

Application: 20231247

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND
--

To: **Mr Philip Rudd
C/O Hannah Rusbridge, Invicta Planning
Chart House
10 Western Road
Borough Green
TN15 8AG**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **GRANTED PERMISSION** for development of land situate at:

**Jackson Family Holdings Ltd
Unit K6
Northfleet Industrial Estate
Lower Road
Northfleet
Gravesend
Kent
DA11 9BL**

and being **Change of use of building to a mixed warehouse and office use together with erection of first and second floor extension and construction of a multi level car park, together with associated earthworks and drainage.** Your application dated 6th December 2023 is permitted subject to the following:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out only in precise accordance with the following schedule of approved plans and details, unless alternative details are approved pursuant to the conditions imposed on this decision notice:

Application form
Covering Letter
Planning Statement
Updated Transport Assessment
N03: Junction Modelling Note
Summary Townscape and Visual Appraisal
Ecological Impact Assessment
Phase I Geo Environmental Desk Study and Preliminary Risk Assessment and Appendix A

Appendix B
 Economic Benefits
 Flood Risk Assessment
 Design and Access Statement
 Photographs
 Drawing no. 2521.WD.07G (proposed side and front elevations)
 Drawing no. 2521.WD.10F (proposed site plan)
 Drawing no. 2521.WD.14B (south and west elevations)
 Drawing no. 2521.WD.15B (multi storey car park floor plans)
 Drawing no. 2521.WD.16 (existing and proposed sections)
 Drawing no. 2521.WD.21 (existing elevations)
 Drawing no. 2521.WD.01 (site and location plans)
 Drawing no. 2521.WD.02 (existing topographical site plan)
 Drawing no. 2521.WD.03 (existing floor plans)
 Drawing no. 2521.WD.04E (proposed first floor plan)
 Drawing no. 2521.WD.05C (proposed ground floor plan)
 Drawing no. 2521.WD.06E (proposed second floor plan)
 Drawing no. 2521.WD.08B (proposed rear southwest and side northwest elevations)
 Drawing no. 2521.WD.09E (multi storey car park split level floor plans)

Reason: For the avoidance of any doubt and in the interest of proper planning.

3. Prior to the commencement of any above ground works, details of the facing materials to be used in the construction of the external surfaces of the building hereby permitted together with details of hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with Policy CS19 of the Gravesham local Plan Core Strategy (September 2014).

4. Notwithstanding the details shown full details of the soft landscaping shall be submitted to and approved in writing by the Local Planning Authority before the building is first occupied and such scheme shall be implemented in full to the satisfaction of the Local Planning Authority in the first planting and seeding season following the first occupation of the building; any trees or plants which within a period of five years from the occupation of the dwelling die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and biodiversity in accordance with Policies CS12 and CS19 Gravesham Local Plan Core Strategy (September 2014) and para. 186 of the National Planning Policy Framework 2023.

5. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) or any provision equivalent to it in any statutory instrument revoking and re-enacting or replacing that Order, the use of the building shall be restricted to uses falling within Class B8 (storage and distribution) and E(g) (i) (office) of the Town and country Planning (Use Classes) Order 1987 (as amended) only.

Reason: In order than any alternative use of the building may be the subject of a separate application to be determined on its merits.

6. Prior to commencement of works (including site clearance), a construction ecological management plan (CEMP - biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP - biodiversity will ensure sufficient measures are in place to avoid negative effects on the Swanscombe Peninsula SSSI, breeding birds,

retained trees and any associated bat roosting features, River Thames and any other relevant ecological receptors (as determined by a suitably qualified ecologist). The measures within the CEMP - biodiversity will incorporate those recommended within Appendix 4 of the Native Ecology Ecological Impact Assessment for the site, dated 14th December 2023.

The approved CEMP - biodiversity will be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure no significant harm to biodiversity results from the proposed development in accordance with Policies CS12 and CS19 Gravesham Local Plan Core Strategy (September 2014) and para. 186 of the National Planning Policy Framework 2023.

7. Prior to occupation, a detailed plan(s) showing how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include durable bird boxes aimed at species of conservation concern and a bat-friendly lighting design. The approved measures will be implemented and retained thereafter.

Reason: To ensure no significant harm to biodiversity results from the proposed development in accordance with Policies CS12 and CS19 Gravesham Local Plan Core Strategy (September 2014) and para. 186 of the National Planning Policy Framework 2023.

8. Prior to the installation of any external lighting, details shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and no additional lighting shall be installed without the prior permission in writing of the Local Planning Authority.

