



Application: 20230885

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

**APPROVAL OF A NON-MATERIAL AMENDMENT FOLLOWING A GRANT OF PLANNING
PERMISSION**

To: **Mr Simon Hughes
C/O Mr Chris Lee, Praxis Sustainability Consulting
57 KingsDrive
Hassocks
BN6 8DY**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Act 1990, **HAS APPROVED** detailed plan and particulars submitted on 18th August 2023 as a non-material amendment to the Notification of Grant of Planning Permission reference 20190290 to Develop Land dated 23 December 2021 in respect of:-

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.

at **Nuralite Industrial Estate
Canal Road
Higham
Rochester
Kent
ME3 7JA**

and being **Application for a non-material amendment to planning permission reference number 20190290 to allow the addition of plan number 23/171/14 and the amendment of conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,15 and 23.**

Subject to the conditions specified hereunder:-

CONDITIONS AND REASONS

1 Condition 2 - Approved Plans

Drawing No. 23/171/14 - Proposed Retaining Wall;
Drawing No.18/171/01 - Ordnance Survey Plan;
Drawing No.18/171/02 - Site Over Plan;
Drawing No.18/171/03 - Plans and Elevations;
Drawing No.18/171/04 - Warehouse Plans and Elevations;
Drawing No.18/17113 - Warehouse (B) Plans and Elevations;
Drawing No.1-01 - Proposed Contour Plan;
Drawing No.1-03 - Proposed Sections 'AA-DD';
Drawing No.1-04 - Proposed Section 'EE'; and
Drawing No.1-02 - Proposed Contour Plan.

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

2 **Condition 3 - Highway Improvements**

Other than the works shown on [Drawing No.23/171/14 - Nuralite Retaining Wall) no development approved by this permission (including demolition and engineering operations) shall commence until full details of the road improvements works at the Canal Road / Chequers Street / Church Street /Lower Rochester Road junction generally in accordance with RSK drawing ref.661792/02A are submitted to, and approved in writing by the Local Planning Authority. The approved details shall then be implemented prior to any works commencing on site (except in relation to the road improvement works to the extent they occur on the site and in relation to the works shown on Drawing No.23/171/14 - Nuralite Retaining Wall. For the avoidance of doubt this shall include details of construction and surface finishes for roads, footpaths, cycle-ways, car parking areas and passing bays and the development shall be completed in accordance with the approved details.

Reason: To ensure adequate highway improvement works are provided in a timely manner to ensure no adverse impact to the safe and free flow of traffic on the highway network; to ensure that the final external appearance of the public highway is acceptable and built to appropriate and recognised safety standards and in accordance Policy CS11 of Gravesham Local Plan: Core Strategy (September 2014).

3 **Condition 4 - Passing Places**

Other than the works shown on [Drawing No.23/171/14 - Nuralite Retaining Wall) no development approved by this permission (including demolition and engineering operations) shall commence until full details of the construction of additional passing places (within the public highway) along Lower Rochester Road and Gore Green Road generally in accordance with RSK Drawing Ref. 661792-10-04B have been submitted to and approved in writing by the Local Planning Authority. The passing places shall be completed in accordance with the approved details prior to any works commencing on site.

Reason: To ensure adequate highway improvement works are provided in a timely manner to ensure no adverse impact to the safe and free flow of traffic on the highway network; to ensure that the final external appearance of the public highway is acceptable and built to appropriate and recognised safety standards and in accordance Policy CS11 of Gravesham Local Plan: Core Strategy (September 2014).

4 **Condition 5 - Phasing Plan**

Other than the works shown on [Drawing No.23/171/14 - Nuralite Retaining Wall) no development approved by this permission (including demolition and engineering operations) shall commence until full details of the phasing of the development are submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The Local Planning Authority needs to be satisfied that the development of the site is undertaken in a coherent and comprehensive manner and to ensure compliance with Policies CS05, CS12, CS19 and CS20 of Gravesham Local Plan: Core Strategy (September 2014).

