

PLANNING STATEMENT

Section 96A Non-Material Amendment

Denville Hall, Ducks Hill Road, Northwood
Planning Permission Ref: 924/APP/2022/3603

HCH PROJECTS

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1. INTRODUCTION

- 1.1. This Planning Statement has been prepared in support of an application submitted under Section 96A of the Town and Country Planning Act 1990 (as amended) seeking approval for a series of Non-Material Amendments to planning permission Ref. 924/APP/2022/3603, granted by the London Borough of Hillingdon on 24 November 2023.
- 1.2. Planning permission was granted for:
“Demolition of No. 48 and No. 60 Ducks Hill Road, garage and wooden storage unit and the erection of three new buildings comprising 12 assisted-living units (Class C2), proposed ancillary communal space including café and restaurant, external connecting link building, landscaping and external works.”
- 1.3. The approved development comprises specialist assisted living accommodation within three buildings linked by landscaped communal spaces and ancillary facilities. The principle, scale, appearance, layout and design of the development have, therefore, already been established through the grant of planning permission.
- 1.4. This application seeks approval for a number of technical amendments arising from the detailed design process following a review undertaken by the project Fire Engineers. The amendments are required solely to ensure the development accords with the additional recommendations contained within the Fire Safety London Plan Guidance (LPG) 2022.
- 1.5. No change is proposed to the approved use, quantum of development, design concept or overall planning strategy.

2. BACKGROUND

- 2.1. Following the grant of planning permission, the detailed technical design of the development progressed in preparation for construction.
- 2.2. As part of this process, the appointed Fire Engineers undertook a detailed review of the approved proposals against the requirements of the Fire Safety London Plan Guidance (2022).

2.3. The approved development already demonstrated compliance with:

- Approved Document B;
- Building Regulations;
- London Plan Policy D12;
- The approved Fire Statement; and
- The relevant fire safety requirements applicable at the time planning permission was granted.

2.4. However, the publication of the London Plan Guidance introduced additional recommendations relating to the composition of external wall assemblies.

2.5. The guidance expects Fire Statements to confirm that developments will not incorporate combustible materials within external wall construction and that materials forming external wall assemblies achieve a minimum fire classification of A2-s1, d0 or A1.

2.6. Whilst Cross Laminated Timber (CLT) was proposed as the principal facing material in the existing planning permissions. While CLT remains an acceptable structural material in many applications, it is classified as a combustible material and, therefore, does not satisfy these enhanced recommendations when incorporated within external wall construction. Accordingly, a detailed review of the approved structural solution was undertaken.

2.7. The proposed amendments arise solely from enhanced fire safety design requirements and are not the result of any change in the planning aspirations of the approved development.

3. DESCRIPTION OF THE PROPOSED AMENDMENTS

Block A

3.1. The amendments to Block A comprise:

- Omission of CLT structural elements from perimeter walls only;
- Retention of CLT to all internal walls and floor structures;
- Replacement of PIR insulation with non-combustible mineral wool insulation; and
- Replacement of external timber cladding with compliant aluminium cladding.

3.2. These revisions have resulted in:

- A minor increase in external wall thickness;
- Minor adjustments to the building footprint;
- A slight repositioning of the building to maintain approved separation distances;
- Revised external wall build-ups;
- Revised construction junction details; and
- Updated material specifications.

3.3. Importantly, there are no changes whatsoever to the approved internal layout or operation of the building and negligible changes to the accommodation areas.

Block B

3.4. Block B has undergone a more comprehensive structural review. The approved CLT frame has been replaced with:

- Reinforced concrete frame and slab construction up to second floor level; and
- CLT retained only within the roof structure.

3.5. These amendments have generated:

- Modest changes to the external footprint;
- Revised wall construction;
- Revised floor construction;
- Revised structural junction details;
- Updated external cladding specification; and
- Minor internal layout refinements.

3.6. The number of units, their intended occupation, and the overall function of the building remain exactly as approved.

Block C / Link Building

3.7. Within the Link Building the approved CLT walls are replaced with blockwork construction together with replacement of the approved timber cladding with aluminium cladding.