Reason: To preserve the character and amenity of this location and to ensure the protection of important species and those protected by legislation that could be affected by the development in accordance with policies CS12 and CS19 of the Gravesham local Plan Core Strategy (September 2014), and paragraph 186 of the National Planning Policy Framework (2023).

9. No development shall take place until a comprehensive Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The document shall cover all environmental impacts from the clearance and construction phases of this development including details of the following, as well as any other measures deemed reasonably necessary:

- (a) Air quality and dust management covering the potential predicated impact (PM2.5 and PM10) of the demolition/construction phase including recommended mitigation measures to be implemented to prevent the impact
- (b) Noise management measures;
- (c) Details of vibration monitoring and mitigation during piling works;
- (d) Construction Drainage Design Plan;
- (e) Construction traffic management plan, including vehicle routing and signage;
- (f) Temporary traffic management/signage
- (g) Timing of deliveries
- (h) Details of emergency access during any road closure;
- (i) Type and location of wheel washing facilities;
- (j) Measures to prevent contractor parking on local roads;
- (k) Details of the location, form and visual appearance of any site hoardings along road frontages;
- (l) Measures to maximise sustainable import/export of goods and materials during construction;
- (m) Movement, storage and treatment of bulk materials and spoil;
- (n) Measures to avoid adverse impacts on ecology and biodiversity;
- (o) Details of temporary construction lighting;

- (p) The arrangements for public consultation and liaison during the construction works; and
- (q) Monitoring and review provisions with the Local Planning Authority.

Development shall be carried out in accordance with the approved document.

Reason: To ensure that a suitable programme of all works is set out from the commencement of development, to demonstrate that the free flow of traffic on the highway and to minimise the impact on local residents and businesses, in accordance with Policies CS11, CS12 and CS19 of the Gravesham local Plan Core Strategy (September 2014).

10. No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - o all previous uses;
 - o potential contaminants associated with those uses;
 - o a conceptual model of the site indicating sources, pathways and receptors; and
 - o potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework and Policy CS18: of the Gravesham Local Plan Core Strategy.

11. Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the National Planning Policy Framework and Policy CS18: of the Gravesham Local Plan Core Strategy.

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this

contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 180 of the National Planning Policy Framework and Policy CS18: of the Gravesham Local Plan Core Strategy.

13. No development shall commence above slab level until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented with a connection to foul sewer, has been submitted to and approved by, the local planning authority in consultation with the water undertaker and Environment Agency (EA). The development shall be constructed in line with the agreed detailed design and recommendations of the strategy.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework and Policy CS18: of the Gravesham Local Plan Core Strategy.

14. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 180 of the National Planning Policy Framework and Policy CS18: of the Gravesham Local Plan Core Strategy.

15. Prior to the commencement of the development hereby approved, the developer shall submit to the Local Planning Authority for its approval a scheme of noise and vibration assessment and mitigation. The vibration impact assessment shall be carried with reference to BS 6472:2008 and shall set out how the detailed design and construction of the development will ensure compliance with the following requirements:

The internal vibration dose values for residential buildings shall not exceed 0.4ms⁻¹ during the day or 0.2ms⁻¹ during the night as referenced in Table 1 of BS 6472:2008

The noise assessment shall cover the impact of noise from operational activities or building services associated with the proposed development and associated piling and shall be carried out with reference to BS 4142:2014

The report shall demonstrate potential impact on the nearest Noise Sensitive Receptors. Any works identified as required to ensure the rating noise is at least 5dB below the LA90 background noise shall be carried out where possible, prior to commencement of the works.

Reason: In order to safeguard conditions of amenity in accordance with Policy CS19 of the Gravesham local Plan Core Strategy (September 2014).

16. The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme

of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: In accordance with Policy CS11 of the Gravesham local Plan Core Strategy (September 2014) and Policies T1 and T2 of the Gravesham Local Plan 1994.

17. Prior to the commencement of any above ground works, details of secure, covered and accessible cycle storage facilities (comprising a minimum of 20 spaces) to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage facilities shall be provided prior to first occupation of the development and shall be retained for such purposes at all times thereafter.

Reason: In order to encourage options for sustainable travel in accordance with Local Plan: Core Strategy Policy CS19.

18. The areas shown on the approved drawings as external parking spaces shall be used only for the parking associated with the use of the Site belonging to employees or visitors to the building herein approved and for no other purpose and no development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any Order revoking or re-enacting that Order with or without modification) shall be carried out on the site in such a manner or in such a position as to preclude the use of or access to the reserved vehicle parking spaces.

Reason: In accordance with policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and saved policy P3 of the Gravesham Local Plan First Review 1994 and that the development without provision for adequate accommodation for the parking or garaging of a private motor car or cars is likely to lead to car parking inconvenient to other road users and detrimental to amenity.