5 **Condition 6 - Traffic Controls**

Other than the works shown on [Drawing No.23/171/14 - Nuralite Retaining Wall) no development approved by this permission (including demolition and engineering operations) shall commence until full details of the traffic signal control (including location and the duration of signal controls) along Canal Road to enable one-way working are

submitted to, and approved in writing by the Local Planning Authority. The approved details shall then be implemented prior to any works (other than the works shown on [Drawing No.23/171/14 - Nuralite Retaining Wall) commencing on site.

Reason: To ensure adequate highway improvement works are provided in a timely manner to ensure no adverse impact to the safe and free flow of traffic on the highway network; to ensure that the final external appearance of the public highway is acceptable and built to appropriate and recognised safety standards and in accordance Policy CS11 of Gravesham Local Plan: Core Strategy (September 2014).

6 Condition 7 - Traffic Regulation Order

Other than the works shown on [Drawing No.23/171/14 - Nuralite Retaining Wall) no development approved by this permission (including demolition and engineering operations) shall commence until a Traffic Regulation Order has been enacted to introduce a one-way routing strategy requiring HGV vehicles travelling westbound to use Lower Rochester Road and Gore Green Road for travelling eastbound during the construction of the development. For the avoidance of doubt this includes demolition works.

Reason: To ensure adequate highway improvement works are provided in a timely manner to ensure no adverse impact to the safe and free flow of traffic on the highway network; to ensure that the final external appearance of the public highway is acceptable and built to appropriate and recognised safety standards and in accordance Policy CS11 of Gravesham Local Plan: Core Strategy (September 2014).

7 Condition 8 - Demolition and Construction Logistics Plan

Other than the works shown on [Drawing No.23/171/14 - Nuralite Retaining Wall) no development approved by this permission (including demolition and engineering operations) shall commence until a comprehensive Demolition and Construction Logistics Plan covering all environmental impacts of this development or the relevant phase of development during the demolition and construction phase is submitted for approval to the Local Planning Authority in consultation with the Local Highway Authority.

The report shall include assessment of the impacts during the demolition and construction phases of the development on nearby residents and other occupiers together with means of mitigating any identified impacts, and make reference to British Standard BS5228:2009, for Deconstruction and Construction Sites (and arrangements for liaison set out therein).

For the avoidance of doubt the Demolition and Construction Logistics Plan shall include, but not exclusively cover the following:

- a) Parking of vehicles of site personnel and visitors;
- b) Storage of plant and materials;
- c) Dust management controls;
- d) Location and height of cranes and scaffolding;
- e) Measures of minimising the impact of noise and vibration arising from demolition and construction activities;
- f) Predicted noise and vibration levels for demolition and construction using methodologies and at locations agreed with the Local Planning Authority;
- g) Scheme for monitoring noise and vibration levels using methodologies and at points agreed with the Local Planning Authority;
- h) Scheme for location and appearance security fencing/hoardings, depicting a readily visible 24-hour contact number for queries, complaints or emergencies;
- i) Details of disposal of waste arising from the construction programme, including final disposal points (the burning of waste on the site at any time is specifically precluded);
- j) Hours of operation;
- k) Smoke management controls;

- l) Odour controls;
- m) Any other matters relevant to this particular site.

The development hereby permitted shall be carried out in accordance with the approved Demolition and Construction Logistics Plan.

Reason: To ensure the free flow of traffic on the highway and to minimise the impact on residential amenity and in accordance with Policy CS19 Gravesham Local Plan: Core Strategy (September 2014).

8 **Condition 9 - Construction Traffic Management Plan**

Other than the works shown on [Drawing No.23/171/14 - Nuralite Retaining Wall) no development approved by this permission (including demolition and engineering operations) shall commence until a full Construction Traffic Management Plan for the development has been submitted to and approved in writing by the Local Planning Authority. The Plan is to include the following elements;

