person	16.7	179.8
24	1	Studio	1 person	16.7	179.8
25	1	Studio	1 person	16.7	179.8
26	1	Studio	1 person	16.7	179.8
27	1	Studio	1 person	16.7	179.8
28	1	Studio	1 person	16.7	179.8
29	1	Studio	1 person	16.7	179.8
30	2	Accessible Studio	1 person	24.6	264.8
31	2	Studio	1 person	18.1	194.8
32	2	Studio	1 person	16.7	179.8
33	2	Studio	1 person	16.7	179.8
34	2	Studio	1 person	16.7	179.8
35	2	Studio	1 person	16.7	179.8
36	2	Studio	1 person	16.7	179.8
37	2	Accessible Studio	1 person	32.5	349.8
38	2	Studio	1 person	16.7	179.8
39	2	Studio	1 person	16.7	179.8
40	2	Studio	1 person	16.7	179.8
41	2	Studio	1 person	16.7	179.8
42	2	Studio	1 person	16.7	179.8
43	2	Studio	1 person	16.7	179.8
44	2	Studio	1 person	16.7	179.8
45	2	Studio	1 person	16.7	179.8
46	3	Accessible Studio	1 person	24.6	264.8
47	3	Studio	1 person	18.1	194.8
48	3	Studio	1 person	16.7	179.8
49	3	Studio	1 person	16.7	179.8
50	3	Studio	1 person	16.7	179.8
51	3	Studio	1 person	16.7	179.8
52	3	Studio	1 person	16.7	179.8
53	3	Accessible Studio	1 person	32.5	349.8
54	3	Studio	1 person	16.7	179.8
55	3	Studio	1 person	16.7	179.8
56	3	Studio	1 person	16.7	179.8
57	3	Studio	1 person	16.7	179.8
58	3	Studio	1 person	16.7	179.8
59	3	Studio	1 person	16.7	179.8
60	3	Studio	1 person	16.7	179.8
61	3	Studio	1 person	16.7	179.8
Totals				1,094.0	11,775.7

The tables below detail the tenure mix modelled for each of the options.

Scenario 1			
Room Type	Area (sq.m.)	Nos Units	Total Room Area
Standard Studio	16.7	52	868
Standard Studio (larger)	18.1	3	54
Accessible Studio (smaller)	24.6	3	74
Accessible Studio (larger)	32.5	3	98
Total		61	1,094

Scenario 2			
Room Type	Area (sq.m.)	Nos Units	Total Room Area
Standard Studio	16.7	21	351
Standard Studio (larger)	18.1	3	54
Accessible Studio (smaller)	24.6	3	74
Accessible Studio (larger)	32.5	3	98
Standard Studio	16.7	31	518
Total		61	1,094

Scenario 3			
Room Type	Area (sq.m.)	Nos Units	Total Room Area
Standard Studio	16.7	21	351
Standard Studio (larger)	18.1	3	54
Accessible Studio (smaller)	24.6	3	74
Accessible Studio (larger)	32.5	3	98
Standard Studio	16.7	31	518
Total		61	1,094

Scenario 4			
Room Type	Area (sq.m.)	Nos Units	Total Room Area

Standard Studio	16.7	5	84
Standard Studio (larger)	18.1	3	54
Accessible Studio (smaller)	24.6	0	0
Accessible Studio (larger)	32.5	0	0
Standard Studio	16.7	31	518
Affordable Standard Studio	16.7	16	267
Affordable Standard Studio (larger)	18.1	0	0
Affordable Accessible Studio (smaller)	24.6	3	74
Affordable Accessible Studio (larger)	32.5	3	98
Total		61	1,094

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3. METHODOLOGY

3.1. Approach

Carter Jonas' review of the Applicant's FVA has had regard to the RICS Guidance Note "Financial Viability in Planning". We do not take issue with the overarching methodology used by the Applicant within their assessment. They have:

- Assessed the realisable value of the proposed scheme;
- Assessed the costs associated with delivering the scheme;
- Assessed a Benchmark Land Value,
- Undertaken an appraisal to calculate the outturn profit of the proposed scheme when adopting the assumed Benchmark Land Value as a fixed cost to establish the viability of the scheme.

JRB has used the Argus Developer program to analyse the viability of the development. The methodology underpinning viability appraisals is the residual method of valuation, commonly used for valuing development opportunities. Firstly, the gross value of the completed development is assessed, and the total cost of the development is deducted from this.

The approach adopted by JRB has been to adopt a number of assumptions in relation to the proposed scheme to arrive at an outturn profit which is then compared to their target profit margin. In this case, if the outturn profit of the proposed scheme is lower than the target, then the proposed scheme is deemed to be unviable and is therefore unlikely to come forward for development unless the developer were to take a commercial decision around their level of return or if the planning obligations were to be reduced.

As mentioned above JRB has modelled four development scenarios namely;-

- Scenario 1 - as per the consented scheme but with no Nominations Agreement and no affordable student accommodation.
- Scenario 2 - as per the consented scheme (i.e. with a Nominations Agreement) but without any affordable student accommodation.
- Scenario 3 - as per the consented scheme but with a modified/clarified Nominations Agreement and without any affordable student accommodation.
- Scenario 4 - the consented scheme (i.e. with 36% affordable student accommodation, existing Nominations Agreement and CIL/S.106 payments of around £250,000.

The result of JRB's analysis is presented below:

Scenario	Target Profit	Outturn Profit
Scenario 1	17.5% on GDV 20.0% on Costs	17.92% on cost and/or 15.20% on GDV.

Scenario 2	17.5% on GDV 20.0% on Costs	8.69% on cost and/or 7.99% on GDV
Scenario 3	17.5% on GDV 20.0% on Costs	16.92% on cost and/or 14.47% on GDV
Scenario 4	17.5% on GDV 20.0% on Costs	-5.83% on cost and/or -6.19% on GDV

Based upon the above outputs and their assumed profit target 20% on cost and/or 17.5% on GDV they have concluded that all scenarios are not viable, but *"Scenario 1 is almost viable with Scenario 3 not far behind. Scenarios 2 and 4 are not viable and are substantially unviable."*

Given that the Applicants' calculations are being made well in advance of commencement of the development, the figures used in the Applicant's appraisals can only be recognised as a projection. As such, it is essential that all assumptions are carefully scrutinised by the local planning authority to ensure that they reflect current market conditions and have not been unreasonably depressed in respect of the value or overestimated in respect of the development costs.

Carter Jonas' approach has been to critically examine all of the assumptions on which the JRB appraisal is based. Our approach has then been to undertake sensitivity analysis where in our opinion inputs are not in line with current market conditions.

