



Delegated Report

Non-Material Amendment Application

Application No:	20250741
Location:	FM Conway, Imperial Wharf, Clifton Marine Parade, Gravesend, Kent, DA11 0DY
Description:	Application for a non-material amendment to planning permission reference number 20220733 to allow the alteration of the proposed surface water drainage scheme for land to the west of The White House.
Applicant:	FM Conway Limited

Submitted Documents/Plans

- Application Form – dated 18 July 2025;
- Covering Letter by PDE Consulting – dated 18 July 2025;
- Supplementary Information – Drainage Calculations by Causeway (dated 26 June 2025);
- Drawing no. CIV100 – Rev. P6 – Surface Water Drainage Design (1);
- Drawing no. CIV101 – Rev. P3 – Surface Water Drainage Design (2);
- Drawing no. CIV105 – Rev. P0 – Bitumen Culvert Standard Details (1);
- Drawing no. CIV106 – Rev. P0 – Bitumen Culvert Standard Details (2);
- Drawing no. CIV120 – Rev. P0 – Proposed Site Levels (1);
- Drawing no. CIV121 – Rev. P0 – Proposed Site Levels (2).

Relevant Planning History

Reference	Description	Decision	Decision Date
20220733	The installation of two additional bitumen tanks, load out gantry and the installation of a bitumen emulsion plant and alternative car parking.	Permitted	11.09.2023

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.

Consultations

Environment Agency – This non-material amendment application relates to a condition that was not requested by us (condition 4 attached to 20220733); therefore, we have no comments to make on the proposed amendments.

Please take account of any planning conditions, informatives or advice and comments that we provided in our response to the parent full application when making your determination of this non-material amendment application. In particular, condition 16 “no infiltration of surface water drainage into the ground” attached to 20220733.

The applicant should contact 03708506506 or consult our website (<https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>) to establish whether a consent will be required.

KCC Flood and Water Management – Kent County Council as Lead Local Flood Authority have reviewed the amendment and associated documents and have the following comments:

We note that the general principles of the drainage design and outfall to the Thames remain largely unaltered, as such we do not have any objections at present. We look forward to reviewing the full strategy at the detailed design stage.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Officer's Analysis

What is a Non-Material Amendment

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.

As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore, local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views. As by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary.

The Borough Council does not have any published guidance on what it considers can or cannot be considered as a non-material amendment generally following the guidance in the NPPG and the Planning Portal as well as taking into advice generally used accords the Kent authorities and that from the Planning Officer's Society. The former guidance suggest that we would not normally accept amendments as non-material if:

- The application site area (red line) differs from the original application
- The application description differs from the original application
- The proposal would result in changes to the external details (e.g. facing materials or roof shape) that would materially alter the appearance of the building
- The amendment significantly increases the size of any part of the development
- The development moves more than 1 metre in any direction
- The height of the building or structure is increased
- If the amendment locates any part of the development closer to a neighbour unless the development as amended is in excess of 5 metres from the common boundary with the neighbour
- The amendment results in a fundamental change in the design of the building
- If the amendment changes windows or doors in any elevation facing a neighbour which increases overlooking in any way
- The amendment would result in a greater visual intrusion, loss of light or feeling of enclosure to neighbours
- There were any relevant objections to the original proposal which would be compromised by the proposed minor amendment

Are the Proposed Changes Non-Material

The proposal is to change matters relating to drainage scheme relating to planning permission ref.

20220733. Following the approval of details of condition 4 (Drainage) attached to permission ref. 20220733, conflicts have been discovered with the previously approved drainage scheme, the hereby proposed changes would alleviate these conflicts.

To summarise the changes proposal are as follows:

- The location of the proposed outlet into the Thames – moved to the west of the jetty, where an existing outlet (150mm) has been found. The previously proposed outlet east of the jetty cannot be used.
- Increase to two outlets – 150mm outlet (gravity outfall) and 280mm outlet (for the rising main), to ensure that there is no flooding on the site.
- Relocation of the proposed petrol interceptor and pump station – to the west of the jetty (further from the flood wall). This will ensure that major drainage elements and excavations are sited at least 16m from the flood wall.
- Reduction on pump peak flow to 141 l/s – the reduction in flow has been calculated up to and including the 30-year event, with finished ground levels retaining flooding of 10.2m³ (100-year event) on the site.
- Incidental run-off drainage provided via a sump pump – in order to drain all low points that could collect incidental run-off.

The proposed changes have been reviewed by Kent County Council Flood and Water Management and the Environment Agency, who have raised no objection to the revised scheme but requested that conditions remain attached to ensure that further details are provided.

Therefore, it is considered that the above changes are non-material in terms of the drainage scheme and the application can be supported.

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	15 th September 2025	Dated:	16 th September 2025