
SUMMARY REPORT

Application Ref: 20260239

Site Address: Cascades Leisure Centre
Thong Lane
Gravesend
Kent
DA12 4LG

Application Description: Application for a non-material amendment to planning permission reference number 20221293 to allow amendment to the description of development to Demolition of the existing Cascades Leisure Centre and public house and redevelopment of the site to provide a new leisure centre with community pool, leisure water, cafe, soft play, a six court sports hall, fitness suite, spin studio, 2 no. fitness studios, a new tennis/netball court, landscaping across the site and associated car parking.

Applicant: Gravesham Borough Council

Agent: Mr Harry Payne, Lichfields

Ward: Riverview Park

Parish: Non Parish Area

Decision due date: 15.05.2026

Publicity expiry date: N/A

Decision Level: Planning Committee -

Reason for referral: Applicant is Gravesham Borough Council

Recommendation: That the application be delegated to the Head of Planning to grant permission, for a non-material amendment to planning permission reference number 20221293, to allow amendment to the description of development to read: Demolition of the existing Cascades Leisure Centre and public house and redevelopment of the site to provide a new leisure centre with community pool, leisure water, cafe, soft play, a six court sports hall, fitness suite, spin studio, 2 no. fitness studios, a new tennis/netball court, landscaping across the site and associated car parking.

That the Head of Planning is given delegated authority to make changes to the wording of the Committee's decision prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

Summary of Reasons for Recommendations

It is considered that the amendment to the development description from:

Demolition of the existing Cascades Leisure Centre and public house and redevelopment of the site to provide a new leisure centre with community pool, leisure water, cafe, soft play, 'clip n climb' facility, a six court sports hall, fitness suite, spin studio, 2 no. fitness studios, 2 no. squash courts, a new tennis/netball court, improvements to the existing play area, landscaping across the site and associated car parking.

To the following description results in non-material changes (removal of direct references to 'clip n climb' facility, 2 no. squash courts and improvements to the existing play area) to the existing planning permission:

Demolition of the existing Cascades Leisure Centre and public house and redevelopment of the site to provide a new leisure centre with community pool, leisure water, cafe, soft play, a six court sports hall, fitness suite, spin studio, 2 no. fitness studios, a new tennis/netball court, landscaping across the site and associated car parking.

MAIN REPORT

1. Site Description and Surroundings

- 1.1. The application site is known as Cascades Leisure Centre which is located in the Metropolitan Green Belt.
- 1.2. The applicant, Gravesham Borough Council, obtained planning permission for the following development on 3 March 2023:

Demolition of the existing Cascades Leisure Centre and public house and redevelopment of the site to provide a new leisure centre with community pool, leisure water, cafe, soft play, 'clip n climb' facility, a six court sports hall, fitness suite, spin studio, 2 no. fitness studios, 2 no. squash courts, a new tennis/netball court, improvements to the existing play area, landscaping across the site and associated car parking.

- 1.3. Works have lawfully commenced on site involving the demolition of the former Regan's Bar. The permission is therefore extant.

2. Relevant Planning History

Reference	Description	Decision	Decision Date
20221293	Demolition of the existing Cascades Leisure Centre and public house and redevelopment of the site to provide a new leisure centre with community pool, leisure water, cafe, soft play, 'clip n climb' facility, a six court sports hall, fitness suite, spin studio, 2 no. fitness studios, 2 no. squash courts, a new tennis/netball court, improvements to the existing play area, landscaping across the site and	Permit	3 March 2023

	associated car parking.		
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3. Proposal

- 3.1. The applicant has submitted this non-material amendment application to vary the description of development as permitted by 20221293 to (the change is highlighted in bold, with the text to be deleted from the description struck out):

Demolition of the existing Cascades Leisure Centre and public house and redevelopment of the site to provide a new leisure centre with community pool, leisure water, cafe, soft play, **'clip n climb' facility**, a six court sports hall, fitness suite, spin studio, 2 no. fitness studios, ~~2 no. squash courts~~, a new tennis/netball court, **improvements to the existing play area**, landscaping across the site and associated car parking.

- 3.2. The applicant is seeking changes to the description of development via this s96A non-material amendment (NMA) application, in order to facilitate consideration of a separate s73 minor material amendment (MMA) application. This MMA application has been submitted and is being considered under planning reference 20260238.

4. Planning Policy, Development Plan and other Material Considerations

- 4.1. As this is an application under s96A of the Town and Country Planning Act the Local Planning Authority **can only** consider whether the change in description is non-material. A s96A application does not provide an opportunity for the Local Planning Authority to reconsider the planning merits of the original decision, which, as stated earlier, has been implemented and is therefore extant. Should this non-material amendment application be granted, it will amend the existing planning permission and will not create a new planning permission.

5. Consultations and Publicity Responses

- 5.1. As this is an application for a non-material amendment, the Local Planning Authority is not required to undertake any consultations. What is material/non-material is not defined by the Government, and must be considered on a case-by-case basis and is at the discretion of the Local Planning Authority. For such applications, the Local Planning Authority can only consider whether the proposed changes to the description are non-material and therefore can be approved, or material and therefore should be refused, with the applicant subsequently having to submit a planning application, to enact the changes being sought.