It is also important to carefully scrutinise the Applicant's measure of Benchmark Land Value which has a fundamental effect on the viability equation. Carter Jonas' approach has been to critically examine all of the assumptions on which they are based.

4. CRITIQUE OF BENCHMARK LAND VALUE

Determining an appropriate Benchmark Land Value is often the most important factor in determining viability. Put simply, if the value generated by the development does not produce a positive figure, there is no financial incentive to bring forward the development with all its associated risk.

In arriving at an appropriate BLV regard should be had to existing use value, alternative use value, market/transactional evidence (including the property itself if that has recently been subject to a disposal/acquisition), and all material considerations including planning policy. Existing Use Value is widely used in establishing Benchmark Land Value and is supported in the NPPF PPG update from May 2019.

Paragraph 13 of the PPG states that a Benchmark Land Value ("BLV") should be established based on the Existing Use Value of the land, plus a premium for the landowner.

The premium to the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should therefore provide a reasonable incentive, in comparing with other options available, for the landowner to sell the land for development.

Paragraph 14 of the PPG states that BLV should;

- Be based upon EUV;
- Allow for a premium to landowners;
- Reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees; and
- Be informed by market evidence including current uses, costs and values wherever possible. Where recent evidence is used to inform assessment of BLV this evidence should be based on developments which are compliant with policies, including for affordable housing. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic land values of non-policy compliant developments are not used to inflate values over time.

Paragraph 15 of the PPG defines what is meant by EUV in a viability assessment. This states the following:

"Existing use value (EUV) is the first component of calculating benchmark land value. EUV is the value of the land in its existing use. Existing use value is not the price paid and should disregard hope value. Existing use values will vary depending on the type of site and development types. EUV can be established in collaboration between plan makers, developers and landowners by assessing the value of the specific site or type of site using published sources of information such as agricultural or industrial land values, or if appropriate capitalised rental levels at an appropriate yield (excluding any hope value for development)."

The EUV is the first component of calculating BLV. The second component is the premium, or as stated at paragraph 16 of the PPG the 'plus' in EUV+.

This is the amount above the EUV required to provide a reasonable incentive for a landowner to bring forward land for development while allowing a sufficient contribution to comply with policy requirements.

The premium should be informed by professional judgement and must be based upon the best available evidence informed by cross sector collaboration. The PPG states that for any viability assessment data sources to inform the establishment of the landowner premium should include market evidence and can include benchmark land values from other viability assessments.

The RICS Professional Standard 'Assessing viability in planning under the National Planning Policy Framework 2019 for England', published March 2021, supports the definition of AUV from NPPG and reiterates that any AUV must reflect relevant policy requirements.

When adopting an AUV approach, the premium to the landowner is implicit and therefore an additional landowner premium should not be added as this would be double counting.

NPPG and RICS guidance are clear that if refurbishment or redevelopment is necessary to realise an existing use value then this falls under the AUV provision of NPPG and no landowner premium should be added.

To establish an Existing Use Value ("EUV"), JRB has referred to several comparables many of which were marketed with residential potential and have subsequently been converted / delivered as residential. We are of the opinion that the Pipemakers Arms, St Johns Rd, Uxbridge, UB8 2UR does provide a useful comparable but we would note it is located in a more attractive location and was acquired in a lettable condition. The site was marketed by Flurets agents for £825,000 and we understand acquired for £935,000 in March 2024. No explanation has been provided as to how JRB has arrived at the capital value, but they have adopted a value of £1,000,000 for the purpose of their modelling.

We understand that BNP (the Council's previous viability reviewer) adopted a BLV of £1 for the purpose of their assessment of the consented scheme. JRB also refer to an earlier viability assessment undertaken by Carter Jonas in March 2019, where a BLV of £935,000 was agreed.

In respect of the latter, we would comment that at the time of the review the subject site was only recently vacant and therefore deemed to be in a reasonable state of repair and lettable condition. It is clear from the supporting documents submitted as part of the recently consented application that the subject site has fallen into significant disrepair and various documents refer to the building as being "derelict". The images in the viability assessment are outdated, giving a misleading impression of the properties' current condition. The image below illustrates the extent of the deterioration.



Image of the subject site

Since the 2019 assessment there has been a significant downturn in the pub sector and this deterioration is well documented. Recent data gathered from UK Government figures by the Altus Group, shows that approximately 80 pubs closed per month in the period to 31 March 2024. This reflects a 56% increase on closures/conversions of the same timeframe from last year, when around 51 shut.

The issues of demand have not been addressed by JRB. However, the supporting planning documents for the consented application note that there is no meaningful interest in the existing building. Coupled with the property's current condition, it is not usable as a public house and would require significant investment to become lettable.

It is our opinion that a capital expenditure should be reflected in assessment of the BLV. In the absence of a detailed cost plan being provided we have liaised with Gavin Johnson Associates who advised of a possible refurbishment cost of circa £100 - £120 psf taking a view on required façade / window improvement and reuse of existing infrastructure. The BCIS lower quartile rate for public house fit-out aligns with the midpoint of this cost range, while the conversion cost exceeds this range at £126 per square foot.

Applying the lower end of the range at £100 psf to the existing building area of 5,598 sq ft, this would equate to a total capital expenditure / cost allowance of circa £559,800. If this cost was deducted from JRB's proposed value of £1,000,000 this would equate to a BLV of £440,200, which we deem to be reasonable.

As mentioned above the NPPG and RICS guidance are clear that if refurbishment or redevelopment is necessary to realise an existing use value then this falls under the AUV provision of NPPG and no landowner premium should be added.

5. ASSESSMENT OF APPLICATION SCHEME INPUTS

This section of the report presents the Applicant's appraisal inputs together with Carter Jonas's interrogation of these inputs and appropriate adjustments where applicable.

5.1. Gross Development Value

The proposed development includes student accommodation comprising 61 self-contained studio units. The majority of the 61 units extend to 16.7 square metres in size; however, 6 of the units are proposed as 'accessible studios' extending to between 24.6 square metres and 32.5 square metres. The total scheme GIA is 1,659 sq.m. (17,857 sq.ft.) which includes a residents lounge, reception area, cycle store, refuse store, laundry, plant room and communal parts.

JRB has indicated that they consider it likely that the achievable gross Market Rents will be in line with what is charged on other accommodation associated to HEIs such as Brunel University. Based on several comparables but reflecting the off-campus nature of the Packet Boat location and room sizes they have adopted a gross Market Rent (to include utilities) of £235 p.w. and assumed a letting period of 51 weeks per annum. This equates to £11,985 p.a. for unrestricted Market Rents. JRB has also adopted a sundry income of £10,000 per annum.

