

Mr Andrew Thornley  
Planning Department  
London Borough of Hillingdon  
Civic Centre  
High Street  
Uxbridge  
UB8 1UW

**Date:** 02 December 2022

**Our ref:** 64091/03/SSL/PB/26067127v1

Dear Mr Thornley,

**Land at Austin Road, Hayes – Application for a Non-Material Amendment to Planning Permission 76550/APP/2021/4499**

On behalf of our client, Higgins Partnerships 1961 PLC (“Higgins Homes”), please find enclosed an application (Planning Portal ref: PP-11552266) under Section 96A of the Town and Country Planning Act 1990 for a Non-Material Amendment (NMA) to planning permission reference 76550/APP/2021/4499 at the above site specifically in relation to the phase 1 of the development covered by the detailed part of the planning permission

To accompany this application, the following information has been provided:

1. This Cover Letter;
2. Section 96A Application Form;
3. Schedule of Notified Owners;
4. Site Location Plan;
5. Proposed Drawings;
6. Schedule of Approved and Proposed Drawings (Appendix 1);
7. Design and Access Statement Addendum prepared by PRP Architects, explaining proposed amendments and including marked up copies of approved drawings;
8. Updated Daylight and Sunlight Report prepared by eb7;
9. Structural Report by IESIS Structures (submitted for information only).

This application has been submitted via the Planning Portal (PP-11552266) and payment of £234 (+£32.20 service charge) has been made in respect of the requisite application fee.

## Background

On 28<sup>th</sup> September 2022, Hillingdon Borough Council granted hybrid planning permission (ref: 76550/APP/2021/4499) for development at Austin Road, Hayes. The description of the development is as follows:

*Hybrid planning application seeking OUTLINE permission (with all matters reserved) for residential floorspace (Class C3) including demolition of all existing buildings and structures; erection of new buildings; provision of a community centre (up to 140sq.m of Use Class F2(b) floorspace); new pedestrian and vehicular access; associated amenity space, open space, landscaping; car and cycle parking spaces; plant, refuse storage, servicing area and other works incidental to the proposed development; and FULL planning permission for Blocks A and B comprising 80 residential units (Class C3); new pedestrian and vehicular access; associated amenity space and landscaping; car and cycle parking; refuse storage, servicing area, and other associated infrastructure to include temporary highways and landscaping works.*

Higgins have since been selected by LB Hillingdon as their development partner in the delivery of the regeneration of the Austin Road Estate.

This letter sets out the proposed amendments sought by this application and provides a short assessment of the changes against the provisions of S96A of the Town and Country Planning Act 1990. This application relates to the detailed element of the permission associated with phase 1 of the development.

We can confirm that the applicant has given written notice to all known owners of the land to which the application relates, as listed in the enclosed Schedule of Notified Owners.

## Proposed Non-Material Amendment

Under Section 96A of the Town and Country Planning Act 1990 (as amended), a local planning authority in England may make a change to any planning permission they deem is non-material and has the legislative power to “remove or alter existing condition” (96A, subsection 3b) through a non-material amendment application. As per Planning Practice Guidance, there is no statutory definition of ‘non-material’ as it will depend on the context of the overall scheme. The local planning authority must therefore be satisfied that the amendment sought is non-material in order to grant an application under section 96a of the Town and Country Planning Act 1990.

The proposed amendments comprise the following:

- Amendment of ground floor height by +200mm.
- Internal alterations to the ground floor layout to improve ventilation, structural integrity, and obstruction free use.
- Increasing roof build to accommodate the required depth of structure and falls for rainwater collection
- Minor re-organisation of dwelling layouts to improve the internal arrangement
- Minor adjustments to the spacing of balconies, fenestration, and façade detailing

These changes are shown on the submitted revised drawings (as listed in Appendix 1) and are to be secured by superseding their predecessors listed at Condition 3 of the hybrid planning permission 76550/APP/2021/4499. The enclosed Design and Access Addendum report provides an overview of the amendments and a set of annotated drawings for comparison highlighting and explaining the design rationale for the changes. These amendments are the result of a thorough review of the approved drawings by Higgins Homes who will be joint developer of the scheme. These changes, when considered in the context of the overall scheme, are very minor and considered non-material in nature.