INFORMATIVES:-

1 DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

2 BUILDING REGULATIONS AND PARTY WALL ACT

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

3 ADVICE FROM ENVIRONMENT AGENCY

Drainage

We have reviewed the Flood Risk Assessment and Surface Water Management Strategy provided by Herrington Consulting Limited (Ref:3434, dated May 2022) and understand that discharge to ground via infiltration is considered not viable for this development (Page 28, Section 8.4 and Page 29, Table 8.3). As such discharge is recommended via a geocellular storage crate, which will discharge to foul sewer only and not to ground. This is acceptable in principle, however, should these plans change we would wish to be consulted further.

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures).

Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

Developers should check the .Gov website for Binding Rules information for small scale discharges:

<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>

Submissions to the LPA should include all relevant information on foul drainage proposals:

<https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

Treated discharges to ground may require an Environmental Permit:

<https://www.gov.uk/government/publications/application-for-an-environmental-permit-part-b6-new-bespoke-water-discharge-activity-and-groundwater-point-source-activity>

Piling

Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

Waste on-site

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- o excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- o treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the EA
- o some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the EA should be contacted for advice at an early stage to avoid any delays.

It should be noted that re-use of historic landfill materials (including capping materials) is not covered under DoWCoP.

The EA recommends that developers should refer to:

- o the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- o The Environmental regulations page on GOV.UK

Waste

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- o Duty of Care Regulations 1991
- o Hazardous Waste (England and Wales) Regulations 2005
- o Environmental Permitting (England and Wales) Regulations 2010
- o The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the EA should be

contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer.

4 FLOOD

Flood resistance and resilience

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

CIRIA Code of Practice for property flood resilience

https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience_.aspx

British Standard 85500 - Flood resistant and resilient construction

<https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>

5 PLANNING ADVICE SERVICE FROM THE ENVIRONMENT AGENCY

Should you wish us to review any technical documents or want further advice to meet the requirements of the conditions recommended, we may do this as part of our charged for planning advice service.

Further engagement will provide you with certainty of our position as to what our response to your planning application will be. It should also result in a better quality and more environmentally sensitive development.

As part of our charged for service we will provide a dedicated project manager to act as a single point of contact to help resolve any problems. We currently charge £100 per hour, plus VAT. We will provide you with an estimated cost for any further discussions or review of documents. The standard terms of our charged for service are available [here](#).

If you would like more information on our planning advice service, including a cost estimate, please contact us at kslplanning@environment-agency.gov.uk

6 SMOKE CONTROL INFORMATIVE

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed.

When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk.

7 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 38 of the National Planning Policy Framework (NPPF) 2023, 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.

8 AGREEMENT FOR IMPOSITION OF PRE-COMMENCEMENT CONDITION(S)

In accordance with The Town and Country Planning (Pre Commencement Conditions) Regulations 2018 and paragraph 36 of the Planning Practice Guidance the Local Planning Authority has agreed in writing with the applicant on 18/03/2024 to the inclusion of the following pre-commencement conditions.

Condition 6 - Biodiversity
Condition 9 - Construction Environment Management Plan
Condition 10 - Contamination
Condition 15 - Noise and Vibration

9 WORKS OF CONSTRUCTION

Hours of work of construction site plant, equipment and machinery, should be restricted to not earlier than 7.00 a.m. and not later than 6.00 p.m. weekdays and Saturday working should be restricted to not earlier than 8.00a.m. and not later than 1.00 p.m. No work shall be carried out on Sundays, Bank or Public Holidays.

- i. Suitable sound attenuation shall be used at all times in respect of all plant, machinery and equipment in operation on site in order to aid prevention of noise nuisance. Compliance with BS 5228: Part 1: 1984 and subsequent amendments regarding the use of equipment on site will be required in appropriate cases.
- ii. A suitable method of control shall be used in order to aid prevention of dust nuisance arising from work activities on site.
- iii. Burning of waste materials shall not be carried out on site. Such materials are to be stored in a suitable receptacle, as far from residential accommodation as reasonably practicable, pending disposal off site.
- iv. Adequate arrangements shall be made to remove all waste material from the site on a regular basis and to dispose of it at a suitably licensed waste disposal site.

Dated: 20 March 2024

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Ms Tava Walton
AD Planning

NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to

the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

- If this is a **householder application*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.
- For all other applications, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- **For further information regarding Appeals and to make an application please click the relevant link:**
<https://www.gov.uk/appeal-householder-planning-decision>
<https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

***Householder applications**

These are:

- (a) applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

- (i) an application for change of use;
- (ii) an application to change the number of dwellings in a building.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.