

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/26068393v1

Dear Mr Thornley,

**Land at Avondale Drive, Hayes – Application for a Non-Material  
Amendment to Planning Permission 76551/APP/2021/4502**

On behalf of our client, Higgins Partnerships 1961 PLC (“Higgins Homes”), please find enclosed an application (Planning Portal ref: PP-11551791) under Section 96A of the Town and Country Planning Act 1990 for a Non-Material Amendment (NMA) to planning permission reference 76551/APP/2021/4502 at the above site.

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 Strategy prepared by IESIS Structures (submitted for information only).

This application has been submitted via the Planning Portal (PP-11551791) 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, London Borough of Hillingdon granted hybrid planning permission (ref: 76551/APP/2021/4502) for development at Land at Avondale Drive, 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; new pedestrian and vehicular accesses; 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 Block A comprising 30 residential units (Class C3); new pedestrian access; associated amenity space and landscaping; cycle parking, refuse storage, and other associated infrastructure.*

Higgins Homes have since been selected by LB Hillingdon as their development partner in the delivery of the regeneration of the Avondale Drive 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 1A of the development.

We 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:

- 1 Moving the building footprint by 400mm south and 800mm west and consequential amendments to substation, cycle storage and landscape layout;
- 2 Repositioning of balconies on southern elevation and switching of balconies from southern end of the east elevation to the southern end of the west elevation;
- 3 Minor adjustments to the fenestration and façade detailing;
- 4 Increasing roof build to accommodate the required depth of structure and falls for rainwater collection
- 5 Alterations to ground floor layout to reflect changes to the structural strategy;
- 6 Minor re-organisation of dwelling layouts to improve the internal arrangement, incorporate utility cupboards, reflect changes to fenestration and increases in party wall widths.

The above 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 76551/APP/2021/450.

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 changes, when considered in the context of the overall scheme, are clearly very minor and considered non-material in nature.

#### Building Footprint and Landscape

The alterations to the building footprint are proposed to allow additional space adjacent to the phase 2 block, permitting an enlarged proposed play area and increasing the separation distance with subsequent phases of development. Additionally, this allows the southern edge of the block to align with that of the proposed outline masterplan.

The proposed landscape plan is largely unaltered, however some materials, planting and general arrangements have been rationalised in detail including the following changes (see page 26 of DAS Addendum):

- Landscape layout to boundary refined to suit the shifted building location
- Seating area replaced with external cycle storage to accommodate the relocated cycle store
- Planting against building revised in consideration of maintenance and feasibility

#### Repositioning of Balconies and Changes to Fenestration and Façade Detailing

The repositioning of balconies and minor changes to window positions on the south elevation is proposed to improve the alignment of windows and to improve the otherwise flat western elevation. Given the approved scheme incorporates balconies at greater proximity to the adjacent school (on the north-west corner of the building) and numerous windows on the west elevation, this change is not considered to have a material impact on privacy or overlooking or the visual appearance of the building.

#### Roof Build Up

The amendments to the roof build up increases the overall AOD by 439 mm from the permitted 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 ground floor arrangements are proposed to improve operational efficiency and structural alignment, including relocating the approved cycle store adjacent to the substation. Small improvements to the dwelling layouts are also proposed to allow for utility cupboards of consistent dimensions for efficiency in servicing, refinements to the quality of accommodation and to reflect small changes in tenure due to an 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 single cat M4(3) unit remains where it is in the consented scheme and

complies with the requirements of Part M of the building's regulations. The proposed changes are minor in nature, therefore will not comprise a material change to the consented development.

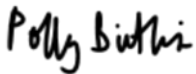
#### Daylight and Sunlight

The submitted Daylight and Sunlight Report confirms that the revised Phase 1A proposals demonstrate comparable daylight/sunlight to neighbouring properties when compared against the previously consented Hybrid Application (76551/APP/2021/4502). Internally, ADF compliance of the proposals is only marginally lower at 96% compared with 99% in the consented scheme, an effect of providing larger room areas which only increases quality of living for residents. Overall compliance levels remain high for a modern flatted development and in line with BRE guidelines and relevant planning policy.

#### **Concluding Remarks**

To facilitate the delivery of the scheme we are seeking these non-material amendments to the approved scheme. We trust the documents and drawings submitted provide sufficient information 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

### Avondale Drive Estate – Drawing List

Type	Consented PTE Drawing Number	Consented PTE Drawing Name	Proposed PRP Drawing Number	Proposed PRP Drawing Name
Proposed Site Layouts	AVD-PTE-P1A-XX-DR-A-10010 Rev C4	Block Plan In existing context	AVD-PRP-P1AA-ZZ-GA-A-20010 Rev P5	Site Plan in existing context
	AVD-PTE-P1A-XX-DR-A-10011 Rev C3	Block Plan In masterplan context	AVD-PRP- P1AA-ZZ-GA - A-20011 Rev P5	Site Plan in outline masterplan
Proposed Floor Plans	AVD-PTE-P1A-00-DR-A-10100 Rev C4	Ground Floor Plan	AVD-PRP-P1AA-00-GA-A-20100 Rev P6	Phase 1A Ground Level GA
	AVD-PTE-P1A-01-DR-A-10101 Rev C4	First Floor Plan	AVD-PRP- P1AA -01-GA-A-20101 Rev P6	Phase 1A Level 01 GA
	AVD-PTE-P1A-02-DR-A-10102 Rev C4	Second Floor Plan	AVD-PRP- P1AA -02-GA-A-20102 Rev P6	Phase 1A Level 02 GA
	AVD-PTE-P1A-03-DR-A-10103 Rev C4	Third Floor Plan	AVD-PRP-P1AA -03-GA-A-20103 Rev P6	Phase 1A Level 03 GA
	AVD-PTE-P1A-04-DR-A-10104 Rev C4	Fourth Floor Plan	AVD-PRP- P1AA -04-GA-A-20104 Rev P6	Phase 1A Level 04 GA
	AVD-PTE-P1A-05-DR-A-10105 Rev C4	Roof Plan	AVD-PRP- P1AA -05-GA-A-20105 Rev P5	Phase 1A Roof GA
Proposed Elevations	AVD-PTE-P1A-ZZ-DR-A-10301 Rev C4	Avondale Drive / West Elevation	AVD-PRP- P1AA -ZZ-ELV-A-20200 Rev P6	Phase 1A Elevations
	AVD-PTE-P1A-ZZ-DR-A-10300 Rev C4	East / North Street Elevation	AVD-PRP- P1AA -ZZ-ELV-A-20201 Rev P6	Phase 1A Elevations
Proposed Sections	AVD-PTE-P1A-ZZ-DR-A-10200 Rev C5	Long section / cross section	AVD-PRP- P1AA -ZZ-SEC-A-20210 Rev P5	Phase 1A Sections