



Application: 20230605

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

REFUSAL OF A NON-MATERIAL AMENDMENT FOLLOWING A GRANT OF PLANNING PERMISSION
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To: **Mr Chris Lee
C/O Mr Chris Lee, Praxis Sustainability Consulting
57 Kings Drive
Hassocks
West Sussex
BN6 8DY**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Act 1990, **HAS REFUSED** detailed plans and particulars submitted on 7th June 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 B and the amendment of conditions 3,4,5,6,7,8,9,10, 11, 12, 13, 14,15 and 23.**

and the grounds of refusal are:-

- 1 The Local Planning Authority is of the opinion that a non-material planning application (S.96A of the Town and Country Planning Act) is not a tool to extend the lifetime of a planning permission, nor is it the appropriate planning procedure to vary conditions to alter plans or include additional plans, or wording within conditions relating to additional plans. The proposal represents a material change to the original permitted application. The proposal therefore cannot be dealt with as a non-material amendment and the application is refused.

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt the decision to refuse this application was taken in relation to the following plans and documents:

Planning Application Form;
Drawing No. 23/171/14 Rev B - Proposed Retaining Wall;
Drawing No. 1100 Rev A1 - Proposed Wall Foundation;
Supporting Information - Proposed Amendments to Planning Conditions;
Supporting Information - Somerset West and Taunton Decision Notice; and
Supporting Information - Counsels Opinion.

2 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) 2021, 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. In this instance, the application for a non-material amendment is not the correct procedure for the amendments that are proposed.

Dated: 19 July 2023

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DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

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