3.8. The amendments, therefore, comprise:

- Revised wall construction;
- Minor updates to plans and elevations;
- Revised construction details; and
- Updated material specifications.

3.9. No alterations are proposed to the internal accommodation or the operation of the link building.

4. APPROVED DOCUMENTS TO BE SUPERSEDED

4.1. The amendments described in this application necessitate corresponding updates to the Fire Statement (enclosed) and associated architectural drawings.

4.2. These documents have been revised solely to reflect the non-material amendments proposed and do not alter the planning conclusions reached under planning permission ref. 924/APP/2022/3603.

4.3. The following documents listed on the decision notice 924/APP/2022/3603 are being updated as part of this NMA submission:

CONDITION 2

Approved Plans (to be superseded)

Listed below are the plans on the decision notice which are to be superseded as a result of the non-material amendment application.

P_GA(-2)302.2
P_GA(-2)302.3
P_GA(-2)302.4
P_GA(-2)304.6
P_GA(-2)304.7

P_GA(-3)302.1
P_GA(-3)302.2
P_GA(-3)302.3
P_GA(-3)302.4
P_GA(-3)305.1

P_GA (-2) 303.1
P_GA (-2) 303.2
P_GA (-2) 303.3
P_GA (-2) 303.4
P_GA (-2) 303.5

P_GA (-3) 303.1
P_GA (-3) 303.2

P_GA(-2)304.1
P_GA(-2)304.2
P_GA(-2)304.3
P_GA(-2)304.4

P_GA(-3)304.1
P_GA(-3)304.2
P_GA (-4) 302.1
P_GA (-4) 302.2
P_GA (-4) 302.3
P_GA (-4) 302.4
P_GA (-4) 303.1
P_GA (-4) 303.2
P_GA (-4) 303.3
P_GA (-4) 303.4
P_GA (-4) 304.3
P_GA (-4) 304.1
P_GA (-4) 304.2
P_GA (-4) 305.1
P_GA (-4) 305.2
P_GA(-4)306.1

P_GA (-2) 301.5
P_DT (-23) 402

Proposed Plans

P_GA(-2)302.2_REVA
P_GA(-2)302.3_REVA
P_GA(-2)302.4_REVA
P_GA(-2)304.6_REVA
P_GA(-2)304.7_REVA

P_GA(-3)302.1_REVA
P_GA(-3)302.2_REVA
P_GA(-3)302.3_REVA
P_GA(-3)302.4_REVA

P_GA(-3)305.1_REVA

P_GA (-2) 303.1_REVA
P_GA (-2) 303.2_REVA
P_GA (-2) 303.3_REVA
P_GA (-2) 303.4_REVA
P_GA (-2) 303.5_REVA

P_GA (-3) 303.1_REVA
P_GA (-3) 303.2_REVA

P_GA(-2)304.1_REVA
P_GA(-2)304.2_REVA
P_GA(-2)304.3_REVA
P_GA(-2)304.4_REVA

P_GA(-3)304.1_REVA
P_GA(-3)304.2_REVA
P_GA (-4) 302.1_REVA
P_GA (-4) 302.2_REVA
P_GA (-4) 302.3_REVA
P_GA (-4) 302.4_REVA
P_GA (-4) 303.1_REVA
P_GA (-4) 303.2_REVA
P_GA (-4) 303.3_REVA
P_GA (-4) 303.4_REVA
P_GA (-4) 304.3_REVA
P_GA (-4) 304.1_REVA
P_GA (-4) 304.2_REVA
P_GA (-4) 305.1_REVA
P_GA (-4) 305.2_REVA
P_GA(-4)306.1_REVA

P_GA (-2) 301.5_REVA (Supersedes P_GA (-2) 301.5)
P_DT (-23) 402_REVA

CONDITION 3

Approved Documents (to be superseded)

Area and Uses Schedule
Fire Safety Statement Issue 1.1. 17 Nov 2022

Proposed Documents

Building Area Schedule RevA
Fire Statement by NDY dated 6 July 26

Addendum Document (to be added to list of approved documents)

NMA Planning Design and Access Statement Part 1:2

NMA Planning Design and Access Statement Part 2:2

5. LEGISLATIVE BASIS FOR THE APPLICATION

- 5.1. This application is submitted pursuant to Section 96A of the Town and Country Planning Act 1990 (as amended), which enables a Local Planning Authority to make a change to an existing planning permission where it is satisfied that the amendment is non-material.

