



Delegated Report

Discharge of Conditions

Planning Application No: 20231080

Location: 18 Marks Square Northfleet Gravesend Kent

Description: Application for the approval of conditions 5(i)(ii), 6, 14 and 16 attached to planning permission 20220175 relating to details of 5(i) External facing materials, 5(ii) Surface treatments and finishes to vehicle parking areas, pedestrian accesses, steps and stairs and all other amenity areas, (6) Boundary treatments to both existing and new dwelling, (14) Soft landscaping and (16) Refuse storage for the new dwelling.

Applicant: Mr Lewis Brown

Site Visit Date: 06 December 2023

Submitted Documents/Plans

Approval of details reserved by condition application form;
Drawing no. 006 Rev. A Landscaping plan;
Drawing no. 006 Rev. A Landscaping plan with maintenance details;
Drawing no. 006 Rev. A Refuse storage;
Drawing no. 007 Rev. A Proposed street scene and boundary treatment information; and
Schedule of External facing materials.

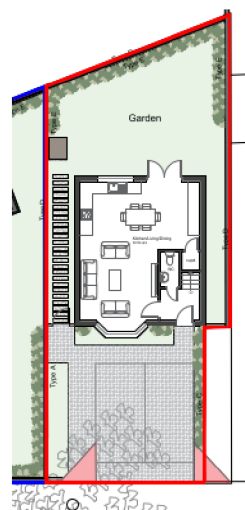
Procedural issues

The submitted details of the layout for the site frontage of the new dwelling are not consistent with that which was approved under planning permission 20220175.

20220175 Approval



Current proposal



At the site visit, it was noted that the 'as built' site frontage, does not accord with either of the above drawings;



Furthermore, there appears to have been alterations to the ground levels at the front of application site, which were not part of the approved development under 20220175;



06 December 2023



30 March 2022

Other discrepancies between the approved development and that built on site may also exist. Therefore, the application site will be reported to the GBC Planning Enforcement Team for investigation.

In light of the above, it is considered that it is not possible to discharge the conditions attached to planning permission 20220175. Notwithstanding this and as a way of being positive and proactive, the following report will assess the information submitted in this application.

It should be noted there are a number of issues with the submitted drawings (not an exhaustive list);

- The red line boundary for the application site does not correspond with the red line boundary for the application site shown in planning permission reference 20220175.
- All except one of the submitted plans are referenced the same (Drawing no. 006 Rev. A), which is confusing.
- The referencing on the drawings is confusing and it is not clear exactly where one type of boundary treatment ends and another begins.
- Boundary Type A is described as a 1.5 metre tall, rendered wall with a brick top but the image is a wall with a fence on top and planting behind (which is unspecified in nature and height).

- Boundary Type B is described as a retaining brick wall but the image shows a render finish.
- The submitted boundary details do not entirely accord with the boundaries that have been constructed on site.

These issues have been identified for the benefit of the applicant, so that they can be rectified in any future submission.

Relevant Planning History

Reference	Description	Decision	Decision Date
20231180	Application for the approval of conditions 15 attached to planning permission 20220175 relating to details of how the development will enhance biodiversity.	Pending	
20231081	Application for the approval of conditions 5 and 7 attached to planning permission 20220590 relating to details of (5) New boundary treatments to the site including any remaining structures and (7) Soft landscaping.	Pending	
20230562	Application for the approval of condition 5 attached to planning permission 20220590 relating to the details of the new boundary treatments to the site including any remaining structures.	Withdrawn	14.06.2023
20230403	Application for the approval of conditions (5) External Materials and Surface Treatments, (6) Boundary Treatment, (14) Soft Landscaping and (16) Refuse Storage attached to planning permission reference number 20220175.	Refused	14.06.2023
20230167	Application for approval of condition 5 attached to planning permission reference number 20220590 relating to full details of the new boundary treatments to the site including any retaining structures	Refused	13.04.2023
20230166	Application for approval of condition 5, 6, 14 and 16 attached to planning permission reference number 20220175 relating to external facing materials and finishes including brick and roof tiles of the proposed dwelling and surface treatments and finishes to the vehicle parking areas, pedestrian accesses, steps and stairs and other amenity areas, full details of the new boundary treatments to the site for both the existing dwelling and new dwelling as hereby permitted including any retaining structures, full details of soft landscaping and full details of the refuse storage areas	Refused	13.04.2023
20220590	Erection of a two storey side extension	Permitted	26.07.2022
20220175	<u>_REVISED DESCRIPTION_</u> Erection of a two-bed detached two-storey house within the curtilage of 18 Marks Square with associated amenity space and formation of vehicle access and one parking space at front.	Permitted	30.05.2022

Development Plan

Gravesham Local Plan Core Strategy (September 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 33 of the NPPF (2023) 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 (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

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

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)

Consultations, Publicity and Representations

GBC Highways Officer

I consider the application confusing, the applicant shows on drawing 006, details for the “patio” for the existing property but does not show any details for the driveway for the new house.