- a) Maximum HGV numbers both daily and hourly and HGV routing together with a requirement for a GPS tracking system covering all construction vehicles.
- b) Detailed work programme / timetable.
- c) Site HGV delivery / removal hours.
- d) Detailed routeing for demolition, excavation and construction traffic and abnormal loads.
- e) Supply of pre-journey information on routeing and site restrictions to contractors, deliveries and visitors.
- f) Detailed plan showing the location of on-site stores and facilities including the site compound, contractor & visitor parking and turning as well as un/loading point, turning and queuing for HGVs.
- g) Breakdown of number, type, size and weight of vehicles over the demolition & construction period.
- h) Details of debris management including location of wheel wash, programme to control debris spill/ tracking onto the highway to also include sheeting/sealing of vehicles and dust management.
- i) Details of public impact and protection to include road, footway, cycleway and PRoW. Details of TROs and road/footway/cycleway/PRoW closures and re-routeings as well as signage, barriers and remediation.
- j) Public liaison position, name, contact details and details of public consultation/liaison.
- k) Route details as required covering culverts, waterways, passing places, tracking of bends/junctions and visibility splays.
- l) To also include the removal of TROs, temporary signage, barriers and diversions.
- m) Details of temporary construction accesses and their remediation post project.
- n) Provision for emergency vehicles.
- o) Road cleaning and wheel washing facilities.

Development shall thereafter proceed only in full compliance with the approved CTMP.

Reason: To ensure the free flow of traffic on the highway and to minimise the impact on residential amenity and in accordance with Policy CS19 Gravesham Local Plan: Core Strategy (September 2014).

9 **Condition 11 - Site Wide Ecological Mitigation Strategy and Habitat Creation Plan**

Prior to works (Other than the works shown on [Drawing No.23/171/14 - Nuralite Retaining Wall) commencing on a new phase (Including the first phase) an updated preliminary ecological appraisal and review and of the site wide mitigation strategy must be carried out and shall be provided by the applicant and submitted for approval to the Local Planning Authority in consultation with Natural England, Environment Agency and Kent County Council. The development shall thereafter be carried out in accordance

with the most recent version of the Ecological Mitigation Strategy. For the avoidance of doubt the submitted information shall include, but not exclusively cover the following:

- a) A preliminary ecological appraisal - less than one year old.
- b) Review of existing survey data and updates of any surveys required.
- c) Review of and update of existing mitigation plans.
- d) Detailed methodology to implement mitigation.
- e) Details of habitat creation required for ecological mitigation and habitat creation areas.
- f) Methodology to implement habitat creation.
- g) Timings of proposed works for ecological mitigation and habitat creation areas.
- h) Maps showing the following:
 - 1) Existing habitat plan;
 - 2) Proposed mitigation areas;
 - 3) Habitat Creation Areas.
- i) Details of who will carry out the works.
- j) Interim management plan for mitigation/habitat creation works.
- k) Update on what works have already been carried out on site.
- l) Letter from the applicants ecologist confirming why they are satisfied that the currently site wide mitigation strategy and habitat creation plan is still valid OR Updated site wide mitigation strategy and habitat creation plan informed by required, updated species or habitat surveys.

Reason: In the interests of biodiversity net gain and pursuant to Policies CS12 and CS19 Gravesham Local Plan: Core Strategy (September 2014).

10 **Condition 12 – Archaeology**

No development or phase of development (Other than the works shown on [Drawing No.23/171/14 - Nuralite Retaining Wall) approved by this permission (including demolition and engineering operations) shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in relation to the development or relevant phase of development in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. For the avoidance of doubt any archaeological works shall take into account that parts of the site cannot be accessed due to site contamination.

Reason: To ensure that features of archaeological and heritage interest are properly researched, examined, recorded and reported on for the benefit of this and future generation and pursuant to Policy CS20 Gravesham Local Plan: Core Strategy (September 2014).

11 **Condition 13 - Contaminated Land Strategy**

Other than the works shown on [Drawing No.23/171/14 - Nuralite Retaining Wall no development approved by this permission (including demolition and engineering operations) or any phase of development shall commence until a strategy to deal with the potential risks associated with any contamination of the site or the relevant phase has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- a) A preliminary risk assessment which has identified:
all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
- b) 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.

c) The results of the site investigation and the detailed risk assessment referred to in (b) 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.

d) 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.

