



Delegated Report

Non-Material Amendment Application

Application no: 20231047

Location: Poundworld Plus 1 - 2 King Street & 34 & 35 High Street Gravesend

Description: Application for a non-material amendment to planning permission reference number 20191051 to allow for the classification of a Class E rating and for an extension to the opening hours for Monday to Saturday 7:00am to 21:00pm.

Applicant: Mr Alok Yadav

Site Visit Date: Desktop

Proposal

Application for a non-material amendment to planning permission reference number 20191051 to allow for the classification of a Class E rating and for an extension to the opening hours for Monday to Saturday 7:00am to 21:00pm.

The application consists of the following:

- Application form;
- Block Plan (1:500); and
- Location Plan (1:1250).

Relevant Planning History

Reference	Description	Decision	Decision Date
20191051	Subdivision of the existing retail units at ground floor to provide 2 x new retail units, 1 x D2 Leisure together with the conversion and extensions of the upper floors. These will incorporate 1 office, and 35 residential units ranging from studio, 1 bed and 2 beds, as well as associated amenity, landscaping, parking, waste and cycle storage.	Permitted	5 July 2021

Development plan

As an application under S.96A of the Town and Country Planning Act the considerations turn to whether the proposals are non-material. The application is not assessed under the development plan.

Analysis

There is no statutory definition of 'non-material'. This is because it is so dependent on the context of the

overall scheme – what may be 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 s.96A.

In this case the applicant has applied for the following:

- 1) Confirmation that the unit is now classified as Class E rating rather than A1 due to updates to the Use Classes Order; and
- 2) Extension to the opening hours to be allowed to open Monday to Saturday 07:00 – 21:00.

A non-material amendment application is the incorrect procedure for both of these elements.

For confirmation from the Local Planning Authority on the use class of the premises the applicant would need to submit a Lawful Development Certificate.

Regarding the opening hours these are currently conditioned under condition no. 30 of permission ref. 20191051 to 08:00 - 18:00 Mondays to Saturdays and 10:00 - 16:00 Sundays and Bank Holidays. The applicant would need to submit an application for variation of condition to vary the opening hours to 07:00-21:00.

In summary, a non-material amendment application is the incorrect procedure in which to apply for confirmation on the use class of the premises and to extend the existing conditioned opening hours. As such the proposal cannot be dealt with as a non-material amendment.

The case officer spoke to the agent on 2 November and advised him of the above and gave the opportunity for the application to be withdrawn and advised that confirmation of withdrawal would be required by mid-day on 7 November as the determination date for the application is 8 November. The case officer also confirmed this in an email of 3 November. No e-mail was received from the agent to withdraw the application by mid-day on 7 November and therefore the application will be determined as submitted.

Recommendation:

Refusal of non-material amendment

See draft Decision

Case Officer:	Ms Rebecca Harrison	Team Leader:	Richard Hart
Signed:	<i>Rebecca Harrison</i>	Signed:	<i>R Hart</i>
Dated:	7th November 2023	Dated:	7th November 2023.