In respect of the affordable accommodation the maximum maintenance loan for the 2023-24 academic year for students studying in London, and not living with parents is 'up to' £13,022. Therefore, in line with the London Plan, the affordable student accommodation should be provided equal to or below £7,162 (55 per cent of the maximum income that a new full-time student studying in London and living away from home could receive from the Government's maintenance loan for living costs for that academic year). This equates to £188 pw for the affordable units, which aligns with JRB's assumptions for Scenario 4.

The tables below summarise the rental values adopted for each scenario.

Scenario 1										
Room Type	Rent Basis	Area (sq.m.)	Main Nos	Nos	Total	Gross Term	Gross Term	GLA Cap (@ 55% of £13,022 p.a. for 23/24)	Holiday Rent Income p.w.	Total Gross Rent p.a.
			Rent Weeks	Units	Room Area	Time Rent p.w.	Time Rent Per Room p.a.			
Standard Studio	Market Rent	16.7	51	52	868	£235.00	£11,985	n/a	£280.00	£623,220
Standard Studio (larger)	Market Rent	18.1	51	3	54	£240.00	£12,240	n/a	£281.00	£36,720
Accessible Studio (smaller)	Market Rent	24.6	51	3	74	£235.00	£11,985	n/a	£350.00	£35,955
Accessible Studio (larger)	Market Rent	32.5	51	3	98	£240.00	£12,240	n/a	£350.00	£36,720
Total				61	1,094					£732,615

Scenario 2										
Room Type	Rent Basis	Area (sq.m.)	Main Nos	Nos	Total	Gross Term	Gross Term	GLA Cap (@ 55% of £13,022 p.a. for 23/24)	Holiday Rent Income p.w.	Total Gross Rent p.a.
			Rent Weeks	Units	Room Area	Time Rent p.w.	Time Rent Per Room p.a.			
Standard Studio	Market Rent	16.7	51	21	351	£235.00	£11,985	n/a	£280.00	£251,885
Standard Studio (larger)	Market Rent	18.1	51	3	54	£240.00	£12,240	n/a	£281.00	£36,720
Accessible Studio (smaller)	Market Rent	24.6	51	3	74	£235.00	£11,985	n/a	£350.00	£35,955
Accessible Studio (larger)	Market Rent	32.5	51	3	98	£240.00	£12,240	n/a	£350.00	£36,720
Standard Studio	Nomis Agreement	16.7	51	31	518	£195*	£9,945	n/a	£351.00	£308,295
Total				61	1,094					£669,375

Scenario 3										
Room Type	Rent Basis	Area (sq.m)	Main Nos	Nos	Total Room	Gross Term Time Rent p.w.	Gross Term Time Rent Per Room p.a.	GLA Cap (@ 55% of £13,022 p.a. for 23/24)	Holiday Rent Income p.w.	Total Gross Rent p.a.
Standard Studio	Market Rent	16.7	51	21	351	£235.00	£11,985	n/a	£280.00	£251,885
Standard Studio (larger)	Market Rent	18.1	51	3	54	£240.00	£12,240	n/a	£281.00	£36,720
Accessible Studio (smaller)	Market Rent	24.6	51	3	74	£235.00	£11,985	n/a	£350.00	£35,955
Accessible Studio (larger)	Market Rent	32.5	51	3	98	£240.00	£12,240	n/a	£350.00	£36,720
Standard Studio	Noms Agreement	16.7	51	31	518	£225*	£11,475	n/a	£351.00	£355,725
Total				61	1,094					£716,805

Scenario 4										
Room Type	Rent Basis	Area (sq.m)	Main Nos	Nos	Total Room	Gross Term Time Rent p.w.	Gross Term Time Rent Per Room p.a.	GLA Cap (@ 55% of £13,022 p.a. for 23/24)	Holiday Rent Income p.w.	Total Gross Rent p.a.
Standard Studio	Market Rent	16.7	51	5	84	£235.00	£11,985	n/a	£280.00	£50,925
Standard Studio (larger)	Market Rent	18.1	51	3	54	£240.00	£12,240	n/a	£281.00	£36,720
Accessible Studio (smaller)	Market Rent	24.6	51	0	0	£235.00	£11,985	n/a	£350.00	£0
Accessible Studio (larger)	Market Rent	32.5	51	0	0	£240.00	£12,240	n/a	£350.00	£0
Standard Studio	Noms Agreement	16.7	51	31	518	£195*	£9,945	n/a	£351.00	£308,295
Affordable Standard Studio	GLA Definition	16.7	38	16	267	£188.47	£7,162	£7,162	£188.47	£120,621
Affordable Standard Studio (larger)	GLA Definition	18.1	38	0	0	£188.47	£7,162	£7,162	£188.47	£0
Affordable Accessible Studio (smaller)	GLA Definition	24.6	38	3	74	£188.47	£7,162	£7,162	£188.47	£22,616
Affordable Accessible Studio (larger)	GLA Definition	32.5	38	3	98	£188.47	£7,162	£7,162	£188.47	£22,616
Total				61	1,094					£570,794

Scenarios 2 and 3 differ in terms of the rental values applied to the 31 Nominations units. Scenario 2 assumes a rental value of £195 per week, while Scenario 3 assumes £225 per week. The latter is a £10-£15 weekly deduction from the proposed unrestricted rents. JRB has indicated that the lower value adopted for Scenarios 2 and 4 reflects the potential for HEIs to exploit the terms of the Nominations Agreement regarding rent levels. This value adjustment appears to be entirely arbitrary. Presumably, there have been discussions with HEIs, given the consented scheme, and previous references to discussions with Brunel University. However, no supporting documentation has been provided to justify JRB's value adjustments.

JRB has provided a breakdown of assumed OPEX costs for each scenario and these range from between £2,969 per unit per annum for Option 4 to £3,395 for Option 1. JRB has adopted a yield profile of 4.5% to 4.8% based on the comparables set out in their report. We would comment that although there is evidence of lower yields being adopted for PSBA developments, these tend to be for larger and more optimal schemes, which are likely to have a larger appeal to institutional investors.

Having considered the evidence presented we do not take issue with the rental value, sundry revenue, opex costs or the yield profile adopted by JRB and have adopted the same for the purpose of our own modelling.

Lastly reflecting the nature of this review, we have also adopted the notional rental values suggested by JRB in respect of the nomination units across the scenarios.

5.2. Scheme Costs

Build Costs

JRB have relied upon a construction cost plan prepared by QSetc dated June 2023. The total build cost assessment therein amounts to a total of £5.84m including a 5% contingency, which they have indexed to Q2 2024 reflecting the BCIS All-In Tender Price Index which equates to an increase of 1.31% and a revised figure of £5.92m..

A line-by-line review of the Applicant's cost plan has been undertaken Gavin Johnson Associates. Although they agree with most costs adopted, they have identified several rates which we they consider to be high and have advised a potential saving of £80,000.