No details of the materials to be used in the description, although for the driveway for the new property it would suggest some form of blockwork, but this may or may not be porous. I can only suggest until this matter is resolved, the condition is not discharged.

Given the alignment of Marks Square, the proposed boundary treatments should not be higher than 850mm where they affect sightlines. I would suggest that any boundary treatment conforms to boundary treatment Type B shown on the drawing and not exceed 0.7m in height. The applicant could provide either planting or another boundary treatment set back some 2 metres from the edge of highway to secure their property.

I also have concerns that as the boundary treatment does not extend past the new “patio” of the existing dwelling which could be used as a driveway, and it will not have appropriate visibility splays to ensure safe egress from the property and the parking of vehicles could be detrimental to sightlines across the site. By extending the boundary treatment around the front of the “patio” it will prevent the new paved area being used for the parking of vehicles.

GBC Waste and Recycling Manager

I have reviewed the attached planning application and I am happy with the refuse provision and storage.

GBC - Service Manager (Housing Operations)

It seems this illustration is not a true representation of the front elevation, as the girth and position of the

Lime Tree in front of the property blocks more of the drive, which would interfere with proposal for driveway and drop kerb application.

It is also worth noting that there are also two drains for surface water are directly in front of the development and any work to access the site will potentially cause problems with drainage around the estate.

Front Garden Planting:

The proposed vegetation on the front elevation does not qualify as hedging, as it offers limited support for wildlife, security, or privacy from the right side. Nevertheless, it does soften the harsh landscaping along the driveway and provides a modest soakaway for surface water runoff.

Rear Garden Planting:

While a monoculture laurel hedge is suggested for its evergreen nature, it lacks significant habitat value for insects and wildlife until reaching maturity. Even then, it provides minimal benefit for nesting birds in this context. It is recommended to diversify the hedge by introducing other species to create a more native and natural hedgerow. Consider incorporating prominent species such as *Fagus Sylvatica* or Green Beech, which can be shaped into a hedge and contribute to a higher biodiversity score.

It's important to note that the suggestion of using only eight plants to form the hedge may result in them being spaced too far apart, preventing the formation of a natural hedge that can effectively offer privacy and screening.

Officer's Analysis

Planning permission reference 20220175 was granted for the erection of a detached, two bedroom, two-storey dwelling within the curtilage of 18 Marks Square, with associated amenity space and the formation of a vehicle access and one parking space. This application seeks to discharge conditions 5, 6, 14 and 16 of that permission.

It should be noted that planning permission has also been granted for a two storey side extension at no. 18 Marks Square (reference 20220590). The extension is currently under construction and is located to the south of the proposed dwelling at the application site. An application to discharge conditions 5 (boundary treatments) and 7 (soft landscaping) attached to 20220590 is currently being determined (reference 20231081).

It should also be noted that an application to discharge condition 15 (biodiversity enhancements) attached to 20220175 is currently being determined (reference 20231180).

The wording of the relevant conditions on planning permission 20220175 and a summary of the submitted details (constrained by the drawing issues outlined above) follows.

Condition 5

5. *Notwithstanding the details and annotations shown in the approved plans and particulars the following additional details shall be submitted for the approval of the Local Planning Authority within one month of the commencement of the development hereby permitted:*

- (i) External facing materials and finishes including brick and roof tiles of the proposed dwelling*
- (ii) Surface treatments and finishes to the vehicle parking areas, pedestrian accesses, steps and stairs and other amenity areas.*

The development shall thereafter be carried out in full accordance with the approved details before the dwelling hereby permitted is first occupied.

Reason: In the interests of visual amenity, the wider street scene and pursuant to Gravesham Local Plan Core Strategy Policies CS19: Development and Design Principles and the national planning guidance in the National Planning Policy Framework (NPPF).

The submitted details show London Brick Company Forterra Heather Red bricks and Marley Anglia Old English dark red concrete roof tiles as external facing materials. Earth white porcelain paving slabs would be located along the southern side of the dwelling and Marshalls charcoal coloured concrete block paving would be used for the parking area on the site frontage. No details of the proposed surfacing for the pedestrian visibility splays, the permeability of the block paving or the brick/render specifications for the proposed boundary walls have been provided.

Condition 6

6. *Notwithstanding the details and annotations shown in the approved plans and particulars, full details of the new boundary treatments to the site for both the existing dwelling and new dwelling as hereby permitted including any retaining structures shall be submitted to and approved in writing by the Local Planning Authority within one month of the commencement of the development hereby permitted and the approved boundary treatment scheme shall then be fully implemented prior to the development hereby permitted being first occupied.*

Reason: In the interests of visual amenity, the wider street scene and pursuant to Gravesham Local Plan Core Strategy Policies CS19: Development and Design Principles and the national planning guidance in the National Planning Policy Framework (NPPF).

