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 Civic Centre, Windmill Street, Gravesend DA12 1AU

Application for a Non-Material Amendment Following a Grant of Planning Permission

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

Applicant Details

Name/Company

Title

Mr

First name

Simon

Surname

Hughes

Company Name

LEJ properties

Address

Address line 1

Nuralite Industrial Estate Canal Road

Address line 2

Higham

Address line 3

Town/City

County

Country

United Kingdom

Postcode

ME3 7JA

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Eligibility

Does the applicant have an interest in the part of the land to which this amendment relates?

☒ Yes

☐ No

If the applicant is not the sole owner, has notification under Article 10 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) been given?

☐ Yes

☐ No

☒ Not applicable

Description of Your Proposal

Please provide the description of the approved development as shown on the decision letter

The proposal is for the systematic redevelopment of the existing Nuralite site. This includes the importation of inert materials to cap, and landscape the historic asbestos landfill, thus containing its contamination risk. To demolish the existing buildings of the Nuralite industrial estate, deal with existing contamination, both through capping and removal of areas of hydrocarbon pollution, the laying of new service and utility infrastructure and the construction of 11 new purpose built light industrial type units and a site office.

Reference number

20190290

Date of decision

23/12/2021

What was the original application type?

Full planning permission

For the purpose of calculating fees, which of the following best describes the original development type?

☐ **Householder development:** Development to an existing dwelling-house or development within its curtilage

☒ **Other:** Anything not covered by the above category

Non Material Amendment(s) Sought

Non-Material Amendment(s) Sought

Please describe the non-material amendment(s) you are seeking to make

The applicant wishes to insert, under condition 2, a new plan. This plan (attached and referenced) will show a detailed section of the existing and approved site master plan, this being a section of retaining wall by the proposed entrance to the development of the new business park. Further to this a number of pre commencement conditions and first phase of development conditions will have the words inserted (Other than the works showing in Drawing ref: (reference of new drawing). This insertion to be made into conditions 3,4,5,6,7,8,9,10, 11, 12, 13, 14,15 and 23

Please state why you wish to make this amendment

Planning permission for this project was a long and arduous process, taking the best part of three years to secure, being a highly complex site and application. Significant work was done with the LPA and statutory consultees to get a range of planning conditions that reflected this complexity and the need to ensure the protection of environmental quality, sustainability and local residents amenity and safety. Since permission was granted, the owners have been seeking external investment to take forward the development, a process that was itself hampered by coming out of the tail end of the pandemic and market uncertainty. A year and a half into the permission and following a number of failed attempts, an investment partner is now in the process of completing the deal. However, there is a concern from the investor party, and indeed the site owner that, given the range and complexity of pre commencement conditions (particularly the need for a detailed design, procurement and construction of a number of highways engineering projects) that there is now not enough time for the full discharge of all relevant pre commencement and first phase of development conditions in the 18 months left of the permission. Seeking advice from our planning lawyers, Ashfords, we are advised that, based on established precedent, to seek a non material amendment under S96a of the 1990 TCPA. The explicit purpose of seeking this amendment (as described above) is to implement the permission such that it doesn't lapse before the pre commencement conditions can be executed and discharged by the LPA. Work is already underway on the full breadth of technical work required to deliver and discharge all said conditions. It is therefore proposed that a small section of retaining wall that is part of the existing permission, is identified in a new plan and specific reference and exclusions to it is provided in the relevant conditions (pre commencement) such that the works, if approved through the application of a non material amendment can be undertaken and, thus constitute enacting of the permission, through a material start, this allowing time for the full execution and discharge of all of the pre commencement conditions. For completeness, a document is attached the shows all changes proposes in the relevant existing permission notice conditions. Further, we also append to this a recent and similar NMA prepared (and granted) by our planning lawyers doing exactly as is proposed here for a residential scheme in Somerset. It demonstrates both the new submitted plan and amended conditions wording.

Are you intending to substitute amended plans or drawings?

- ☐ Yes
☒ No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☒ The agent
☐ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☐ Yes
☒ No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
- ☒ No

Declaration

I/We hereby apply for Non-Material Amendment as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Chris Lee

Date

17/08/2023