For the purposes of our modelling, we have applied the costs of £5,835,456 (including contingency and inflation) estimated by Gavin Johnson Associates.

The full cost plan review can be found at Appendix 2.

Contingency

As mentioned above the 5% contingency has been reflected in the cost plan, which we do not take issue with.

Professional Fees

JRB has adopted a rate of 10% to cover all professional fees associated with the scheme. A typical professional fee allowance ranges from 8-12% depending on the scale and complexity of the proposed development. In this instance we consider the mid-point allowance of 10% to be reasonable.

Fees and Marketing Costs

JRB have assumed the following disposal costs within their appraisal:

- Marketing: 0.25% of GDV
- Sales agency fee: 1.00% of GDV; and
- Sales legal fee: £75,000 fixed fee.

We do not believe the assumption adopted to be unreasonable.

Finance Cost

Many LPAs and the GLA are closely scrutinising the level of debt financing. The GLA are calling for further justification from developers in respect of their finance assumptions, which could lead to variations depending on the delivery approach or the likely developer's financial standing / ability to raise finance. It is also worth noting that several commentators are suggesting that we are approaching the peak of the base interest rate raises and there could be a flattening or even a decrease this year, which will impact on the lending markets.

A debit finance rate of 9.00% and credit finance rate of 2.0% has been adopted by the Applicant within the development appraisal for the scheme. We consider the debt Finance rate adopted to be above what is reasonable in the current market and have adopted an all-inclusive finance rate of 7.5% within our assessment.

The table below provides evidence of recent or current agreed debt finance rates at 7.5% or below.

London Borough	Street	Date	Debt Interest Rate Assumption	Consultant
H&F	North End Road	Aug-23	7.50%	TM
Kingston	Penryn Road	Current	7.00%	TM
Wandsworth	Lydden Road	Jan-23	6.00%	BNP
Kensington & Chelsea	Victoria Road	Mar-23	7.00%	Montague Evans
Kingston	Kingston Road	Aug-23	6.50%	WLS
Wandsworth	Balham High Road	Sep-23	7.25%	BNP
Richmond	Mortlake	Current	6.00%	BNP
Barnet	High Road	May-23	6.50%	Avison Young
Hillingdon	West End Road	Sep-23	7.25%	Savills
Kingston	County Hall	May-23	7.00%	BPC
New Malden	Burlington	May-23	7.00%	Barratts
Reading	Silver Street	Dec-23	7.50%	S106 Man
Hillingdon	Travstock Works	Current	7.50%	HCL
Reading	Broad Street	Current	7.50%	DS2
Croydon	Purley High Street	Current	6.75%	Avison Young
Barnet	Colindale	Current	7.25%	DS2
Kingston	Commbe Road	Jan-24	7.25%	TM

Mayoral CIL2, CIL and S106 Costs

JRB as assumed a combined cost in this regard of £250,000 based upon the permitted scheme, S.106 and CIL liability statement.

We have liaised with LBH in respect of these costs who have advised a lower figure of £202,178, which we have adopted for the purpose of our modelling.

Development Programme

The development programme for the scheme to be built and sold is projected to take 24 months according to JRB (excluding pre-construction works). The adopted phasing strategy of the development is as follows:

- Pre-construction – 2 months
- Construction – 24 months
- Investment Sales – on completion

We consider the programme to be reasonable and have adopted the same for the purpose of our modelling.

Developer's Profit Margin

The appropriate level of developer profit will vary from scheme to scheme. Developer's profit margin is determined by a range of factors including property market conditions, individual characteristics of the scheme, comparable evidence and the development's risk profile.

JRB has adopted a developer's profit of 20% on cost and/or 17.5% on GDV (whichever is the higher profit sum).

We consider the profit margin adopted to be above what is reasonable in the current market and have applied an all-inclusive profit rate of 15% on GDV in our assessment.

We understand this aligns with the profit margin modelled by BNP for the consented scheme. It is also consistent with the profit margin proposed by JRB for the St James Street Health Centre FVA dated January 2023. Additionally, 15% on GDV was agreed upon in the viability assessment for the PSBA element of the Kingston Gate development and for the proposed PSBA development at 313-349 Ilderton Road, Southwark SE15 1NW. Lastly, an S106 agreement signed in February 2024 for the PSBA development at 158 Trundlely Road, Lewisham (Apollo Business Centre) also reflected a 15% profit margin on GDV.

Considering the above evidence, we see no reason why a higher profit allowance should be adopted in this instance.

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5.3. Summary Table

The table below provides a summary of the above analysis highlighting any areas of difference, which will form the basis of our sensitivity testing in the following section.

Assumption	JRB Assumptions	Carter Jonas Assumptions (Where Different)	Comments
Sales and Revenue			
Revenue Assumptions	Unrestricted – £235 - £240 PW Nomination Units (S2) – £195 PW Nomination Units (S3) - £225 PW Affordable Units - £188 PW Sundry Revenue – £10,000	See Comments	We agree with the unrestricted and affordable rental values and have adopted JRB's notional rental values for Scenarios 2 and 3 for the purpose of modelling.
Yield	4.5% to 4.8%	Agreed	
Development Costs			
Construction Costs	£5.92m	£5,835,456	GJA identified several rates which we they consider to be high and have advised a potential saving of £80,000.
Opex Costs	S1 £3,395 per bedroom £207,095 S2 £3,133 per bedroom £191,113 S3 £3,297 per bedroom £201,117 S4 £2,969 per bedroom £181,109	Agreed	
Contingency	5%	Agreed	
Professional Fees	10%	Agreed	
Sales Agents	1.0%	Agreed	
Sales Legal	£75,000	Agreed	
Marketing	0.25%	Agreed	
CIL / S106	£250,000	£202,178	Revised costs advised by LBH
Interest / Finance Costs	9% debit / 2.0% credit	7.5% debit / 2.0% credit	

Developers Profit	20% on cost and/or 17.5% on GDV (whichever is the higher profit sum).	15% on GDV	
Programme	Pre-construction – 2 months Construction – 24 months Investment Sales – on completion	Agreed	
Benchmark Land Value	£1,000,000	£440,200	See comments and analysis in Section 4

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6. FINANCIAL APPRAISALS

Where our own market research has indicated that the inputs used have not been fully justified we have sought to illustrate the potential impact on viability. In this respect we have undertaken sensitivity analysis producing a number of residual appraisals using Argus Developer, which is a leading industry-standard development appraisal package commonly used by developers and agents to assess development viability.

Although this analysis does not constitute formal valuations under the provisions of the RICS Valuation Standards ('Red Book') it does provide robust evidence to inform the Council's decision-making process in respect of the applicants planning application.

