

Your Ref: 45200/APP/2020/2603

29 February 2024



C/O Haydon Richardson
Strategic and Major Applications Manager
Place Directorate
Civic Centre
High Street
Uxbridge
UB8 1UW

Dear Sir/Madam,

**LAND SOUTH SIDE OF BENTINCK ROAD WEST DRAYTON, KNOWN AS PADCROFT WORKS,
TAVISTOCK ROAD, WEST DRAYTON, UB7 7QX**

SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) NON-MATERIAL AMENDMENT TO CONSENT REFERENCE 45200/APP/2020/2603

Further to discussions held earlier this year, I write to you on behalf of our client, Redrow Homes Limited, to submit an application for a non-material amendment under S96a of the Town and Country Planning Act 1990 (as amended). This application has been submitted via the Planning Portal (ref: PP-12783329).

Application Package

The application comprises this letter, which sets out the background and detail of the proposed amendments, and the following:

- Completed Application Form;
- Application Drawings; and
- Schedule of drawings to show as built position for which approval is sought (as set out in Appendix 1 of this letter).

Background

2015 Consent

On 10th December 2015 the London Borough of Hillingdon (LBH) granted planning permission (ref: 45200/APP/2014/3638) at Padcroft Works for:

"Demolition of all existing buildings on the site enclosed by Bentinck Road and Tavistock Road (as shown outlined in red on the submitted application site plan) including Globe House, Globe Court, Padcroft Works, the former Dairy Crest dairy and TiGi Warehouse and comprehensive

redevelopment to provide three buildings rising from three to eight storeys comprising 308 residential units, 175 sqm of Class B1 floorspace, public and private amenity space, hard and soft landscaping and lower ground floor parking space for 293 vehicles."

The 2015 consent (ref. 45200/APP/2014/3638) was subsequently amended by three S73 consents ref. 45200/APP/2016/3886, 45200/APP/2017/327, and 45200/APP/2020/2603.

First S73

On 25th January 2017 LBH granted planning permission for a minor material amendment under S73 (ref: 45200/APP/2016/3886) at Padcroft Works for:

"Variation of conditions 2 (Accordance with approved plans), 15 (Pedestrian Link) and 23 (Car Parking Stackers) of planning permission ref: 45200/APP/2014/3638 dated 10-12-2015: Demolition of all existing buildings on the site enclosed by Bentinck Road and Tavistock Road (as shown outlined in red on the submitted application site plan) including Globe House, Globe Court, Padcroft Works, the former Dairy Crest dairy and TiGi Warehouse and comprehensive redevelopment to provide three buildings rising from three to eight storeys comprising 308 residential units, 175 sqm of Class B1 floorspace, public and private amenity space, hard and soft landscaping and lower ground floor parking space for 293 vehicles, to allow for the extension of the basement car park involving the omission of car parking stackers and an infill extension between blocks to add 645sq m of additional residential floorspace."

Second S73

On 12th October 2017 LBH granted planning permission for a minor material amendment under S73 (ref: 45200/APP/2017/327) at Padcroft Works for:

"Variation of condition 2 (Accordance with approved plans) of planning permission ref: 45200/APP/2016/3886 dated 25-01-2017: Variation of conditions 2 (Accordance with approved plans), 15 (Pedestrian Link) and 23 (Car Parking Stackers) of planning permission ref: 45200/APP/2014/3638 dated 10-12-2015: Demolition of all existing buildings on the site enclosed by Bentinck Road and Tavistock Road (as shown outlined in red on the submitted application site plan) including Globe House, Globe Court, Padcroft Works, the former Dairy Crest dairy and TiGi Warehouse and comprehensive redevelopment to provide three buildings rising from three to eight storeys comprising 308 residential units, 175 sqm of Class B1 floorspace, public and private amenity space, hard and soft landscaping and lower ground floor parking space for 293 vehicles, to allow the addition of 7 residential units within the approved floorspace."

Third S73

On 12th January 2021 LBH granted planning permission for a minor material amendment under S73 (ref: 45200/APP/2020/2603) at Padcroft Works for:

"Variation of Conditions 4 (phasing drawings) and 20 (car parking) 45200/APP/2017/327 (12/10/2017) for "Variation of Condition 2 (accordance with approved plans) of planning

permission ref: 45200/APP/2016/3886 dated 25-01-2017: Variation of conditions 2 (accordance with approved plans), 15 (pedestrian link) and 23 (car parking stackers) of planning permission ref: 45200/APP/2014/3638 dated 10-12-2015: Demolition of all existing buildings on the site enclosed by Bentinck Road and Tavistock Road (as shown outlined in red on the submitted application site plan) including Globe House, Globe Court, Padcroft Works, the former Dairy Crest dairy and TiGi Warehouse and comprehensive redevelopment to provide three buildings rising from three to eight storeys comprising 308 residential units, 175 sqm of Class B1 floorspace, public and private amenity space, hard and soft landscaping and lower ground floor parking space for 293 vehicles, to allow the addition of 7 residential units within the approved floorspace"; namely to reduce the number of car parking spaces from 299 spaces to 282 spaces (net decrease of 17 spaces)."