For the new dwelling, the submitted details show;

- Side boundary with no. 16 Marks Square at the rear, adjacent to the dwelling - 1.8 metre tall close boarded timber fencing.
- No details of the proposed boundary treatment from the side boundary with no. 16 Marks Square at the front have been provided.
- Side boundary with existing dwelling at the rear - 1.8 metre tall close boarded timber fencing.
- Side boundary with existing dwelling at the front – 1.5 metre tall rendered wall with brick top and planting behind (but no height details of the planting or render specifications have been provided).
- Rear boundary - 1.8 metre tall close boarded timber fencing.
- No details for the proposed boundary treatments at the side of the property (on either side of the dwelling by the side accesses) have been provided.

For the existing dwelling, the submitted details show;

- Side boundary with no. 20 Marks Square at the front - 0.7 metre tall wooden fence.
- Side boundary with no. 20 Marks Square at the rear - 1.8 metre tall close boarded timber fencing.
- Front boundary (middle section) – 0.7 metre tall retaining brick wall (but no details of the brick type have been provided).
- Front boundary (northern end) - 1.5 metre tall rendered wall with brick top and planting behind (but no height details of the planting or render specifications have been provided).
- Boundary set back from the site frontage - 1.5 metre tall rendered wall with brick top and planting behind (but no height details of the planting or render specifications have been provided).

Condition 14

14. *Prior to the first occupation of the development hereby permitted and unless otherwise agreed in writing by the Local Planning Authority, full details of soft landscaping for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the type and species of planting to be carried out, to include their quantity and size as well as arrangements for aftercare. Thereafter the approved soft landscaping scheme shall be carried out in full during the first available planting season following the first occupation of the development. Any trees or plants that die, are damaged, removed or become diseased within five years from the date that the development is first brought into use shall be replaced with a species of a similar size and type during the next available planting season.*

Reason: To ensure that the landscaped elements of the scheme as proposed are properly designed and

suitably implemented in the interests of visual amenity in accordance with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (September 2014).

The submitted details show hedging located on the side and rear boundaries of the rear garden and a hedge located on the northern side boundary of the front garden. With the remainder of the green space within the front and rear gardens apparently laid to grass (although the drawing does not specify what the green shading identifies). The hedging and planting areas would contain a mixture of species and aftercare information is specified. However, no details of the proposed planting/surfacing for the pedestrian visibility splays have been provided and no details of the proposed wildflower seed mix has been provided.

Condition 16

16. Notwithstanding the details and annotations shown in the approved plans full details of the refuse storage areas for the new dwelling as hereby permitted shall be submitted for the approval of the Local Planning Authority and the approved scheme shall then be fully implemented prior to the development hereby permitted being first occupied and shall thereafter be fully retained as such.

Reason: In order to ensure that the proposed refuse storage arrangements comply with the Council's requirements in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

The submitted details show an area on the southern side of the rear garden to be used for refuse storage.

Design, Character and Appearance

The proposed external facing materials and surface treatments would match with the existing dwelling and those in the surrounding area and as such, would be acceptable in terms of visual amenity. However, it is noted that no details of the proposed surfacing for the visibility splays have been provided.

In relation to front garden boundary treatments, the Householder Extensions/Alterations Design Guide (2021) sets out that proposals should respond to the design of the dwelling, be consistent with the height of other enclosures on the road, avoid introducing different styles, reinforce the dominant boundary type along the street, consider well maintained planting as an alternative and retain any hedgerow.

The application site is located in an urban, residential area, where front gardens predominantly have low walls (constructed from brick, blockwork and timber materials). Opposite the application site, there is close boarded timber fencing which delineates the edge of a new housing development.

Close boarded timber fencing would be located around the rear gardens and would not be widely visible. It is a common feature in the area and as such, would be acceptable.

A rendered wall and a brick wall would be located on the site frontage, which could be appropriate in this locality but their visual impact would be very dependent on the type of brick and render proposed (details of which have not been provided). As such, it is not possible to determine if these boundary treatments would be acceptable.

The proposed landscaping would soften the impact of the built development but the GBC Service Manager (Housing Operations) has raised concerns that the proposal would provide only sparse hedging and is not an accurate representation of the frontage of the application site. As such, the proposed landscaping could be improved visually.

The proposed bin storage area would be located at the rear of the property and would not be widely visible. As such, it would not be detrimental to the appearance of the surrounding street scene.

Overall, it is considered that insufficient information has been submitted to allow the design, character and appearance impacts of the details submitted in relation to conditions 5 (surfacing), 6 (boundary treatments) and 14 (landscaping) to be assessed.