In this instance we have been provided with working appraisals by JRB, which has enabled us to ensure the models have been constructed properly and the inputs are timed correctly within the cashflow. As such we have used the JRB models for our sensitivity analysis to ensure that the base position is fully consistent.

As has been highlighted in the summary table in the previous section, although we agree with most of the adopted assumptions, we find the site Benchmark Land Value to be overstated. For the proposed scheme, we have also adjusted the build costs, finance costs, and profit assumptions, which we believe are above market levels and typical viability assessments.

The outputs of our modelling are presented in the table below, alongside JRB's, for ease of reference.

Scenario	JRB's Outturn Profit Target Profit	Carter Jonas Outturn Profit Target Profit
	17.5% on GDV	15.0% on GDV
Scenario 1	17.92% on cost and/or 15.20% on GDV.	33.05% on cost and/or 24.84% on GDV.
Scenario 2	8.69% on cost and/or 7.99% on GDV	22.65% on cost and/or 18.46% on GDV.
Scenario 3	16.92% on cost and/or 14.47% on GDV	31.93% on cost and/or 24.20% on GDV.
Scenario 4	-5.83% on cost and/or -6.19% on GDV	6.29% on cost and/or 5.92% on GDV.

Based on an assumed profit target of 20% on cost and/or 17.5% on GDV, JRB concluded that all scenarios were not viable, stating "Scenario 1 is almost viable with Scenario 3 not far behind. Scenarios 2 and 4 are not viable and are substantially unviable."

As indicated in the outputs in the table above, we have reached a different conclusion. While we acknowledge the viability challenges of delivering Scenario 4, all other scenarios are viable based on our modelling, with Scenarios 1 and 3 generating significant project surplus.

APPENDIX 1 – APPRAISAL PRINT-OUTS

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APPENDIX 2 – COST REVIEW

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APPENDIX 2– Carter Jonas FVA (Dated June 2024) – Development Appraisals

Paddington Packet Boat - Scenario 1
Carter Jonas

Development Appraisal
Carter Jonas LLP
28 June 2024

APPRAISAL SUMMARY**CARTER JONAS LLP**

Paddington Packet Boat - Scenario 1
Carter Jonas

Appraisal Summary for Phase 1

Currency in £

REVENUE**Investment Valuation**

PBSA Scheme	
Manual Value	10,450,000

NET REALISATION	10,450,000
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OUTLAY**ACQUISITION COSTS**

Fixed Price	440,200		
Fixed Price		440,200	
			440,200
Stamp Duty		11,510	
Effective Stamp Duty Rate	2.61%		
Agent Fee	1.00%	4,402	
Legal Fee	0.80%	3,522	
			19,434

CONSTRUCTION COSTS

Construction	ft²	Build Rate	ft²	Cost	
PBSA Scheme	17,857	326.79		5,835,456	5,835,456
MCIL2/CIL/S.106/S.278/Carbon				202,178	202,178

PROFESSIONAL FEES

Professionals	10.00%	583,546	
			583,546

MARKETING & LETTING

Marketing	0.25%	26,125	
			26,125

DISPOSAL FEES

Sales Agent Fee	1.00%	104,500	
Sales Legal Fee		75,000	
			179,500

FINANCE

Debit Rate 7.500%, Credit Rate 2.000% (Nominal)			
Land		83,684	
Construction		483,924	
Total Finance Cost			567,608

TOTAL COSTS	7,854,046
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This appraisal report does not constitute a formal valuation.

Project: P:\London Development Team\Paddington Packet Boat - LB Hillingdon\May 2024 Review\Scenario 1 Carter Jonas.wcfx
 ARGUS Developer Version: 8.20.003 Date: 28/06/2024

APPRAISAL SUMMARY

CARTER JONAS LLP

Paddington Packet Boat - Scenario 1
Carter Jonas

PROFIT
2,595,954

Performance Measures
Profit on Cost% 33.05%
Profit on GDV% 24.84%
Profit on NDV% 24.84%

Profit Erosion (finance rate 7.500) 3 yrs 10 mths

This appraisal report does not constitute a formal valuation.

Project: P:\London Development Team\Paddington Packet Boat - LB Hillingdon\May 2024 Review\Scenario 1 Carter Jonas.wcfx
ARGUS Developer Version: 8.20.003 Date: 28/06/2024

Paddington Packet Boat - Scenario 2
Carter Jonas

Development Appraisal
Carter Jonas LLP
28 June 2024

APPRAISAL SUMMARY**CARTER JONAS LLP****Paddington Packet Boat - Scenario 2
Carter Jonas****Appraisal Summary for Phase 1**

Currency in £

REVENUE**Investment Valuation****PBSA Scheme**

Manual Value

9,620,000

NET REALISATION

9,620,000

OUTLAY**ACQUISITION COSTS**

Fixed Price

440,200

Fixed Price

440,200

440,200

Stamp Duty

11,510

Effective Stamp Duty Rate

2.61%

Agent Fee

1.00%

4,402

Legal Fee

0.80%

3,522

19,434

CONSTRUCTION COSTS**Construction**

ft²

Build Rate

ft²

Cost

PBSA Scheme

17,857

326.79

5,835,456

5,835,456

MCIL2/CIL/S.106/S.278/Carbon

202,178

202,178

PROFESSIONAL FEES

Professionals

10.00%

583,546

583,546

MARKETING & LETTING

Marketing

0.25%

24,050

24,050

DISPOSAL FEES

Sales Agent Fee

1.00%

96,200

Sales Legal Fee

75,000

171,200

FINANCE

Debit Rate 7.500%, Credit Rate 2.000% (Nominal)

Land

83,684

Construction

483,924

Total Finance Cost

567,608

TOTAL COSTS

7,843,671

This appraisal report does not constitute a formal valuation.

Project: P:\London Development Team\Paddington Packet Boat - LB Hillingdon\May 2024 Review\Scenario 2 Carter Jonas.wcfx
 ARGUS Developer Version: 8.20.003 Date: 28/06/2024

APPRAISAL SUMMARY

CARTER JONAS LLP

Paddington Packet Boat - Scenario 2
Carter Jonas

PROFIT
1,776,329

Performance Measures	
Profit on Cost%	22.65%
Profit on GDV%	18.46%
Profit on NDV%	18.46%
Profit Erosion (finance rate 7.500)	2 yrs 9 mths

This appraisal report does not constitute a formal valuation.

