


**LONDON BOROUGH OF BARKING & DAGENHAM**
**PLANNING COMMITTEE**
**31<sup>st</sup> November 2020**
**Application for S96a Non-Material Amendment following a grant of planning permission**

<b>Case Officer:</b>	Nasser Farooq	<b>Valid Date:</b>	21/02/2020
<b>Applicant:</b>	London Borough of Barking and Dagenham	<b>Expiry Date:</b>	20/03/2020
<b>Application Number:</b>	20/00274/NMA	<b>Ward:</b>	Thames Ward
<b>Address:</b>	Barking Riverside Area, Renwick Road, Barking, Essex		

The purpose of this report is to set out the Officer recommendations to Planning Committee regarding an application for a Section 96a Non-Material Amendment following a grant of planning permission at Barking Riverside Area, Renwick Road, Barking, Essex

**Proposal:**

Application for non-material amendment following grant of planning permission 18/00940/FUL: Amendment to Condition 1 and for the insertion of a new condition 54

Amendment to Condition 1: Submission of Reserved Matters

~~1) Application for approval of all other Reserved Matters must be made to the Local Planning Authority before 7 August 2024.~~

To now read:

- a. Reserved Matters for plots 209A, 209B, 208A, 206A West and Site H East as identified on BRL Reserved Matters Submission Plan shall be submitted no later than 31 December 2022.
- b. Reserved Matters for plots DC2B, 204, 205A & 205B as identified on BRL Reserved Matters Submission Plan shall be submitted no later than 31 December 2023.
- c. Reserved Matters for plots Site H West, DC1B, 301A West, 207B, and DC2A as identified on BRL Reserved Matters Submission Plan shall be submitted no later than 31 December 2024.

And

Application for approval of all other Reserved Matters must be made to the Local Planning Authority before 30 June 2029 and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved, or by 31 December 2029, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

#### **New Condition 54: Sub-Framework Plans:**

The Sub Framework Plans in respect of the Stages (as identified in Barking Riverside Stages plan 21896 P003 or such other plan as approved pursuant to condition 4) as required by condition 31 shall be submitted no later than:

- Stage 2: 31 December 2024;
- Stage 3: 31 December 2027; and
- Stage 4: 31 December 2028.

Reason: To ensure that the relevant details are submitted in advance of the formal Reserved Matters Stage and to ensure the scheme is implemented on a comprehensive and sustainable basis to accord with Policy CM1 of the Core Strategy (July 2010).

A copy of the decision notice for 18/00940/FUL can be found at appendix 1.

A copy of the BRL Reserve Matters submission plan can be found at appendix 5.

#### **Officer Recommendations:**

Planning Committee is asked to resolve to:

1. agree the reasons for approval as set out in this report; and
2. delegate authority to the London Borough of Barking & Dagenham's Director of Inclusive Growth in consultation with LBBD Legal Services to approve the Non-Material Amendment subject to the completion of a Deed of Variation under S106 of the Town and Country Planning Act 1990 (as amended) based on the Heads of Terms identified within this report and the Conditions listed below of this report; and
3. that, if by 28 February 2021 the legal agreement has not been completed, the London Borough of Barking & Dagenham's Director of Inclusive Growth has delegated authority to refuse planning permission or extend this timeframe to grant approval.

#### **Conditions Summary:**

1. Submission of Reserved Matters Applications
  54. Submission of Sub Framework Plans
- \* full wording within proposal listed above.

#### **S106 – Summary of Heads of Terms:**

The applicant has proposed amendments to the S106 legal agreement to secure the following:

##### **The Job Shop Advisors Contribution (JSAC):**

The JSAC will be paid on the approval of the SFP at the rate of £99.46 per home as approved or provided for in the relevant SFP.

##### **Employment Skills Co-ordinator Contribution (ESCC):**

Extend the requirement for the payment of the Employment Skills Co-ordinator, currently for 10 years from the appointment of the ESCC at £47,771 per annum, to end 2031.

##### **Monitoring and Review:**

Review of AMR provisions to provide forward programme for SFPs and RMs submissions, with intermediate update every six months.

## OFFICER REPORT

### Site, Situation and Relevant Planning History:

Barking Riverside comprises some 179.3 hectares located on the north bank of the Thames. It lies at the centre of the London Riverside Opportunity Area.