Section 96A(1) states:

"A local planning authority may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material."

- 5.2. Unlike applications made under Section 73 of the Town and Country Planning Act 1990, which relate to the variation or removal of planning conditions, a Section 96A application does not result in the grant of a new planning permission. Rather, it provides a statutory mechanism by which an existing planning permission may be amended where the proposed changes are not considered to materially alter the approved development.
- 5.3. Neither the Town and Country Planning Act 1990 nor the Town and Country Planning (Development Management Procedure) (England) Order 2015 provides a statutory definition of what constitutes a "non-material amendment". The assessment is therefore one of planning judgement, to be considered in the context of the development as originally approved.
- 5.4. The Government's Planning Practice Guidance (PPG) (Paragraph: 017 Reference ID: 17a-017-20140306) confirms:

"There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must have regard to the effect of the change, together with any previous changes made under Section 96A."

- 5.5. The PPG further confirms that, when determining whether an amendment is non-material, Local Planning Authorities should consider whether the proposed changes would:
- materially alter the development which has already been approved;
 - introduce any new planning considerations;
 - result in impacts that were not previously assessed through the original planning permission; or
 - prejudice the interests of third parties.
- 5.6. In considering a Section 96A application, the Local Planning Authority is not required to reassess the planning merits of the approved development as a whole. Instead, the assessment is confined to determining whether the proposed amendments are non-material when viewed against the planning permission already granted.
- 5.7. The amendments proposed through this application comprise technical refinements to the approved structural design and external wall construction, arising from a detailed fire engineering review undertaken to ensure compliance with the Fire Safety London Plan Guidance (LPG) 2022. They do not alter the nature, purpose, scale or operation of the approved development, nor do they give rise to any new or materially different planning impacts.
- 5.8. Accordingly, it is considered that the proposed amendments fall squarely within the scope of Section 96A and are appropriately submitted as a Non-Material Amendment.

6. PLANNING ASSESSMENT

Principle of Development

- 6.1. The proposal does not alter the approved use of the site. The development remains a specialist C2 assisted living development exactly as previously approved.
- 6.2. No additional floorspace is proposed for any alternative use and there is no alteration to the planning unit. Accordingly, the principle of development remains entirely unchanged.

Scale and Quantum of Development

6.3. The amendments do not increase the scale of development. Whilst there are very modest adjustments to individual building footprints resulting from revised external wall build-ups, these changes are negligible in planning terms and arise purely from technical construction requirements.

6.4. There is:

- No increase in building height;
- No increase in the number of storeys;
- No increase in overall massing;
- No increase in floorspace that would materially alter the development; and
- No increase in the number of assisted living units.

6.5. The approved development therefore remains exactly the same in terms of its overall scale and intensity.

Design and Appearance

6.6. The approved architectural design remains fundamentally unchanged. The proposed aluminium cladding has been selected to replicate the appearance, proportions and architectural language of the approved timber cladding whilst providing a non-combustible external finish. The revised structural solutions are not readily perceptible within the completed development.

6.7. The buildings will continue to exhibit the same:

- Architectural composition;
- Roof forms;
- Proportions;
- Fenestration;
- Rhythm;
- Material palette; and
- Overall design quality.

6.8. The design principles previously assessed by the Local Planning Authority remain unchanged.

Layout

6.9. Only very small positional adjustments are proposed. These arise solely from increased wall thicknesses following the revised external wall construction.

6.10. The overall site layout remains unchanged. In particular:

- The relationship between the three buildings remains identical;
- The landscaped courtyards remain unchanged;
- Pedestrian circulation remains unchanged;
- Access arrangements remain unchanged;
- Servicing arrangements remain unchanged; and
- Parking provision remains unchanged.

6.11. The slight repositioning of Block A simply maintains the approved separation distances and has no wider planning implications.

Residential Amenity

6.12. The amendments give rise to no additional impacts upon neighbouring occupiers. There are no changes to:

- Overlooking;
- Privacy;
- Daylight;
- Sunlight;
- Overshadowing;
- Outlook;
- Building heights; or
- Separation distances.