Project: P:\London Development Team\Paddington Packet Boat - LB Hillingdon\May 2024 Review\Scenario 2 Carter Jonas.wcfx
ARGUS Developer Version: 8.20.003

Date: 28/06/2024

Paddington Packet Boat - Scenario 3
Carter Jonas

Development Appraisal
Carter Jonas LLP
28 June 2024

APPRAISAL SUMMARY**CARTER JONAS LLP**

Paddington Packet Boat - Scenario 3
Carter Jonas

Appraisal Summary for Phase 1

Currency in £

REVENUE**Investment Valuation**

PBSA Scheme	
Manual Value	10,360,000

NET REALISATION 10,360,000

OUTLAY**ACQUISITION COSTS**

Fixed Price	440,200		
Fixed Price		440,200	
			440,200
Stamp Duty		11,510	
Effective Stamp Duty Rate	2.61%		
Agent Fee	1.00%	4,402	
Legal Fee	0.80%	3,522	
			19,434

CONSTRUCTION COSTS

Construction	ft ²	Build Rate ft ²	Cost	
PBSA Scheme	17,857	326.79	5,835,456	5,835,456
MCIL2/CIL/S.106/S.278/Carbon			202,178	202,178

PROFESSIONAL FEES

Professionals	10.00%	583,546	
			583,546

MARKETING & LETTING

Marketing	0.25%	25,900	
			25,900

DISPOSAL FEES

Sales Agent Fee	1.00%	103,600	
Sales Legal Fee		75,000	
			178,600

FINANCE

Debit Rate 7.500%, Credit Rate 2.000% (Nominal)			
Land		83,684	
Construction		483,924	
Total Finance Cost			567,608

TOTAL COSTS 7,852,921

This appraisal report does not constitute a formal valuation.

Project: P:\London Development Team\Paddington Packet Boat - LB Hillingdon\May 2024 Review\Scenario 3 Carter Jonas.wcfx
 ARGUS Developer Version: 8.20.003 Date: 28/06/2024

APPRAISAL SUMMARY

CARTER JONAS LLP

Paddington Packet Boat - Scenario 3
Carter Jonas

PROFIT		2,507,079
Performance Measures		
Profit on Cost%	31.93%	
Profit on GDV%	24.20%	
Profit on NDV%	24.20%	
Profit Erosion (finance rate 7.500)	3 yrs 9 mths	

This appraisal report does not constitute a formal valuation.

Project: P:\London Development Team\Paddington Packet Boat - LB Hillingdon\May 2024 Review\Scenario 3 Carter Jonas.wcfx

ARGUS Developer Version: 8.20.003

Date: 28/06/2024

Paddington Packet Boat - Scenario 4
Carter Jonas

Development Appraisal
Carter Jonas LLP
28 June 2024

APPRAISAL SUMMARY**CARTER JONAS LLP**

Paddington Packet Boat - Scenario 4
Carter Jonas

Appraisal Summary for Phase 1

Currency in £

REVENUE**Investment Valuation**

PBSA Scheme	
Manual Value	8,320,000

NET REALISATION 8,320,000

OUTLAY**ACQUISITION COSTS**

Fixed Price	440,200		
Fixed Price		440,200	
			440,200
Stamp Duty		11,510	
Effective Stamp Duty Rate	2.61%		
Agent Fee	1.00%	4,402	
Legal Fee	0.80%	3,522	
			19,434

CONSTRUCTION COSTS

Construction	ft²	Build Rate	ft²	Cost
PBSA Scheme	17,857	326.79	5,835,456	5,835,456
MCIL2/CIL/S.106/S.278/Carbon			202,178	
				202,178

PROFESSIONAL FEES

Professionals	10.00%	583,546	
			583,546

MARKETING & LETTING

Marketing	0.25%	20,800	
			20,800

DISPOSAL FEES

Sales Agent Fee	1.00%	83,200	
Sales Legal Fee		75,000	
			158,200

FINANCE

Debit Rate 7.500%, Credit Rate 2.000% (Nominal)			
Land		83,684	
Construction		483,924	
Total Finance Cost			567,608

TOTAL COSTS 7,827,421

This appraisal report does not constitute a formal valuation.

Project: P:\London Development Team\Paddington Packet Boat - LB Hillingdon\May 2024 Review\Scenario 4 Carter Jonas.wcfx
 ARGUS Developer Version: 8.20.003 Date: 28/06/2024

APPRAISAL SUMMARY

CARTER JONAS LLP

Paddington Packet Boat - Scenario 4
Carter Jonas

PROFIT		492,579
Performance Measures		
Profit on Cost%	6.29%	
Profit on GDV%	5.92%	
Profit on NDV%	5.92%	
Profit Erosion (finance rate 7.500)	10 mths	

This appraisal report does not constitute a formal valuation.

Project: P:\London Development Team\Paddington Packet Boat - LB Hillingdon\May 2024 Review\Scenario 4 Carter Jonas.wcfx
ARGUS Developer Version: 8.20.003

Date: 28/06/2024

APPENDIX 3 – Site / Building Photographs (June 2025)



Carter Jonas



Appendix 17 – Policy H15 of The London Plan (2021):

Policy H15 Purpose-built student accommodation

- A Boroughs should seek to ensure that local and strategic need for purpose-built student accommodation is addressed, provided that:
- 1) at the neighbourhood level, the development contributes to a mixed and inclusive neighbourhood
 - 2) the use of the accommodation is secured for students⁷⁶
 - 3) the majority of the bedrooms in the development including all of the affordable student accommodation bedrooms are secured through a nomination agreement for occupation by students of one or more higher education provider⁷⁷
 - 4) the maximum level of accommodation is secured as affordable student accommodation as defined through the London Plan and associated guidance:
 - a) to follow the Fast Track Route, at least 35 per cent of the accommodation must be secured as affordable student accommodation or 50 per cent where the development is on public land or industrial land appropriate for residential uses in accordance with Policy E7 Industrial intensification, co-location and substitution

⁷⁶ For the implementation of this policy a student is a person following a course in higher education as recognised by the Office for Students.

⁷⁷ A higher education provider is defined as an education institution that provides a designated course that has been approved by the Department for Education for higher education study which allows the student to apply for government-financed student loans. Higher education study is at qualification Level 4 or above (i.e. above A-level or equivalent). Further information on qualification levels can be found here: <https://www.gov.uk/what-different-qualification-levels-mean/list-of-qualification-levels>. The Office for Students provides a register listing all the English higher education providers that it officially recognises, which can be found at <https://www.officeforstudents.org.uk/advice-and-guidance/the-register/the-ofs-register/>. This register can be used to determine if a higher education provider delivers designated courses and thus satisfies the above definition. Further advice on higher education providers and designated courses can be obtained by contacting London Higher at enquiry@londonhigher.ac.uk

- b) where the requirements of 4a above are not met, applications must follow the Viability Tested Route set out in Policy H5 Threshold approach to applications, Part E
 - c) the affordable student accommodation bedrooms should be allocated by the higher education provider(s) that operates the accommodation, or has the nomination right to it, to students it considers most in need of the accommodation.
 - 5) the accommodation provides adequate functional living space and layout.
- B Boroughs, student accommodation providers and higher education providers are encouraged to develop student accommodation in locations well-connected to local services by walking, cycling and public transport, as part of mixed-use regeneration and redevelopment schemes.