Barking Riverside falls in the south of the Borough, approximately 2 miles to the south east of Barking Town Centre and 800 metres to the south of the A13. The wider site is irregular in shape and has maximum dimensions east to west of 2.2 km and north to south of 1.1 km. The site occupies a large area of brownfield land which was previously used for power generation, with associated ash lagoons representing the spoil from the now demolished coal fired power stations.

The surrounding area is mixed in character. To the north west of the site is an established residential area comprising predominantly 2- storey semi-detached dwellings built circa 1990, known as Great Fleete. The north of the site is bounded by the A13 and the southern boundary comprises a 2 km frontage to the River Thames. Industrial estates adjoin the east and western boundaries of the site.

The application site has an extensive planning history, of which this application concerns the most recent Section 73 planning permission 18/00940/FUL.

### Relevant Planning History

The planning history is listed chronologically below.

04/01230/OUT granted planning permission on 07/08/2007 for the development comprising or to provide a mixed use development of up to 10,800 residential dwellings and in addition up to 65,600 sq.m. of built floorspace for retail uses (Classes A1 to A3), business premises (Class B1), hotel (Class C1), communal care home and other residential institutions (Class C2), sui generis live work units, community and social facilities (Classes D1 and D2) (for uses such as libraries, primary health care facilities, places of worship and assembly, community facilities, creche and pre-school facilities, care facilities for the young, old and/or infirm, sport and leisure development).

The original permission (04/01230/OUT) was subject to a condition requiring the submission of other reserved matters within 17 years of the date of that permission (07/08/2007). This requires Barking Riverside Limited to submit all reserve matters by 7 August 2024. The original permission has been amended three times under s73 of the Town and Country Planning Act (08/00887/FUL, 16/00131/OUT and 18/00940/FUL) and in all three occasions this date has been carried through as the 'final date' for the submission of reserve matters.

08/00887/FUL granted planning permission under s73 on 10.06.2009 for the variation of condition no. 4 (general layout and framework) no. 5 (average density) no. 8 (ground levels) no. 11 (building scale), no. 17 (Riverside and wetland buffer zones) and no. 38 (footpaths/cycleways) on planning application 04/01230/OUT.

16/00131/OUT granted planning permission under s73 on 06.12.2017 for the variation of all conditions following grant of planning permission 08/00887/FUL for the redevelopment of the site known as Barking Riverside.

18/00940/FUL This application granted planning permission on 24/10/2018, for the variation of conditions 2 (drawing numbers), 14 (transport strategy), 15 (road adoption), 16 (strategic infrastructure scheme), 12 and 33 (nature conservation and landscape), following grant of planning permission 16/00131/OUT for the redevelopment of the site known as Barking Riverside.

### Background information on Non-Material Amendments:

The Town and Country Planning Act 1990 (as amended) Section 96A (1) states that “a local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material and (2) in deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted;

Furthermore, the legislation states:

(3) the power conferred by subsection

(1) includes power –

- a) to impose new conditions;
- b) to remove or alter existing conditions”.

The current time restriction for all reserved matters application for the development to be submitted is by 7 August 2024 and this s.96A application seeks to amend and extend this as discussed above.

### Key issues:

- Principle of using a s96a to extend submission of Reserved Matters
- Whether the proposal amendments can be considered ‘non-material’

### Planning Assessment:

#### 1. Principle of using a s96a to extend submission of Reserved Matters

- 1.1. Following the grant of planning permission, the applicant has in effect three options should they wish to make amendments to the application.
  1. New Planning Application.
- 1.2. This application would have no restrictions on the number of changes proposed, and a new planning application would be assessed on current planning policy, and current legislation.
  2. Minor Material Amendments under s73 of the Town and Country Planning Act (As amended)
- 1.3. This mechanism allows minor-material amendments to an existing planning application. An approval of a Section 73 application results in a new planning permission, however the legislation specifically does not allow extension of time limits to planning permissions under the Section 73 amendment process, it is inferred because this would constitute a ‘material’ change that is beyond ‘minor’.
  3. Non-Material Amendment under s96a of the Town and Country Planning Act (As amended)
- 1.4. This mechanism allows ‘Non-material Amendments’ to an existing planning permission. It does not result in a new planning permission. However, the legislation remains silent on whether you are able to extend the time limits via this route.
- 1.5. In relation to what would constitute ‘Non-Material’, the National Planning Practice Guidance (PPG), states: “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 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.”

