

Delegated Report

Application No:	20260197
Location:	Former St Josephs Convent Preparatory School 46 Old Road East Gravesend Kent
Description:	Application for a non-material amendment to planning permission reference number 20240013 to allow changes to condition 19 to read If construction of the Medical Centre has not commenced prior to the first residential occupation, the NHS contribution (£46,656) will become payable.
Applicant:	Galliard (Gravesend) Ltd

Proposal

Application for a non-material amendment to planning permission reference 20240013 to allow changes to condition 19 to read If construction of the Medical Centre has not commenced prior to the first residential occupation, the NHS contribution (£46,656) will become payable.

The application consists of the following

- Application Form; and
- Cover Letter.

Relevant Planning History

Reference	Description	Decision	Decision Date
20240013	Conversion of existing Victorian building into 6 flats. Demolition of existing outbuildings. Erection of a 3 storey medical centre. Erection of a building containing 7no flats. Erection of 41no houses. Associated works to include; access, public open space and landscaping.	Permitted	21.11.2025

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.

The proposed changes to this application are to amend the wording of condition 19. Condition 19

currently states:

19. *Prior to first occupation of any part of the permitted development being occupied or used, the Medical Centre facility shall be completed in accordance with 'Drawing no. 084 - Rev. P1' and 'Drawing no. 085 - Rev. P1'.*

Reason: To ensure that the medical centre is delivered in the interest of health and welfare of the community in accordance with Policy CS10 of the Gravesham Local Plan Core Strategy (September 2014).

The applicant wishes to amend condition 19 to:

19. *If construction of the Medical Centre has not commenced prior to the first residential occupation, the NHS contribution (£46,656) will become payable.*

Reason: To ensure that the medical provision is delivered in the interest of health and welfare of the community in accordance with Policy CS10 of the Gravesham Local Plan Core Strategy (September 2014).

The reason for the change is to ensure that any of the permitted dwellings could be occupied even if the construction of the Medical Centre has not commenced. The agent states that the current wording means that none of the dwellings could be occupied if the construction of the Medical Centre has not commenced. As the medical centre element of the permission is outside of the applicant's control, this condition is not correctly worded in terms of delivery. Within the application is a letter from the NHS to the Head of Planning where they agree that as timescales for delivery of the medical centre will be different to delivery of the housing, they can confirm they do not object to condition 19 being varied.

The amended condition allows for any of the dwellings to be occupied if the Medical Centre has not commenced but has the caveat that upon first residential occupation of any of the permitted dwellings, this will trigger the need for the NHS contribution of £46,656 to become payable.

Section 96A of the Town and Country Planning Act 1990 states the following;

- 96A. Furthermore, the NMA process specifically allows for amendments to conditions, under Section 96A:

“(1) A local planning authority may make a change to any planning permission [or any permission in principle (granted following an application to the authority),] relating to land in their area if they are satisfied that the change is not material.

(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 [or permission in principle] as originally granted.

(3) the power conferred by subsection (1) includes power –
(a) impose new conditions
(b) to remove or alter existing conditions”

The proposed amendment does not change in any way the nature of the proposed development and as such is considered to accord with the requirements of 96A, allowing the amendment of a condition. All relevant parties are in agreement to this change taking effect.

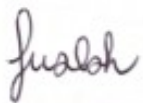
Conclusion

The Local Planning Authority are satisfied that the amended wording of condition 19 of ref. 20240013 is non-material. Therefore, approval is granted for condition 19 to be altered as set out in s96A(3)(b) of the Town and Country Planning Act 1990.

Recommendation:

Permitted

See draft Decision

Case Officer:	Ms Rebecca Harrison	Team Leader:	Mrs Faye Walsh
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	24th March 2026	Dated:	24 March 2026