- 4.15.1 London's higher education providers make a significant contribution to its economy and labour market. It is important that their attractiveness and potential growth are not compromised by inadequate provision for new student accommodation. The housing need of students in London, whether in **Purpose-Built Student Accommodation** (PBSA) or shared conventional housing, is an element of the overall housing need for London determined in the 2017 London SHMA. London's overall housing need in the SHMA is expressed in terms of the number of conventional self-contained housing units. However, new flats, houses or bedrooms in PBSA all contribute to meeting London's housing need. The completion of new PBSA therefore contributes to meeting London's overall housing need and is not in addition to this need.
- 4.15.2 The **overall strategic requirement for PBSA** in London has been established through the work of the Mayor's Academic Forum, and a requirement for 3,500 PBSA bed spaces to be provided annually over the Plan period has been identified.⁷⁸ Meeting the requirement for PBSA should not undermine policy to secure mixed and inclusive neighbourhoods.
- 4.15.3 The strategic need for PBSA is not broken down into borough-level targets as the location of this need will vary over the Plan period with changes in higher education providers' estate and expansion plans, availability of appropriate

⁷⁸ Student population projections and accommodation need for new London Plan 2017 (amended October 2018) GLA

sites, and changes in Government policy that affect their growth and funding. To demonstrate that there is a need for a new PBSA development and ensure the accommodation will be supporting London's higher education providers, the student accommodation must either be operated directly by a higher education provider or the development must have an agreement in place from initial occupation with one or more higher education providers, to provide housing for its students, and to commit to having such an agreement for as long as the development is used for student accommodation. This agreement is known as a **nomination agreement**. A majority of the bedrooms in the development must be covered by these agreements. Therefore, the borough should ensure, through condition or legal agreement, that the development will, from the point of occupation, maintain a nomination agreement or enter a new nomination agreement with one or more higher education provider(s) for a majority of the bedrooms in the development, for as long as it is used as student accommodation. There is no requirement for the higher education provider linked by the agreement to the PBSA to be located within the borough where the development is proposed.

- 4.15.4 Where all the bedrooms in the PBSA development are provided at a rental cost that qualifies as affordable student accommodation as defined in paragraph 4.15.8 and maintained in perpetuity through legal agreement or condition, there is no requirement for it to have a nomination agreement with a higher education provider.
- 4.15.5 If the accommodation is not secured for use by students and secured through a nomination agreement for occupation by students of one or more higher educational providers as set out in paragraph 4.15.3 or is exempt from this requirement as set out in paragraph 4.15.4, it will not be considered as purpose-built student accommodation or meeting a need for purpose-built student accommodation; and the development proposal will normally be considered large-scale **purpose-built shared living** and be assessed by the requirements of Policy H16 Large-scale purpose-built shared living.
- 4.15.6 PBSA should provide adequate functional living space and layout for the occupants. The **design** of the development must be high quality and in accordance with the requirements of Policy D3 Optimising site capacity through the design-led approach.
- 4.15.7 To ensure students with an income equivalent to that provided to full-time UK students by state-funded sources of financial support for living costs can afford to stay in PBSA, the maximum number of bedrooms in PBSA are required to be affordable at this income level. The rental cost for this affordable student accommodation has been defined through the work of the

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Mayor's Academic Forum.⁷⁹ In addition, the Mayor seeks the development of student accommodation which is affordable for the student body as a whole. Providers of PBSA are encouraged to develop models for delivery of PBSA in London which **minimise rental costs** for the majority of the bedrooms in the development and bring these rates nearer to the rate of affordable student accommodation.

- 4.15.8 The **definition of affordable student accommodation** is a PBSA bedroom that is provided at a rental cost for the academic year equal to or below 55 per cent of the maximum income that a new full-time student studying in London and living away from home could receive from the Government's maintenance loan for living costs for that academic year. The actual amount the Mayor defines as affordable student accommodation for the coming academic year is published in the Mayor's Annual Monitoring Report. Should the Government make significant changes to the operation of the maintenance loan for living costs as the main source of income available from the Government for higher education students, the Mayor will review the definition of affordable student accommodation and may provide updated guidance.
- 4.15.9 To provide greater certainty, speed up the planning process and increase the delivery of affordable student accommodation, a threshold has been introduced for PBSA schemes to take advantage of the Fast Track Route. To follow the **Fast Track Route** the amount of affordable student accommodation provided should be at least 35 per cent of student bedrooms in the development, or 50 per cent where required by Part B of [Policy H5 Threshold approach to applications](#). If the required threshold for affordable student accommodation is not met, a scheme will be considered under the **Viability Tested Route** in line with Part E of [Policy H5 Threshold approach to applications](#) and the Mayor's Affordable Housing and Viability SPG.
- 4.15.10 The affordable student accommodation should be equivalent to the non-affordable rooms in the development in terms of room sizes and room occupancy level. The **rent** charged must include all services and utilities which are offered as part of the package for an equivalent non-affordable room in the development. There should be no additional charges specific to the affordable accommodation.
- 4.15.11 The **initial annual rental cost** for the element of affordable accommodation should not exceed the level set out in the Mayor's Annual Monitoring Report for

⁷⁹ The Mayor's Academic Forum is composed of representatives from the boroughs, universities, private and voluntary sector accommodation providers and students, and is chaired and serviced by the GLA.

the relevant year. For following years, the rental cost for this accommodation can be linked to changes in a nationally-recognised index of inflation such as the Consumer Prices Index or CPIH.⁸⁰ A review period, such as every three years, could be set by the borough to allow for recalibrating the affordable student accommodation to the level stated as affordable in the Mayor's Annual Monitoring Report.

- 4.15.12 Where the development is not operated directly by a higher education provider, the affordable student accommodation bedrooms should be part of the PBSA that is subject to a nomination agreement. **Allocation** of affordable student accommodation should be by the higher education provider(s) which operates it or has the nomination right to it, and the provider(s) should allocate the rooms to students it considers most in need of the accommodation.
- 4.15.13 To enable providers of PBSA to maximise the delivery of affordable student accommodation by increasing the profitability of the development, boroughs should consider allowing the **temporary use of accommodation** during vacation periods for ancillary uses. Examples of such uses, amongst others, include providing accommodation for conference delegates, visitors, interns on university placements, and students on short-term education courses at any institution approved in advance by the borough. The temporary use should not disrupt the accommodation of the resident students during their academic year. Conditions and/or legal agreements could be attached to any planning permission to ensure that the ancillary use does not result in a material change of use of the building.
- 4.15.14 Where a PBSA development meets all the requirements of Part A, boroughs should not require on-site provision of, or a contribution towards, conventional Use Class C3 affordable housing.
- 4.15.15 In **monitoring** the implementation of this policy, particular regard will be given to the delivery of PBSA, the amount of affordable student accommodation provided, and the rental costs of the non-affordable rooms in PBSA developments.