- 1.6. Given the legislation is in effect 'silent' on whether a section 96A could be used to extend the submission dates for reserve matters. Be First on behalf of the London Borough of Barking and Dagenham and Barking Riverside Limited (the applicant) have respectively sought legal advice.
- 1.7. The legal opinions provided as listed below are appended to this report as restricted documents, exempted in accordance with paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended)
  1. Legal Opinion dated 18 March 2020 provided by Barrister Giles Atkinson of 6 Pump Court instructed by Be First – Appendix 2
  2. Legal Opinion dated 1 May 2020 provided by Paul G Tucker QC of Kings Chamber, instructed by Barking Riverside Limited - Appendix 3
  3. Response to Legal Query in relation to S96A dated 29 October 2020, prepared by Winckworth Sherwood, instructed by Barking Riverside Limited – Appendix 4
- 1.8. In summary, Be First Counsel opinion states that in their reading of the legislation that s.96A cannot be used as a mechanism to: 'vary the time within which the development was to be begun'. The BRL QC Counsel opinion states that in their reading of the legislation that s.96A could be used as a mechanism to: 'vary the time within which the development was to be begun'.
- 1.9. BRL also highlight a LB Wandsworth's decision in relation to a s.96A application at the Battersea Power station as a precedent of this approach being adopted. Within that application (London Borough of Wandsworth reference 2019/4393) the Non-material amendment to: 'extend the time period within which reserved matters can be submitted for Phases 4 to 7 of the approved development' was considered to be non-material and was approved on 11 November 2019.
- 1.10. It is considered by officers that at face value, it would seem that the provisions of s96a would not extend to permit an extension to the dates by which commencement shall have commenced, specifically noting the exclusion of such provisions within s.73. However, officers accept that s.96a is silent on the matter and officers accept the recognition of the importance that Members of the Planning Committee have given to the delivery of this development and as such have drafted this report accordingly.

## **2. Whether the proposal amendments can be considered 'non-material'**

- 2.1. Notwithstanding the above, if members consider the non-material route to be appropriate, an assessment over whether the proposal could be non-material is outlined below.
- 2.2. The Town and Country Planning Act 1990 (as amended) Section 96A (1) states that "a local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material and (2) in deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted;
- 2.3. In relation to the second point above, a number of NMA amendments have been sought and approved. There are also other NMAs pending with the Council for determination. These relate to detailed aspects of the proposal such as amendment to the earthworks (19/01146/NMA, amendment to wording of condition to change the trigger of when details of CCTV are required (19/00654/NMA) and amendments to the description of development of an REM (19/00312/NMA).
- 2.4. The proposal changes relate to conditions and are not considered to materially impact on the current NMA under consideration.
- 2.5. The applicant has submitted a planning statement advising they consider the proposed amendment to be Non-material. This is primarily because the 2017, Section 73 application (16/00131/OUT) was accompanied with an Environmental Impact Assessment (EIA) which contemplated implementation of the scheme up to 2031. As such, the applicant contests the changes to the date

by which reserved matters must be submitted will have no impact in the context of this 2031 timeframe. As such, it is the applicant's position, the changes can be considered non-material.

- 2.6. Section 96 (A)(2) of the Town and Country Planning Act. In deciding whether a change is material, a local planning Authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.

#### **04/01230/OUT**

- 2.7. The original permission considered the following matters to be material in its assessment of the acceptability of the development:

- mix of housing types and tenures.
- economic impact.
- social infrastructure (schools, healthcare, community facilities, formal and informal play space etc).
- ensuring urban design quality throughout the lifetime of the development.
- sustainability issues (energy efficiency, renewable energy, waste etc.).
- impact on ensuring transport infrastructure and mechanisms for the delivery of public transport infrastructure (DLR / ELT / A13 junction improvements).
- access arrangements.
- effect of development on ecology and biodiversity.
- ground contamination / remediation issues.
- flood risk.
- air quality.
- visual impact.
- effect on the surrounding highways network.
- impact of power lines, pylons and switching stations on the development.
- levels of car parking on-site.
- impact of retail facilities on surrounding shopping areas.
- impact of the construction phase.

