

PD13393/KM/DC

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Development Control
London Borough of Newham
First Floor, West Wing
Newham Dockside
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London
E16 2QU

Dear Sir / Madam

**FORMER SHOWCASE CINEMA SITE, JENKINS LANE, EAST HAM, LONDON, IG11 0AD
APPLICATION UNDER SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS AMENDED, FOR
A NON-MATERIAL AMENDMENT TO PLANNING PERMISSION REFERENCE 21/03193/FUL**

On behalf of our client, VIQR Beckton 1 Limited ('the Applicant'), we submit an application under Section 96A of the Town and Country Planning Act 1990, as amended, to amend the description of development and vary conditions 2 and 31 of planning permission 21/03193/FUL.

The proposals relate to the installation of a plant deck area within Units 100 and 300 of the consented scheme, the proposals do not seek the insertion of new operational floorspace. Such works could be inserted within the units without the need for planning permission, rather the plant deck could be installed under permitted development rights as set out below; however, this non-material amendment seeks to regularise the position for the avoidance of any doubt.

The application seeks the following:

- Amendment to the description of development to increase the floorspace permitted to allow the insertion of a plant deck at Units 100 and 300;
- Variation to the wording of Condition 2 to amend the approved plans, including the addition of plans outlining the proposed changes to the approved scheme; and
- Variation to the wording of Condition 31 to increase the floorspace permitted to allow the insertion of a plant deck at Units 100 and 300.

This application is comprised of the following information:

- Application Forms
- Covering Letter
- Approved and Proposed Application Drawings, prepared by UMC Architects, as detailed below:

Drawing Title	Previously Consented Drawing Reference	Proposed Drawing Reference
Site Layout	20278-P0003-L	20278-T0003-H
Unit 100 Building Layout	20278-P1101-B	20278-T1101-F
Elevations – Unit 100	20278-P1105-C	20278-T1105-D
Unit 100 Plant Deck Layout	-	20278-T1134-D
Unit 100 Office Section	-	20278-T1129-B
Unit 300 Plant Deck	-	20278-T3103-D
Unit 300 Office Section	-	20278-T3120-B

Legislative Context

Section 96A of the Town and Country Planning Act 1990 (as amended) gives power to local planning authorities to make non-material changes to planning permissions: It states:

“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.”

S96A also provides the basis for new conditions to be imposed or existing conditions to be removed or altered. There is no statutory definition of what constitutes a non-material amendment.

However, guidance is provided in the National Planning Practice Guidance (NPPG). The guidance 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.”

Given the minor nature of the proposals, comprising plant deck area within two of the approved four units which would not be used as operational floorspace, the proposals are considered to be non-material in their nature as set out below, and can be determined under S96A.

Application Background

The Site totals approximately 4.42 ha and comprises a large former Showcase Cinema, along with restaurants, a nursery and a church. It is located to the south of the A13 with the surrounding area characterised by industrial, other commercial and utility uses.

On 9 May 2023, planning permission (ref. 21/03193/FUL) was granted for development at the above site, with the approved description of development as follows:

‘Demolition of existing buildings and redevelopment of the site to provide a total 19,990sqm (GEA) floorspace across four units for industrial and warehousing purposes (Use Class B2 and B8), along with ancillary office

accommodation, access and service roads and paths, service yards, car parking and cycle parking, river wall works and other associated landscaping works.'

Subsequently, a number of applications have been made to discharge the conditions attached to this permission. Up until now, all pre-commencement conditions have been discharged. Accordingly, demolition, site clearance and other preparatory works have recently commenced to implement this consent.

Proposed Non-Material Amendments

The proposed non-material amendment to planning permission reference 21/03193/FUL is progressed to enable the installation of a plant deck at Units 100 and 300, comprising of 310 sqm (GIA) at Unit 100 and 439 sqm (GEA) at Unit 300, leading to an overall increase of 749 sqm (GEA) of floorspace across the Site. The proposed plant deck is to be situated above the approved office area at both Units 100 and 300.

It is important to highlight at the outset that the proposals will not result in any increase in any useable operational floorspace, the deck area is to be provided as a plant deck only. It will not be accessible to staff, visitors or members of the public, and will only be accessible for plant maintenance purposes. Section 55(2)(a)(i) and Section 57(1) of the Town and Country Planning Act 1990, as amended, confirms that such development as referenced within this submission, i.e., works affecting only the interior of a building, would not constitute development and would therefore not require the submission of an application for planning permission. However, given that the proposed development has not been completed, the provisions afforded by the sections set out above do not yet apply. The insertion of the proposed plant deck could therefore be undertaken following the construction of the building in accordance with Section 55(2)(a)(i) and Section 57(1) of the Town and Country Planning Act 1990 without the need for planning permission.