6.13. The development therefore continues to provide the same level of residential amenity previously assessed and accepted by the Council.

Heritage

6.14. The approved Heritage Impact Assessment remains applicable. The amendments do not affect the relationship between the proposed development and the surrounding heritage assets.

6.15. The scale, form and appearance of the buildings remain substantially unchanged. There is therefore no change to the heritage conclusions previously reached.

Landscaping

6.16. The approved landscaping strategy remains unaffected. The amendments do not alter:

- Tree retention;
- Planting proposals;
- Biodiversity enhancements;
- Hard landscaping;
- External amenity areas; or
- Public realm improvements.

Highways and Transport

6.17. The amendments do not alter:

- Parking provision;
- Vehicle access;
- Servicing arrangements;
- Pedestrian access;
- Cycle parking; or
- Trip generation.

6.18. Accordingly, the Transport Assessment previously approved remains entirely valid.

Fire Safety

- 6.19. The amendments are entirely driven by enhanced fire safety design. Rather than changing the planning merits of the scheme, the amendments improve the fire resilience of the approved development by ensuring that combustible materials are removed from the external wall construction in accordance with the Fire Safety London Plan Guidance (2022).
- 6.20. The proposal therefore strengthens compliance with London Plan Policy D12 without giving rise to any additional planning impacts.

Overall Assessment

- 6.21. Taken collectively, the amendments amount to technical refinements arising from detailed design development. They do not alter the approved planning balance. The Council previously concluded that the proposed development represented acceptable development on the site. Those conclusions remain entirely valid. No new planning issues arise. No third-party interests are affected.
- 6.22. The proposal simply updates the approved construction methodology to reflect evolving fire safety guidance.

7. WHY SECTION 96A IS THE APPROPRIATE MECHANISM

- 7.1. The applicant considers that the proposed amendments are appropriately dealt with through the provisions of Section 96A of the Town and Country Planning Act 1990 (as amended).
- 7.2. Government guidance contained within the Planning Practice Guidance (PPG) confirms that there is no statutory definition of a non-material amendment and that the decision as to whether an amendment is non-material is one of fact and degree, to be considered in the context of the development that has already been approved.
- 7.3. The proposed amendments are technical refinements arising from the detailed design process following enhanced fire engineering advice.

7.4. Although they result in minor consequential amendments to certain building footprints, external wall build-ups and limited internal structural arrangements, they do not alter the nature, scale, appearance or operation of the approved development.

7.5. In particular, the amendments do not result in:

- Any increase in the number of units;
- Any increase in building height;
- Any material increases in floorspace;
- Any change in land use;
- Any change in the overall design concept;
- Any alteration to access arrangements;
- Any increase in parking provision;
- Any change to landscaping;
- Any change to environmental impacts; or
- Any additional impacts upon neighbouring occupiers.

7.6. The proposal therefore does not require the Local Planning Authority to revisit the planning merits of the approved scheme.

7.7. Instead, it represents the type of technical amendment that Section 96A was specifically intended to facilitate.

7.8. It is therefore respectfully submitted that the proposed revisions fall comfortably within the scope of a Non-Material Amendment and can be approved under Section 96A without prejudice to the planning permission already granted.

8. CONCLUSION

- 8.1. This application seeks approval for a series of technical amendments to planning permission 924/APP/2022/3603 to reflect updated fire engineering requirements and ensure full compliance with the Fire Safety London Plan Guidance (2022).
- 8.2. The amendments relate solely to the structural composition and external wall construction of the approved buildings.
- 8.3. The approved use, scale, layout, architectural design, landscaping, access arrangements and operation of the development all remain fundamentally unchanged.
- 8.4. The proposal gives rise to no additional planning impacts and does not alter the planning balance previously reached by the Local Planning Authority.
- 8.5. The amendments simply provide an enhanced fire safety solution whilst preserving all of the characteristics that formed the basis of the original planning permission.
- 8.6. Accordingly, it is respectfully submitted that the proposed revisions constitute non-material amendments for the purposes of Section 96A of the Town and Country Planning Act 1990, and the Local Planning Authority is invited to grant approval.