6. Head of Planning Comments

- 6.1. The non-material amendment procedure was introduced in 2009 by the then Government, as an addition to the Town and Country Planning Act 1990 (Planning Act) under Section 96A (see <https://www.legislation.gov.uk/ukpga/1990/8/section/96A>). This provided a mechanism to make non-material changes to existing planning permissions and to deal with new issues that may arise after permission has been granted.
- 6.2. There is no statutory definition for what constitutes a 'non-material' change to a planning permission. The National Planning Practice Guidance (NPPG) states that the definition is

dependent on the context of the overall scheme and “what may be non-material in one context may be material in another”. Section 96A of the Planning Act states that “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.”

- 6.3. The decision for the Council is whether the change is non-material or material to the planning permission. As the application is not an application for planning permission, there is no requirement for public consultation under the non-material amendment procedure.
- 6.4. The decision only relates to the non-material amendments sought and should be read together with the original planning permission, which still stands.
- 6.5. The amendment sought solely relates to amending the description of development, it makes no further changes to the approved scheme. For clarity, references are removed to the ‘clip and climb’, the ‘2no. squash courts’ and the ‘improvements to the existing play area’.
- 6.6. Information provided by the applicant sets out that, “Since the extant development was designed, there have been significant changes to market conditions and build costs which has led to Gravesham Borough Council reappraising options, whilst seeking to still deliver a high-quality new leisure and community facility...”
- 6.7. They go on to state that, “This Section 96a application has been submitted solely to regularise the description of development of planning permission ref. 20221293 in line with the proposed amendments under the Section 73 application, submitted in tandem.”
- 6.8. The changes being sought are minor in nature, but allow for the applicant to seek changes to the scheme under the s73 application, subject to Members resolving to permit a change to the description of development, it allows for the applicant to seek the removal of the proposed internal clip and climb, 2no. squash courts and the improvements to the existing play area, from the permitted scheme. With further details to be provided under the s73 application, which is to be reported to the Planning Committee separately.
- 6.9. The change sought in the description of development is considered to be non-material and acceptable. No previous changes have been sought, which would have a cumulative effect that needs to be considered further. The loss of the internal clip and climb and 2 no. squash courts would not result in any amenity impacts to neighbouring occupiers beyond those considered in the original application. The removal of wording related to the play area is proposed on the basis that investment has been made by the Council in the existing play provision, and it no longer needs to be removed and relocated to make provision for a stormwater storage facility, and therefore can be retained in situ.
- 6.10. Subject to Members reaching a positive recommendation, a decision notice will be issued which will state:

Effective of this Decision Notice

Take Notice that the Gravesham Borough Council in pursuance of its powers under the The Town and Country Planning Act 1990 HAS GRANTED PERMISSION for non material amendment as described above in accordance with your application.

The effect of this decision notice to amend the description of the development of planning permission 20221293 which shall hereafter read:

Demolition of the existing Cascades Leisure Centre and public house and redevelopment of the site to provide a new leisure centre with community pool, leisure water, cafe, soft play, a six court sports hall, fitness suite, spin studio, 2 no. fitness studios, a new tennis/netball court, landscaping across the site and associated car parking.

Your attention is drawn to the following informative(s) :

You are advised that this decision relates to the non-material amendment sought and is not a re-issue of the original planning 20221293, which still stands along with the conditions. The documents should be read together.

7. Conclusion

7.1. The Local Planning Authority considers the amendment to the development description to remove reference to the clip and climb, 2no. squash courts and the improvements to the existing play area would not be a material change to the overall approved scheme and is therefore considered non-material and acceptable amendment to the description.

Recommendation

That the application be delegated to the Head of Planning to grant permission, for a non-material amendment to planning permission reference number 20221293, to allow amendment to the description of development to read: Demolition of the existing Cascades Leisure Centre and public house and redevelopment of the site to provide a new leisure centre with community pool, leisure water, cafe, soft play, a six court sports hall, fitness suite, spin studio, 2 no. fitness studios, a new tennis/netball court, landscaping across the site and associated car parking.

That the Head of Planning is given delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

Effective of this Decision Notice

Take Notice that the Gravesham Borough Council, in pursuance of its powers under the Town and Country Planning Act 1990, HAS GRANTED PERMISSION for non-material amendment as described above in accordance with your application.

The effect of this decision notice is to amend the description of the development of planning permission 20221293 which shall hereafter read:

Demolition of the existing Cascades Leisure Centre and public house and redevelopment of the site to provide a new leisure centre with community pool, leisure water, cafe, soft play, a six court sports hall, fitness suite, spin studio, 2 no. fitness studios, a new tennis/netball court, landscaping across the site and associated car parking.

Your attention is drawn to the following informative(s) :

You are advised that this decision relates to the non-material amendment sought and is not a re-issue of the original planning 20221293, which still stands along with the conditions. The documents should be read together.

2. STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 39 of the National Planning Policy Framework (NPPF) 2024, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.