



Delegated Report

Discharge of Conditions

Planning Application No: 20260395

Location: 5 Forge Lane Higham Rochester Kent

Description: Application for the approval of condition 3 and 4 attached to planning reference number 20250570 relating to a scheme detailing the proposed hard surface treatments and screening by walls, fences or other means and a scheme detailing the proposed soft landscaping associated with the development.

Applicant: Mr Hamada Aqlan

Site Visit Date: None (desktop assessment)

Submitted Documents/Plans

Drawing no. TAB/06/300A Proposed landscaping;
Photographs of plants and paving received 14 July 2026;
Marshalls Piora block paving details;
Letter from the applicant dated 14 July 2026 and
Letter from Mr L Brown dated 14 July 2026.

Superseded Documents/Plans

~~Drawing no. TAB/06/300 Proposed landscaping;
Photographs of plants and paving received 22 May 2026;
Letter from the applicant dated 16 April 2026 and
Letter from Mr L Brown dated 17 May 2026~~

Procedural Issues

Following a request from the case officer, the type of proposed hedge on the site frontage was amended to a lower growing species.

Relevant Planning History

Reference	Description	Decision	Decision Date
20250570	Formation of frontage parking space and vehicle crossover.	Refused	15.08.2025
	Appeal reference 2025/053/REF	Allowed	16.01.2026

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places

Supplementary Planning Guidance

- SPG 4 – KCC Parking Standards (2006)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)
- Gravesham Landscape Character Assessment (2009)

Other Relevant Guidance

- Kent County Council Dropped Kerb Guidance and Self-Assessment (2025)
- Gravesham Driveway Dropped Kerb Guidance (Informal Guidance) (2023)
- Gravesham Front Driveway Design Guidance (Informal Guidance) (2023)

Emerging Local Plan as a Material Consideration

Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement the Court found that the weight to be

given to an emerging Local Plan, was a matter of planning judgement, which had to be reached having fully considered the relevant part (Paragraph 49) of the Framework.

The Council's emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan**. This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Consultations, Publicity and Representations

GBC Horticultural

Second response:

A hedge realistically is the joining of multiple shrubs and can be formed with regular pruning. There are very few hedges that can be reduced and managed to 0.6 metres height and unfortunately if that is the case then Weigela Bristol Ruby is not a sensible option.

Please find some alternatives that could be better suited to the conditions and being kept around that height while also giving interest and being good for pollinators.

Spiraea japonica — One of the best choices. Flowers in summer (pink, white, or red depending on cultivar), responds very well to hard pruning, and can easily be maintained at 50–70 cm.

Potentilla fruticosa — Long flowering season from late spring into autumn. Naturally compact and easy to keep around 60 cm.

Hypericum 'Hidcote' — Yellow flowers through summer. Tolerates substantial pruning and can be kept fairly low.

Deutzia gracilis — Masses of white flowers in spring. Compact habit and suitable for low borders.

Hydrangea paniculata (dwarf cultivars) — Varieties such as 'Bobo' naturally stay around 60–90 cm and flower reliably.

Initial response:

Whilst I acknowledge the Planning Inspector's conclusion that the proposed frontage parking space and associated landscaping would not result in unacceptable impacts on highway safety or the character and appearance of the area, I would recommend that particular attention is given to the future management of the proposed Weigela 'Bristol Ruby' planting within the frontage landscaping scheme.

The inclusion of Weigela 'Bristol Ruby' is welcomed as it will provide visual enhancement to the street scene and offers a valuable nectar source for pollinating insects, contributing positively to local biodiversity.

However, Weigela is a vigorous deciduous shrub capable of substantial seasonal growth if left unmanaged. To ensure that the planting continues to provide amenity and biodiversity benefits without creating adverse impacts, it is recommended that the shrub is subject to routine maintenance and pruning.

Growth should be managed so that it does not encroach onto or narrow the adjacent pedestrian footway, which could reduce pedestrian comfort and potentially encourage users to move closer to the carriageway on Forge Lane. In addition, the shrub should be maintained at a maximum height of approximately 0.6 metres and kept clear of the site access visibility envelope to avoid any obstruction of sightlines between drivers entering or exiting the frontage parking space and pedestrians or approaching vehicles on Forge

Lane.

Subject to appropriate ongoing management, the proposed planting should provide a positive contribution to the character of the area and local pollinator habitat while avoiding any adverse effects on pedestrian or highway safety.

Officer's Analysis

Planning permission reference 20250570 was granted on appeal for the formation of a frontage parking space and a vehicle crossover at the application site. This application seeks to discharge conditions 3 and 4 of that permission.

Condition 3 reads as follows;

- 3) *Before the parking area hereby permitted is first brought into use, a scheme detailing the proposed hard surface treatments and screening by walls, fences or other means shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details, prior to first use of the development.*

Condition 4 reads as follows;

- 4) *Before the parking area hereby permitted is first brought into use, a scheme detailing the proposed soft landscaping associated with the development shall be submitted to and approved in writing by the local planning authority. The details shall include:*

- (i) the type and species of planting to be carried out including their quantity and size;*
- (ii) measures to promote biodiversity enhancement including the planting of native and wildlife attracting species;*
- (iii) a timetable for implementation; and*
- (iv) details of initial aftercare, long term maintenance and details for monitoring and remedial measures.*

The scheme shall be implemented in accordance with the approved details, prior to first use of the development, and maintained thereafter. Any trees or plants that die, are damaged, removed or become diseased within 5 years from the date of planting shall be replaced with a species of a similar size and species during the next available planting season.

The submitted details show that the parking spaces would be surfaced with Marshalls Piora porous paving in charcoal with a natural coloured line detail, that the pedestrian access and the paving within the proposed grassed area, would be Marshalls limestone paving in grey and that the border around the proposed willow tree would be Marshalls Piora porous paving in white. No walls or fences are proposed to be erected.

The soft landscaping would include two lawned areas (perennial ryegrass), a flamingo willow tree, pyracantha orange glow, foxgloves, daffodils and cyclamen and Hypericum Hidcote hedging. Details of the timetable for planting and aftercare have been provided. It is noted that the willow tree would have a maximum height of 2.5 metres and that most of the planting would not grow above 1.5 metres height. The Hypericum Hidcote hedging would have a maximum height of one metre and would be managed so as not to encroach over the adjacent footway.

GBC Horticultural have advised that the proposed planting should provide a positive contribution to the character of the area and a local pollinator habitat.

The proposed hard surfacing and planting would improve the visual amenities of the site frontage and enhance biodiversity. Although the hedging on the site frontage would ideally be kept to a maximum height of 0.6 metres, to protect pedestrian visibility for users of the new parking space, provided that it is managed

as set out in the application details, then there would be no significant adverse impacts highway safety.

The submitted details provide sufficient information to satisfy the requirements of conditions 3 and 4. Therefore, these conditions have been addressed in their entirety and can be discharged.

Conclusion

The submitted details are acceptable.

Recommendation

Conditions 3 and 4 of planning permission reference 20250570 can be discharged.

(For details and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	15 July 2026	Dated:	15 July 2026