The current operational consent is the latest S73 consent (third S73) ref. 45200/APP/2020/2603.

This permission was subject to a S106 Agreement dated 10th December 2015. The S106 was subsequently varied by a Deed of Variation dated 18th January 2017, Second Deed of Variation dated 5th October 2017, Third Deed of Variation dated 10th July 2020, and Fourth Deed of Variation dated 7th January 2021.

Section 96a

On 11th December 2023 an application for a non-material amendment to under S96a (ref. PP-12437737) was submitted to LBH at Padcroft Works for:

"Non-Material Amendment Application submitted under Section 96A of the Town and Country Planning Act 1990 (as amended), to amend conditions 4 (phasing drawings) and 20 (car parking) of planning application No.45200/APP/2017/327, dated 12/10/17 for 'Variation of condition 2 (Accordance with approved plans) of planning permission ref: 45200/APP/2016/3886 dated 25-01-2017: Variation of conditions 2 (Accordance with approved plans), 15 (Pedestrian Link) and 23 (Car Parking Stackers) of planning permission ref: 45200/APP/2014/3638 dated 10-12-2015: Demolition of all existing buildings on the site enclosed by Bentinck Road and Tavistock Road (as shown outlined in red on the submitted application site plan) including Globe House, Globe Court, Padcroft Works, the former Dairy Crest dairy and TiGi Warehouse and comprehensive redevelopment to provide three buildings rising from three to eight storeys comprising 308 residential units, 175 sqm of Class B1 floorspace, public and private amenity space, hard and soft landscaping and lower ground floor parking space for 293 vehicles, to allow the addition of 7 residential units within the approved floorspace.' to reduce the number of car parking spaces from 299 spaces to 282 spaces".

This application followed detailed discussions with the LPA and wider consultation to regularise the matters set out in a Breach of Condition Notice, dated 4th October 2022, in relation to Condition 8 (Hard and Soft Landscaping) and Condition 9 (Landscaping and Play Area) (Notice B).

Proposed Amendments

This application follows detailed discussions and on-site meeting with the LPA following the receipt of a Breach of Condition Notice dated 4th October 2022 in relation to Condition 1 (Approved Plans) and Condition 3 (Phasing) (Notice A).

Following receipt of the Notices, Redrow appointed planning and architecture advisors to undertake a detailed review of the as-built scheme in order to regularise the matters raised in the Notice.

There are four matters raised in the Notice.

i) Plant Room

As previously advised, the plant room contains plant equipment. It is noted that electrical meters have been installed within part of the bin stores which differs from the consented plans. The plant room, and location of electrical meters are proposed to be retained as existing. The enclosed plans reflect the as built situation. An updated Refuse Strategy has been prepared and submitted alongside this application under Schedule 10 of the Section 106 Agreement which demonstrates that the full number of required bins can be stored in the existing bin stores, as proposed to be retained, with rotation and management from the Estate Manager which will ensure residents have access to the refuse bins they require.

ii) Lift and staircase provision to the core basement car park area

Each core has been constructed to basement level in accordance with the consented plans. Residents of block 10 do not have access to the basement as they have no assigned car parking spaces. Therefore, no access is required to this area, and it is proposed to be retained as existing.

iii) Curved brick wall separating the basement car park access and central courtyard

The wall is required to be retained as it separates the vehicular access ramp from the main courtyard, as there is a level difference between these areas. The enclosed plans reflect this as built situation. All debris, items, fixtures and fittings, furniture, building materials, plant and machine resulting from the dismantling works will be complied with.

A full schedule of drawings sought for approval, and those which they supersede is set out at Appendix 1 of this letter.

Procedural Context

Section 96A of the Town and Country Planning Act 1990 (as amended) allows the local planning authority to make a change to any planning permission relating to land in their area if they are satisfied that the change is not material. This includes the provision for conditions to be added, removed or altered. In determining whether a change is material, regard must be had to the effect of the change, on the planning permission originally granted.