- 2.8. In addition to the above, the following matters were considered to be secured within a legal agreement.

- affordable housing
- transport
- education
- neighbourhood centres
- Barking Riverside Community Development Trust
- Play, sport and recreation
- local employment
- energy and sustainability
- design
- access
- waste.

#### **08/00887/FUL**

- 2.9. This s.73 application sought the following amendments to 04/01230/OUT.

- the general layout and framework
- density
- ground levels and building scale and
- the wording of the conditions relating to the riverside and wetland buffer zones and footways/cycleways.

- 2.10. The following matters were considered to be material within that application:

- New school location
- New ELT route entrance into the site
- Changes to extent of zone 2.11
- Changes to the extent of surface water attenuation areas within public open space
- The move of some retail floorspace to zone 1.31
- Location of city farm
- Amended density in certain parts of the site
- Amended ground levels in certain parts of the site
- Amended building scale in certain parts of the site
- Timing of submission of riverside and wetland buffer zone details
- Alignment of main cycle route and changes to wording of condition 38

### **16/00131/OUT**

- 2.11. The purpose of this second s.73 application was to establish a revised outline planning permission for the Barking Riverside development based on an amended set of parameter plans. This was necessary because in 2008 the then Mayor of London did not progress the Transport and Works Act Order (TWAO) for the Docklands Light Rail (DLR) extension to Dagenham Dock and this was subsequently replaced by an extension to the London Overground Gospel Oak to Barking line to Barking Riverside.
- 2.12. The application also secured design changes, additional education facilities and an amendment to the affordable housing provision.
- 2.13. All the matters listed under 04/01230/OUT were considered to be material within this application. In addition, due to Transport related issues forming a substantial part of the Section 106 legal agreement, Transport for London became a signatory to the document.

### **18/00940/FUL**

- 2.14. The purpose of this third s.73 application was to amend the second application. The matters considered material were as follows:
- Density
  - Design
  - Transport
  - Environmental Sustainability

### **Assessment**

- 2.15. The condition as currently worded requires the submission of all reserve matters by 7 August 2024. Section 92(2)(b) of the Town and Country Planning Act requires development to have begun within two years of the submission of the reserve matter. The effect of both is to require all the reserve matters to be submitted before 7 August 2024 and to have begun by 7 August 2026. The proposal revised condition 1 originally sought to push this date back by five years to 31 December 2029. This was considered unacceptable as it could have had the effect of delaying the submission all reserve matters and associated housing, infrastructure until 2029.
- 2.16. Following on-going negotiations with the applicant, the non-material amendment has been revised with condition 1 now proposed to now read:
- a. Reserved Matters for plots 209A, 209B, 208A, 206A West and Site H East as identified on BRL Reserved Matters Submission Plan shall be submitted no later than 31 December 2022.

b. Reserved Matters for plots DC2B, 204, 205A & 205B as identified on BRL Reserved Matters Submission Plan shall be submitted no later than 31 December 2023.

c. Reserved Matters for plots Site H West, DC1B, 301A West, 207B, and DC2A as identified on BRL Reserved Matters Submission Plan shall be submitted no later than 31 December 2024.

And

Application for approval of all other Reserved Matters must be made to the Local Planning Authority before 30 June 2029 and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved, or by 31 December 2029, whichever is the later.

*Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).*

2.17. The effect of the revised wording is to balance the extension of reserve matters to 30 June 2029 against greater certainty on the immediate short to medium term delivery of housing. The plots referenced in a, b, c of the revised condition 1 are envisaged to bring forward circa 2800 homes. This along with the units delivered on site, approved at reserved matters stage and under construction will ensure over half of the 10,800 consented homes will have been at reserve matters stage by 2024.

2.18. In addition, given the large size of the site, it is sub-divided into four stages. Prior to submitting a reserve matters application, the applicant is required by condition 31 to submit Sub-Framework Plan for the stage the reserve matter falls within. These can be considered mini-masterplans setting the design and scope of development within that stage.