### Ground Floor Height and Roof Build Up

As set out above, the proposed amendments will result in the ground floor increasing by 200mm to allow a sufficient depth for the build-up of the podium. In addition to this, the overall roof build up has been increased slightly to accommodate the required depth of structure and falls for rainwater collection. The amendments to ground floor height and roof build up increases the overall AOD by 655mm from the consented scheme, with no changes regarding the floor-to-floor height in the proposed dwellings. As demonstrated in the DAS Addendum [Section 4) this increase will not have a material impact on the massing or appearance of the proposed building.

### Layout Changes

Minor alterations are proposed to the ground floor layout to improve the efficiency of the layout. This includes adjustments to the alignment of cycle parking, car parking and access routes, plant and risers.

Small improvements to the dwelling layouts are proposed to allow for utility cupboards of consistent dimensions for efficiency in servicing, refine the quality of accommodation and to reflect small changes in tenure due to updated understanding of the number of returning leaseholders (to be addressed via a subsequent deed of variation). For the avoidance of doubt, the same number and type of dwellings are proposed. The 9 cat M4(3) units remain located approximately where they were originally in the consented scheme, and all comply with the required ADB part M. The proposed layout changes are internal and minor in nature, therefore will not comprise a material change to the consented development.

### Alignment of Balconies, Fenestration and Piers

The façade strategy has remained consistent with the permitted scheme elevations, with only very minor adjustments made in terms of the alignment and spacing of balconies, fenestration and brick piers. These small changes refine the composition of the elevation with no new openings proposed. As such, the amendments comprise a non-material change.

### Landscape

The proposed landscape plan is largely unaltered, however some materials, planting and general arrangements have been rationalised in detail (as noted at page 27 of DAS Addendum), including refinements to landscaping and planting to reflect the internal changes to the ground floor layout and refinements to planting in consideration of future maintenance and suitability of species.

### Daylight and Sunlight

The submitted Daylight and Sunlight Report confirms that the s.96a proposals illustrate comparable effects in daylight and sunlight when compared to the permitted Hybrid Application

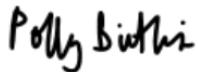
(76550/APP/2021/4499), and hence, no neighbouring properties will experience a material change in daylight or sunlight. Internally, the amenity study illustrates a good level of compliance with BRE 2022 guidelines. Overall, the proposals continue to accord with BRE guidelines and relevant planning policy for both residents and neighbours regarding daylight and sunlight.

### **Concluding Remarks**

To facilitate the delivery of the scheme we are seeking these non-material amendments to the approved scheme. The amendments are non-material in our view.

We trust the information and drawings submitted alongside this cover letter are sufficient to allow the S96a application to be validated and determined within the statutory timescales. In the meantime, if you have any queries, please do not hesitate to contact myself or James Harris at this office.