In our view, the key relevant test to this proposal is that contained at s.96a, that the Local Planning Authority should be satisfied that the proposed change is not material. It is recognised that there is no statutory definition of 'non-material' within the Act, however the concept is familiar in broader planning law with a body of case law dealing with the test of identification of material planning considerations. The most relevant case is the decision of the Court of Appeal in *R (Kides) v South Cambridgeshire DC [2002]*:

"In my judgment a consideration is "material", in this context, if it is relevant to the question whether the application should be granted or refused; that is to say if it is a factor which, when placed in the decision maker's scales, would tip the balance to some extent, one way or the other. In other words, it must be a factor which has some weight in the decision-making process, although plainly it may not be determinative. The test must, of course, be an objective one in the sense that the choice of material considerations must be a rational one, and the considerations chosen must be rationally related to land use issues."

Following the principles established in *Kides*, it is our view that if the changes proposed would not "tip the balance to some extent" because they do not have "weight in the decision-making process" they are non-material. We note that materiality under s.96a (which applies only where permission has already been granted) is in practice concerned only with matters that tilt the planning balance the other way, against a grant.

This is of course a matter of judgment for the local planning authority, but that judgment will need to be exercised reasonably and objectively. In our view, it could not be said that the proposed amendments would have genuinely been considered when determining the original application for permission to materially alter the planning balance such that permission would have been refused.

The amendments are limited and are considered to fall within the scope of a non-material amendment on the application. They will not have a material impact upon the findings of the Environmental Statement or the suite of other supporting documents that were approved as part of the hybrid application.

Non-Material Justification

We note that in order to be acceptable (under the s.96a procedure) amendments must be non-material both individually and collectively.

The proposed amendments to regularise the matters as set out above would not materially alter the scale and nature of the approved development in the overall context of the existing planning permission. Therefore, we consider that the proposed change can be dealt with by way of a S.96a application.

We trust that this application contains sufficient information to validate the application as soon as possible and we look forward to receiving your decision within the 28-day target determination period. However, should you require any further information, please contact me.

Yours sincerely

**AVISON
YOUNG**

Avison Young

Freddie Clarke
Associate
020 7911 2860
Freddie.Clarke@avisonyoung.com
For and on behalf of Avison Young (UK) Limited

Appendix 1 - Drawing Schedule

The following table sets out the drawing numbers to be substituted as part of this nonmaterial amendment application.

Drawings to show as Build Form

Plan Title	Consented drawing no. 45200/APP/2020/2603	Updates made to reflect as built / as proposed situation	New drawing no.
Basement Car Park	10348-EPR-ZZ-B1-DR-A-C667	No updates	10348-EPR-00-B1-TP-A-0210 Rev 16
Ground Floor General Arrangement	10348-EPR-00-GF-TP-A-0200 Rev 13	<ul style="list-style-type: none"> - Bin store layouts updated. - Level access from GF Parking to Residential areas - Lobby rearrangements in Block 4, 5,6,7,9 & 10 - Staircore door swing update in Block 4 - Bin store for Block 10 and cycle store location swapped. 	10348-EPR-00-GF-TP-A-0200 Rev 17
First Floor General Arrangement	10348-EPR-00-01-TP-A-0201 Rev 13	Staircore door swing change in Block 4	10348-EPR-00-01-TP-A-0201 Rev 16
Second Floor General Arrangement	10348-EPR-00-02-TP-A-0202 Rev 13	Staircore door swing change in Block 4	10348-EPR-00-02-TP-A-0202 Rev 16
Third Floor General Arrangement	10348-EPR-00-03-TP-A-0203 Rev 13	Staircore door swing change in Block 4	10348-EPR-00-03-TP-A-0203 Rev 16
Fourth Floor General Arrangement	10348-EPR-00-04-TP-A-0204 Rev 13	Staircore door swing change in Block 4	10348-EPR-00-04-TP-A-0204 Rev 16
Fifth Floor General Arrangement	10348-EPR-00-05-TP-A-0205 Rev 13	<ul style="list-style-type: none"> - Staircore door swing change in Block 4 - Wall and door added between Blocks 7 & 8. 	10348-EPR-00-05-TP-A-0205 Rev 16

Sixth Floor General Arrangement	10348-EPR-00-06-TP-A-0206 Rev 13	<ul style="list-style-type: none"> - Staircore door swing change in Block 4 - Wall and door added between Blocks 7 & 8. - Roof access from Block 6 flat omitted. 	10348-EPR-00-06-TP-A-0206 Rev 16
Seventh Floor General Arrangement	10348-EPR-00-07-TP-A-0207 Rev 13	Wall and door added between Blocks 7 & 8.	10348-EPR-00-07-TP-A-0207 Rev 16
Roof Plan	10348-EPR-00-08-TP-A-0208 Rev 13	No updates	10348-EPR-00-08-TP-A-0208 Rev 16
Elevations 01 and 02	10348-EPR-00-EL-TP-A-0401 Rev 12	No updates	10348-EPR-00-EL-TP-A-0401 Rev 14
Elevations 03 and 04	10348-EPR-00-EL-TP-A-0402 Rev 12	No updates	10348-EPR-00-EL-TP-A-0402 Rev 14
Elevations 05 and 06	10348-EPR-00-EL-TP-A-0403 Rev 11	No updates	10348-EPR-00-EL-TP-A-0403 Rev 13
Elevations 07, 08, 09 and 10	10348-EPR-00-EL-TP-A-0404 Rev 11	No updates	10348-EPR-00-EL-TP-A-0404 Rev 14

Appendix 2 – Revised Condition Wording

The following table sets out the wording of relevant condition to be substituted as part of this non-material amendment application.