2.19. Following discussion with the applicant a further condition has been proposed as listed below.

New Condition 54: Sub-Framework Plans:

The Sub Framework Plans in respect of the Stages (as identified in Barking Riverside Stages plan 21896 P003 or such other plan as approved pursuant to condition 4) as required by condition 31 shall be submitted no later than:

- Stage 2: 31 December 2024;
- Stage 3: 31 December 2027; and
- Stage 4: 31 December 2028.

*Reason: To ensure that the relevant details are submitted in advance of the formal Reserved Matters Stage and to ensure the scheme is implemented on a comprehensive and sustainable basis.*

2.20. The proposed additional condition is proposed to provide certainty and ensure a plan is in place to ensure the continual development of the site. In support of this the applicant has agreed a further amendment to the s.106 agreement to review Annual Monitoring Report provisions to provide forward programmes for SFPs and RMs submissions, with intermediate update every six months. This provides a commitment within the legal agreement to ensure forward planning is in place to help realise a large complex development.

2.21. The proposed amendments do not:

- Alter the original application site area;
- Amend the description of the development; or
- Increase the size or height, nor alter the location, of any part of the development.

2.22. However, the proposed changes could be considered to have a material impact on the following matters:



- Housing delivery and affordable housing.
- Economic impact of the development and the consequent employment benefits of the proposal being spread over longer periods
- The ecological and biodiversity impacts of the development could be more prolonged.
- The construction impacts of the proposal could be more prolonged.
- The development and in particular the Environmental Statement would not have regard to more recent developments and would be considered out of date.
- The occupation triggers within the s.106 agreement may be delayed having consequential impacts on the delivery of social Benefits

2.23. These matters are discussed further below.

1. Housing delivery and affordable housing. The housing could potentially be delivered over a longer period than envisaged.

2.24. The Strategic Housing Market Assessment and Housing Needs Survey for the London Borough of Barking and Dagenham, Prepared by Cobweb Consulting, Final version March 2019 prepared for the current local plan states:

*“4.31 The core component of the development strategy is the Barking Riverside initiative, the largest planned housing development in London, with 11,800 (sic) units to be built in phases, including over 4,000 affordable homes. These will comprise 5% at London Living Rents, 5% at Affordable rents (50% of market rent), 5% at Discounted Market Sales; and 20% at London Shared Ownership levels. There will be at least 10% wheelchair accessible homes, and at least 60 of the affordable units will be allocated to care leavers and those with mental health support needs. It will incorporate seven schools, eco-parks, a new station, and leisure and retail sections.”*

2.25. The proposed development can be considered to ensure the consented development is able to come forward in the short and medium term, whilst ensuring a long-term plan is in place for the future development of the site.

2.26. Given the planning system is not able to guarantee reserved matters are actually built out (the planning system controls implementation of a consent- not completion), the proposed amendments would ensure the short-term pipeline of reserve matters are submitted thereby ensuring as far as possible the provision of housing is forthcoming. On balance, the changes can therefore be considered non-material in this instance.

2. Economic impact of the development and the consequent employment benefits of the proposal being spread over a longer period to do extended build out contracts

2.27. Paragraph 14.6 of Part 6 – Employment Skills and Training of the s106 agreement dated 8 March 2019 states: “Upon the appointment of the Employment and Skills Co-Ordinator and for each anniversary thereafter for a maximum of 9 years BRL shall pay the Employment and Skills Co-Ordinator Contribution to the Council”.

2.28. The proposed amendments would effectively delay the development by up to 5 years and could result in a situation where reserve matters are being implemented without funding in place for the Employment and Skills Co-Ordinator to ensure the employment benefits are achieved within the development. To ensure no material impact results from the change, the applicant has sought to amend the s.106 agreement to ensure additional funding is in place until 2031 to ensure the employment benefits are realised during a potentially elongated build out period.