The development or phase of development shall thereafter be carried out only in full accordance with the approved Strategy unless otherwise agreed in writing by the Local Planning Authority.

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 174 of the National Planning Policy Framework (2021).

12 Condition 14 - Asbestos Plan of Works

Other than the works shown on [Drawing No.23/171/14 - Nuralite Retaining Wall no phase of development approved by this permission (including demolition and engineering operations) shall commence until an asbestos survey of buildings to be demolished in that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with Health and Safety Executive. The relevant phase of development shall thereafter be carried out in full accordance with the approved details.

Reason: To ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors and in the interests of residential amenity and pursuant to Policy CS19 Gravesham Local Plan: Core Strategy (September 2014).

13 Condition 15 - Historical Survey of Existing Buildings

Other than the works shown on [Drawing No.23/171/14 - Nuralite Retaining Wall no development or phase of development approved by this permission (including demolition and engineering operations) shall commence until an appropriate programme of historic building recording and analysis to Historic England Building Recording Level 3 for the development or the relevant phase of development has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development or phase of development shall be carried out at all times in strict accordance with the approved scheme.

Reason: No such details have been provided at this stage and in accordance with Policies CS19 and CS20 Gravesham Local Plan: Core Strategy (September 2014) and Saved Policy TC3 of the Gravesham Local Plan First Review 1994.

14 Condition 23 - Review of Site Wide Mitigation Strategy and Habitat Creation Plan

Prior to works (Other than the works shown on [Drawing No.23/171/14 - Nuralite Retaining Wall) commencing on a new phase an updated preliminary ecological appraisal and review, and where necessary update, of the site wide mitigation strategy and habitat plan must be carried out and shall be provided by the applicant and submitted for approval to the Local Planning Authority in consultation with Natural England, Environment Agency and Kent County Council. The development shall thereafter be carried out in accordance with the approved Ecological Mitigation Strategy. For the avoidance of doubt the submitted information shall include, but not exclusively cover the following:

- Preliminary Ecological Appraisal.
- Update on what works have already been carried out on site.
- Letter from the applicants ecologist confirming why they are satisfied that the currently site wide mitigation strategy and habitat creation plan is still valid. or
- Updated site wide mitigation strategy and habitat creation plan informed by required, updated species or habitat surveys.

Reason: In the interests of biodiversity net gain and accordance with Policies CS12 and CS19 Gravesham Local Plan: Core Strategy (September 2014).

Your attention is drawn to the following informatives

INFORMATIVES:-

1 EXTENT OF THE APPROVAL

For the avoidance of doubt the approval hereby given is only for a non-material amendment to the development permitted under reference 20190290 and does not amend any other part of the permission or discharge any of the planning conditions attached to that permission subject to those conditions still subsisting or capable of taking effect.

2 REASONS FOR THE IMPOSITION OF PLANNING CONDITIONS

The reasons for the imposition of these conditions 3,4,5,6,7,8,9,10, 11, 12, 13, 14,15 and 23 of 20190290 remain as specified in that decision notice (20190290) in relation to each specific condition.

3 APPROVED DRAWINGS AND DOCUMENTS

For the avoidance of doubt the approved drawings/documents are:

Planning Application Form;
Drawing No. 23/171/14 - Proposed Retaining Wall; and
Supporting Information - Proposed Amendments to Planning Conditions.

4 ASBESTOS - HEALTH AND SAFETY

The applicant's attention is drawn to the following information on Asbestos published online at <https://www.hse.gov.uk/asbestos/index.htm>

Dated: 1 September 2023

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

Your attention is drawn to the following notes.

NOTES:

This permission is confined to permission under the Town and Country Planning Acts and the Town and Country Planning (Development Management Procedure) (England) Order 2015 and does not obviate the necessity of compliance with any other enactment, bye-law, or other provision

whatsoever or of obtaining from the appropriate authority or authorities any permission, consent, approval or authorisation which may be requisite.

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**.
- **Appeals must be made using a form which you can obtain from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN; telephone: 0303 444 5000; email: enquiries@pins.gsi.gov.uk or online at www.planningportal.gov.uk/pcs.**
- 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.