In the interest of efficiency, this application therefore seeks approval for these internal works to commence as part of the construction of the development, thus negating the need for the development to be practically completed until the proposed installation of the plant decks can be implemented in accordance with the provisions afforded by Section 55(2)(a)(i) and Section 57(1) of the Town and Country Planning Act 1990, as amended.

For the avoidance of doubt, there are no proposed alterations to the external elevations nor layout of any Unit or the Site as a whole.

The above proposed non-material amendment represents the evolution of the consented scheme and reflects detailed design considerations for the benefit of the future occupation of the site. The installation of the proposed plant decks would not constitute development in accordance with Section 55(2)(a)(i) and Section 57(1) of the Town and Country Planning Act 1990, as amended, if installed following the completion of the development. The proposed plant decks are of a scale which are considered to not materially affect the overall permitted scheme, and as such can be dealt with via the submission of a S96a application.

In order to enable the installation of the plant deck at Units 100 and 300, the below non-material amendments to planning permission reference 21/03193/FUL are sought as part of this planning application. These are set out below.

Amendment to Description of Development

The description of development, as currently written, limits the proposed floorspace across the development to 19,990 sqm (GEA).

The installation of the proposed plant decks would lead to a total increase of 749 sqm (GEA) floorspace across Units 100 and 300, to accommodate plant machinery only. The application therefore seeks to amend the description of development of planning permission reference 21/03193/FUL so that it reads (new text bold and underlined below):

*‘Demolition of existing buildings and redevelopment of the site to provide a total 19,990sqm (GEA) floorspace across four units for industrial and warehousing purposes (Use Class B2 and B8), along with ancillary office accommodation, **plant deck (of up to 749sqm GEA)**, access and service roads and paths, service yards, car parking and cycle parking, river wall works and other associated landscaping works.’*

Variation to Condition 2

The intent of Condition 2 is to ensure that the development approved under planning permission reference 21/03193/FUL is carried out in accordance with the approved plans and documents.

This application therefore seeks to replace the relevant approved drawings with those that include details of the proposed installation of plant decks at Units 100 and 300, this application also proposes the inclusion of 4no additional drawings to identify the proposed plant deck area. These are set out below:

Drawing Title	Previously Consented Drawing Reference	Proposed Drawing Reference
Site Layout	20278-P0003-L	20278-T0003-H
Unit 100 Building Layout	20278-P1101-B	20278-T1101-F
Elevations – Unit 100	20278-P1105-C	20278-T1105-D
Unit 100 Plant Deck Layout	-	20278-T1134-D
Unit 100 Office Section	-	20278-T1129-B
Unit 300 Plant Deck	-	20278-T3103-D
Unit 300 Office Section	-	20278-T3120-B

Variation to Condition 31

Condition 31, as currently written, restricts the floorspace of the proposed development, it states:

‘A total of 19,990sqm GEA (19,211sqm GIA) floorspace hereby permitted shall be only used for Use Classes B8 and B2 of Use Classes Order 1987 (as amended) unless otherwise agreed in writing by the Local Planning Authority.’

‘The office floorspace hereby permitted shall be only used for office ancillary to the units hereby permitted.’

To facilitate the proposed installation of plant decks at Units 100 and 300, which would lead to a 749 sqm (GEA) / 659 sqm (GIA) increase in floorspace, this application seeks to vary Condition 31 of planning permission reference 21/03193/FUL so that it reads (new text bold and underlined below):

'A total of 19,990sqm GEA (19,211sqm GIA) floorspace hereby permitted shall be only used for Use Classes B8 and B2 of Use Classes Order 1987 (as amended) unless otherwise agreed in writing by the Local Planning Authority.

The office floorspace hereby permitted shall be only used for office ancillary to the units hereby permitted.

In addition, a plant deck of up to 749 sqm (GEA) floorspace may be used for the exclusive use as a plant deck only across Units 100 and 300 only, and not for any other uses.'

Summary

This application seeks a non-material amendment to planning permission 21/03193/FUL to allow the installation of plant decks at Units 100 and 300 for the use of plant deck only – this application does not seek to increase the scale of operational floorspace at the Site. Such works fall under permitted development rights; however, this application seeks to regularise the position for the avoidance of doubt. As such, the proposed amendments are not considered material and can be determined under S96A of the Town and Country Planning Act 1990 (as amended).

Administrative Matters

This application has been submitted via the planning portal under reference PP-12629749. The application fee of £298.00 (service charge inclusive) has been calculated in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012.

We trust you have sufficient information to validate and determine this application, however if you have any queries or require any additional information, please do not hesitate to contact Dylan Chaplin (dylan.chaplin@montagu-evans.co.uk) or Kirill Malkin (kirill.malkin@montagu-evans.co.uk) at these offices.

Yours faithfully,

Montagu Evans

Montagu Evans LLP

Enc.