Condition Number	Consented wording 45200/APP/2020/2603	New wording
1	<p>The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans referenced below and shall thereafter be retained/maintained for as long as the development remains in existence:</p> <ul style="list-style-type: none"> • 10348-EPR-ZZ-B 1-DR-A-C667 • 10348-EPR-00-GF-TP-A-0200 Rev 13 • 10348-EPR-00-01-TP-A-0201 Rev 13 • 10348-EPR-00-02-TP-A-0202 Rev 13 • 10348-EPR-00-03-TP-A-0203 Rev 13 • 10348-EPR-00-04-TP-A-0204 Rev 13 • 10348-EPR-00-05-TP-A-0205 Rev 13 • 10348-EPR-00-06-TP-A-0206 Rev 13 • 10348-EPR-00-07-TP-A-0207 Rev 13 • 10348-EPR-00-08-TP-A-0208 Rev 13 • 10348-EPR-00-EL-TP-A-0401 Rev 12 • 10348-EPR-00-EL-TP-A-0402 Rev 12 • 10348-EPR-00-EL-TP-A-0403 Rev 11 • 10348-EPR-00-EL-TP-A-0404 Rev 11 <p>The reason for this condition is: To ensure the development complies with the prov1s1ons Hillingdon Local Plan: Part 1 (November 2012) and Hillingdon Local Plan: Part 2 (January 2020) and the London Plan (2016).</p>	<p>The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans referenced below and shall thereafter be retained/maintained for as long as the development remains in existence:</p> <ul style="list-style-type: none"> 10348-EPR-00-B1-TP-A-0210 Rev 16 10348-EPR-00-GF-TP-A-0200 Rev 16 10348-EPR-00-01-TP-A-0201 Rev 16 10348-EPR-00-02-TP-A-0202 Rev 16 10348-EPR-00-03-TP-A-0203 Rev 16 10348-EPR-00-04-TP-A-0204 Rev 16 10348-EPR-00-05-TP-A-0205 Rev 16 10348-EPR-00-06-TP-A-0206 Rev 16 10348-EPR-00-07-TP-A-0207 Rev 16 10348-EPR-00-08-TP-A-0208 Rev 16 10348-EPR-00-EL-TP-A-0401 Rev 14 10348-EPR-00-EL-TP-A-0402 Rev 14 10348-EPR-00-EL-TP-A-0403 Rev 13 10348-EPR-00-EL-TP-A-0404 Rev 14 <p>The reason for this condition is: To ensure the development complies with the prov1s1ons Hillingdon Local Plan: Part 1 (November 2012) and Hillingdon Local Plan: Part 2 (January 2020) and the London Plan (2016).</p>
3	<p>The development hereby approved must be implemented in accordance with the phasing drawings listed on the decision notice and in particular in accordance with drawings 10348-EPR-ZZ-B 1-DR-A-C667 and 10348-EPR-00-GF-TP-A-0200 Rev 13, unless otherwise agreed in writing by the Local Planning Authority. On completion of each phase of the</p>	<p>The development hereby approved must be implemented in accordance with the phasing drawings listed on the decision notice and in particular in accordance with drawings 10348-EPR-00-B1-TP-A-0210 Rev 16 and 10348-EPR-00-GF-TP-A-0200 Rev 16, unless otherwise agreed in writing by the Local Planning Authority. On completion of each phase of the</p>

	<p>development, cycle storage and a parking ratio of 0.9 spaces per residential unit must be maintained within the site at all times.</p> <p>The reason for this condition is: To ensure the development proceeds in a satisfactory manner and to accord with the provisions Hillingdon Local Plan: Part 1 (November 2012) and Hillingdon Local Plan: Part 2 (January 2020) and the London Plan (2016).</p>	<p>development, cycle storage and a parking ratio of 0.9 spaces per residential unit must be maintained within the site at all times.</p> <p>The reason for this condition is: To ensure the development proceeds in a satisfactory manner and to accord with the provisions Hillingdon Local Plan: Part 1 (November 2012) and Hillingdon Local Plan: Part 2 (January 2020) and the London Plan (2016).</p>
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