3. The ecological and biodiversity impacts of the development could be more prolonged.

2.29. Chapter 11 of the Environmental Statement which accompanied the 16/00131/OUT application states:

***“Semi-improved Grassland***

*11.6.13 Construction activities during Stage 2 and 3 of the Proposed Development are expected to remove approximately 9.2 ha of this habitat (approximately 40 % of the area currently present) mainly from the eastern part of the Application Site. This would result in an adverse effect on the conservation status of semi improved grassland that is significant at the borough level. This will be addressed through the creation or restoration of 9.8 ha of semi-improved grassland and 8 ha of tall ruderal habitat”*

2.30. The proposed amendment could delay the submission of reserve matters by up to 5 years and could result in a situation where the creation or restoration of some of the 9.8 ha of semi-improved grassland and 8 ha of tall ruderal habitat is consequently delayed. The on-going discussions with the applicant on the Foreshore park which is proposed within Stage 3 and delivered ahead of schedule provides confidence the grant of this non-material amendment would not have a material impact on this matter.

4. The construction impacts of the proposal could be more prolonged.

2.31. This part of Barking is experiencing high development pressure. The Council has secured funding from the GLA and a Housing Zone has been created near Thames Road. In addition, there are proposals at Barking Power Station, Beam Park and Dagenham Dock to name a few. The proposal could result in additional construction related impacts on the local highway network. However, there is no evidence to substantiate this, and any long-term impacts could also be offset against short term beneficial impacts. As such, on balance it could be considered non-material.

2.32. In relation to construction impacts in the surrounding area, the way the site has been laid out and development proposed amendments are not envisaged to have a material impact beyond what has already been considered on existing and future residents.

5. The development and in particular the Environmental Statement could be considered out of date.

2.33. The Environmental Impact Assessment submitted in 2016 for 16/00131/OUT, considered the impacts of the development and also took into account cumulative schemes as required by the EIA regulations. This was also based on the last reserve matter to be submitted by 7 August 2024. It is important to note, the EIA considered impacts up to 2031. The moving of reserve matters does not necessary mean the development is delayed as the applicant could in theory submit all the reserve matters by the current determination period of 2024 and then undertake works to commence the development and stagger the development to hit the 2031 date.

2.34. Furthermore, the impact of this development on other subsequent sites coming forward is automatically required under the EIA regulations for any subsequent application. Therefore, it is reasonable to assume any impact will consequently be considered within any applications on third party land.

6. The occupation triggers within the s.106 agreement may be delayed having consequential impacts on the delivery of social Benefits

2.35. The s.106 agreement requires BRL to pay to the Council the Construction Job Shop Advisors Contribution of £230,000.00 on the Occupation of the 8,000 Residential Unit and £322,000.00 on the Occupation of the last Residential Unit. Furthermore, BRL is required to pay TfL the Bus Service Contribution at the following intervals:

- £2,155,865.29 on the Occupation of the 6,000 Residential Unit
- £2,155,865.29 on the Occupation of the 8,000 Residential Unit
- £3,018,211.41 on the Occupation of the 10,000 Residential Unit

- 2.36. The proposal to extend the period of reserved matters by 5 years could result in these payments being delayed which could have implications on the local Transport network and also delays in training residents of the borough which would be detrimental to the local economy.
- 2.37. However, this would need to be balanced against the impact of the development that the obligations are seeking to mitigate against. Overall if the impact and consequent mitigation are delayed overall, this can be considered neutral and non-material in this instance.
- 2.38. Notwithstanding the above, based on the above information and due to the complexity of the approved development, it is reasonable to assume not all of the reserved matters are likely to be submitted by 7 August 2024. As development has commenced, it is considered that the planning permission has commenced in accordance with condition 1 and consequently the proposal would not materially alter the permission and a restriction on the time for submission of the reserved matters would remain.
- 2.39. Furthermore, the proposed amendments do not:
- Alter the original application site area;
  - Amend the description of the development; or
  - Increase the size or height, nor alter the location, of any part of the development.

<b>Conclusions:</b>
Officers have had regard to the effect of the proposed changes in the context of the overall scheme originally granted by planning permission 18/00940/FUL and consider, for the reasons set out within this report, that the proposed changes constitute a non-material amendment.

## List of appendices

- Appendix 1 – Decision Notice 18/00940/FUL
- Appendix 2 - Barking Riverside Legal Opinion 6 Pump Court (*Restricted*)
- Appendix 3 - Kings Chamber Legal Opinion (*Restricted*)
- Appendix 4 - Winckworth Sherwood letter (*Restricted*)
- Appendix 5 – BRL Reserve Matters Submission Plan
- Appendix 6 - Application Site Boundary