Yours sincerely



**Polly Butlin**  
Senior Planner

## Appendix 1

### Austin Road Estate – s96a Drawing List

Type	Consented PTE Drawing Number	Consented PTE Drawing Name	Proposed PRP Drawing Number and Name	Proposed PRP Drawing Name
Proposed Site Layouts	HTC-PTE-P1-XX-DR-A-10006 Rev C3	Block Plan In existing context	HTC-PRP-P1AA-ZZ-GA-A-20010 Rev P6	Site Plan in existing context
	HTC-PTE-P1-XX-DR-A-10002 Rev C3	Block Plan In masterplan context	HTC-PRP-P1AA-ZZ-GA-A-20011 Rev P6	Site Plan in outline masterplan
Proposed Floor Plans	HTC-PTE-P1-00-DR-A-10100 Rev C3	Ground Floor Plan	HTC-PRP-P1ZZ-00-GA-A-20100 Rev P8	Phase 1 Ground Level GA
	HTC-PTE-P1-01-DR-A-10101 Rev C3	First Floor Plan	HTC-PRP-P1ZZ-01-GA-A-20101 Rev P7	Phase 1 Level 1 GA
	HTC-PTE-P1-02-DR-A-10102 Rev C3	Second Floor Plan	HTC-PRP-P1ZZ-02-GA-A-20102 Rev P7	Phase 1 Level 2 GA
	HTC-PTE-P1-03-DR-A-10103 Rev C3	Third Floor Plan	HTC-PRP-P1ZZ-03-GA-A-20103 Rev P7	Phase 1 Level 3 GA
	HTC-PTE-P1-04-DR-A-10104	Fourth Floor Plan	HTC-PRP-P1ZZ-04-GA-A-20104 Rev P7	Phase 1 Level 4 GA
	HTC-PTE-P1-05-DR-A-10105 Rev C3	Fifth Floor Plan	HTC-PRP-P1ZZ-05-GA-A-20105 Rev P7	Phase 1 Level 5 GA
	HTC-PTE-P1-06-DR-A-10106	Sixth Floor Plan	HTC-PRP-P1ZZ-06-GA-A-20106 Rev P7	Phase 1 Level 6 GA
	HTC-PTE-P1-07-DR-A-10107 Rev C3	Seventh Floor Plan	HTC-PRP-P1ZZ-07-GA-A-20107 Rev P7	Phase 1 Level 7 GA
	HTC-PTE-P1-08-DR-A-10108 Rev C3	Roof Plan	HTC-PRP-P1ZZ-08-GA-A-20108 Rev P6	Phase 1 Level 8 Roof
Proposed Elevations	HTC-PTE-P1-ZZ-DR-A-10300 Rev C3	Pump Lane	HTC-PRP-P1ZZ-ZZ-ELV-A-20200 Rev P6	Elevation Phase 1 North
	HTC-PTE-P1-ZZ-DR-A-10301 Rev C3	Austin Road	HTC-PRP-P1ZZ-ZZ-ELV-A-20201 Rev P6	Elevation Phase 1 East
	HTC-PTE-P1-ZZ-DR-A-10302	Crown Close	HTC-PRP-P1ZZ-ZZ-ELV-A-20202 Rev P6	Elevation Phase 1 West
	HTC-PTE-P1-ZZ-DR-A-10303 Rev C3	Connecting Street	HTC-PRP-P1ZZ-ZZ-ELV-A-20203 Rev P6	Elevation Phase 1 South
	HTC-PTE-P1-ZZ-DR-A-10304 Rev C3	Courtyard - North	HTC-PRP-P1ZZ-ZZ-ELV-20204 Rev P6	Elevation Phase 1 Courtyard North
	HTC-PTE-P1-ZZ-DR-A-10305 Rev C3	Courtyard – East	HTC-PRP-P1ZZ-ZZ-ELV-20205 Rev P6	Elevation Phase 1 Courtyard East
	HTC-PTE-P1-ZZ-DR-A-10306 Rev C2	Courtyard – West	HTC-PRP-P1ZZ-ZZ-ELV-A-20206 Rev P6	Elevation Phase 1 Courtyard West

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	HTC-PTE-P1-ZZ-DR-A-10307 Rev C3	Courtyard - South	HTC-PRP-P1ZZ-ZZ-ELV-A-20207 Rev P6	Elevation Phase 1 Courtyard South
Proposed Sections	HTC-PTE-P1-ZZ-DR-A-10200 Rev C4	Austin Road/ Crown Close – North-South	HTC-PRP-P1ZZ-ZZ-SEC-A-20220 Rev P5	Phase 1 Section A-A
	HTC-PTE-P1-ZZ-DR-A-10201 Rev C3	Pump Lane/ Connecting Street – East- West	HTC-PRP-P1ZZ-ZZ-SEC-A-20221 Rev P5	Phase 1 Section B-B
	HTC-PTE-P1-ZZ-DR-A-10202 Rev C1	Austin Road/ Crown Close – East- West	HTC-PRP-P1ZZ-ZZ-SEC-A-20222 Rev P5	Phase 1 Section C-C