⁸⁰ CPIH is a new additional measure of consumer price inflation including a measure of owner occupiers' housing costs, please see this webpage for further information: <https://www.ons.gov.uk/economy/inflationandpriceindices/qmis/consumerpriceinflationqmi>.

Appendix 18 – Policy H16 of The London Plan (2021):

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Policy H16 Large-scale purpose-built shared living

- A Large-scale purpose-built shared living development⁸¹ must meet the following criteria:
- 1) it is of good quality and design
 - 2) it contributes towards mixed and inclusive neighbourhoods
 - 3) it is located in an area well-connected to local services and employment by walking, cycling and public transport, and its design does not contribute to car dependency
 - 4) it is under single management
 - 5) its units are all for rent with minimum tenancy lengths of no less than three months
 - 6) communal facilities and services are provided that are sufficient to meet the requirements of the intended number of residents and offer at least:
 - a) convenient access to a communal kitchen
 - b) outside communal amenity space (roof terrace and/or garden)
 - c) internal communal amenity space (dining rooms, lounges)
 - d) laundry and drying facilities
 - e) a concierge
 - f) bedding and linen changing and/or room cleaning services.
 - 7) the private units provide adequate functional living space and layout, and are not self-contained homes or capable of being used as self-contained homes
 - 8) a management plan is provided with the application
 - 9) it delivers a cash in lieu contribution towards conventional C3 affordable housing. Boroughs should seek this contribution for the provision of new C3 off-site affordable housing as either an:
 - a) upfront cash in lieu payment to the local authority, or
 - b) in perpetuity annual payment to the local authority

⁸¹ Large-scale purpose-built shared living developments are sui generis

10) In both cases developments are expected to provide a contribution that is equivalent to 35 per cent of the units, or 50 per cent where the development is on public sector land or industrial land appropriate for residential uses in accordance with Policy E7 Industrial intensification, co-location and substitution, to be provided at a discount of 50 per cent of the market rent. All large-scale purpose-built shared living schemes will be subject to the Viability Tested Route set out in Policy H5 Threshold approach to applications, however, developments which provide a contribution equal to 35 per cent of the units at a discount of 50 per cent of the market rent will not be subject to a Late Stage Viability Review.

- 4.16.1 **Large-scale shared living developments** may provide a housing option for single person households who cannot or choose not to live in self-contained homes or HMOs. This policy is required to ensure that new purpose-built shared living developments are of acceptable quality, well-managed and integrated into their surroundings.
- 4.16.2 This policy applies to large-scale purpose-built shared living developments which in planning terms are **sui generis non-self-contained market housing**. These are not restricted to particular groups by occupation or specific need such as students, nurses or people requiring temporary or emergency accommodation proposed by speciality providers.
- 4.16.3 Large-scale purpose-built shared living developments are generally of at least 50 units. This type of accommodation is seen as providing an alternative to traditional flat shares and includes additional services and facilities, such as room cleaning, bed linen, on-site gym and concierge service. **Tenancies** should be for a minimum of three months to ensure large-scale purpose-built shared living developments do not effectively operate as a hostel.
- 4.16.4 A **management plan** must be produced and submitted with the planning application showing how the whole development will be managed and maintained to ensure the continued quality of the accommodation, communal facilities and services, and that it will positively integrate into the surrounding communities. The agreed management plan should be secured through a Section 106 agreement and should include, but not be limited to, detailed information on:
- a. security and fire safety procedures
 - b. move in and move out arrangements

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- c. how all internal and external areas of the development will be maintained
 - d. how communal spaces and private units will be cleaned and how linen changing services will operate
 - e. how deliveries for servicing the development and residents' deliveries will be managed.
- 4.16.5 It is important within a large-scale purpose-built shared living development to **create a sense of community**. Buildings should be designed and managed in a way that lowers barriers to social interaction and encourages engagement between people:
- incidental meeting spaces should be provided in public and semi-public spaces within the building
 - communal kitchen spaces should be designed for social interaction, such as shared kitchens with cooking stations facing each other
 - amenity spaces should be of a size and quality that actively encourages their use and community engagement
 - where appropriate, entrance lobbies and public amenities such as restaurants and bars should encourage use by the surrounding local community as well as the internal community.
- 4.16.6 The private units should be appropriately sized to be comfortable and functional for a tenant's needs and may include facilities such as en-suite bathrooms and limited cooking facilities. There are currently no minimum space standards for communal and private areas of this type of accommodation. Given the generally small size of the private space in these developments, the **communal amenity spaces** are important elements in ensuring that the quality of the overall residential amenity is acceptable. If deemed necessary, the Mayor will produce planning guidance, including space standards, for this form of accommodation.
- 4.16.7 This form of accommodation is required to **contribute to affordable housing**. However, because it does not meet minimum housing space standards it is not considered suitable as a form of affordable housing itself. Therefore, a financial contribution is required for affordable housing provided through the borough's affordable housing programme.
- 4.16.8 A borough can decide whether it would prefer the **financial contribution** as a single upfront payment for affordable housing (Part A9a of [Policy H16 Large-scale purpose-built shared living](#)), which will be based on a 50 per cent discount to market value of 35 per cent of the units, or 50 per cent where the development is on public sector land or industrial land appropriate for residential uses in accordance with [Policy E7 Industrial intensification, co-location and](#)

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substitution, or an ongoing in perpetuity payment linked to actual rental income (Part A9b of Policy H16 Large-scale purpose-built shared living). The ongoing payment should be based on 50 per cent of rental income for 35 per cent of units for as long as the development is used for this form of accommodation. Because of the immaturity of the market for this type of development, all large-scale purpose-built shared living developments will be assessed under the Viability Tested Route as set out in Policy H5 Threshold approach to applications. However, schemes which meet the relevant threshold will not be subject to a Late Stage Viability Review.

- 4.16.9 The **rental cost** of this form of accommodation is not directly comparable to the rental costs of conventional Use Class C3 housing, as shared living units are significantly smaller than the minimum housing space standard i.e. a one person dwelling of 37 sq.m.. Shared living tenants typically pay a room rate that includes utility costs and rent. If a comparison is undertaken it should be on a square metre rental rate, excluding utility costs, of the private accommodation and not a unit rental rate.



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