Amenity of Future Occupiers

The proposed boundary treatments would screen the private garden area of the new dwelling from any adverse overlooking impacts and provide a good standard of living for future occupiers.

In relation to the proposed boundary treatments/landscaping for the private garden area of the existing dwelling, the issues set out in the Highways section below are relevant. Due to the need for lower boundary treatments/planting along the site frontage, the proposed private garden area would be subject to overlooking from passers-by, which would be detrimental to privacy and lead to a poor standard of living for future occupiers.

According to the Planning Guidance on Waste Collection Requirements (2022), sufficient space should be allocated for the storage and presentation of the following bins;

- Refuse - 1 x 180ltr bin grey body and lid
- Recycling - 1 x 240ltr bin grey body and green lid
- Food Waste - 1 x 23ltr bin black body and orange lid with an individual 5ltr caddy per property

The dimensions of the refuse containers are;

Capacity	180ltr Refuse Bin	240ltr Recycling Bin	23ltr Food Caddy
Length	540mm	585mm	380mm
Width	650mm	740mm	290mm
Height	1,060mm	1,100mm	405mm

The proposed bin storage area would have dimensions of 1.1 (length) by 0.9 metres (width) and would be located in the rear garden. As such, it would be preferable for the bin storage to be increased in size. However, as the GBC Waste & Recycling Manager has raised no objection and because there is sufficient space within the rear garden, then the proposal would be acceptable.

Overall, it is considered that the proposal would lead to a poor standard of living for future occupiers of the existing dwelling and be detrimental to residential amenity. Therefore, the proposal would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Neighbouring Amenity

The proposed boundary treatments would have no adverse overshadowing or overbearing impacts to the occupiers of surrounding dwellings.

The proposed landscaping and the proposed bin storage would not have any adverse impacts to neighbouring occupiers.

Therefore, the proposed development would not be detrimental to residential amenity and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Highways Issues

Marks Square is an unclassified road with a footway only on one side and with restricted forward visibility due bends in the road. The application site is located on a bend and the open front garden area provides visibility for drivers using the roadway and will provide sight lines for drivers exiting the driveway of the new dwelling.

The proposed bin storage would not have any adverse impacts to highway safety, as it would be located outside of the pedestrian visibility splays and would not undermine any sight lines.

In relation to front garden boundary treatments, the Householder Extensions/Alterations Design Guide (2021) sets out that proposals should incorporate visibility splays and sight lines for pedestrian and vehicular safety.

The GBC Highways Officer has advised that the proposed boundary treatments/landscaping should not be higher than 850mm, where they affect sightlines and that the surfacing for the proposed parking area should be porous.

The proposed 1.5 metre wall with unspecified height planting behind is likely to undermine visibility across the application site and as a result, be detrimental to highway safety.

Therefore, the applicant is advised that the private garden area for the existing dwelling (located at the front/side) should be set back further into the site, so that the boundary treatment can be appropriate in height for privacy (circa two metres) and then planting should be located in front to soften it. The boundary ideally would be a brick wall (which was there originally). In addition, it would be appropriate to have a low boundary treatment along the back edge of the footway (ideally 0.6 metres). The side/front area that is publicly visible can be subject to landscaping with low vegetation only.

The applicant has shown pedestrian visibility splays but the lack of information regarding their proposed surfacing or the landscaping for these areas undermines this proposal. For example, if they have an impermeable surface or involve tall growing plant species, then adverse highway impacts could occur.

The block paved surfacing for the parking area is likely to be porous but this should be clarified by the applicant. The 0.7 metre tall, wall and fencing would not be detrimental to visibility and would be acceptable in terms of highway safety.

Overall, the proposed development would be detrimental to highway safety and contrary to Policy CS11 of the Gravesham Local Plan Core Strategy (2014) and to the Householder Extensions/Alterations Design Guide (2021). Furthermore, it is considered that insufficient information has been submitted to allow the full highway safety impacts of the details submitted in relation to conditions 5 (surfacing), 6 (boundary treatments) and condition 14 (landscaping) to be assessed.

Biodiversity

It is noted that the proposed landscaping scheme is part of the submission to discharge condition 15 of planning permission 20220175 (biodiversity enhancements), which will be fully assessed under planning application 20231180.

According to the GBC Service Manager (Housing Operations), the proposed landscaping scheme would provide only sparse planting and provide limited support for wildlife. Therefore, it would be preferable for the landscaping proposal to be amended to improve biodiversity in the ways suggested. It would also be beneficial for the applicant to await the comments of the KCC Biodiversity Officer in relation to application 20231180 before amending the proposal.

Overall, the proposed landscaping would provide some positive biodiversity impacts but could be improved.

Any Other Material Planning Considerations

The applicant is reminded that condition 12 of planning permission 20220175 must be discharged prior to the first occupation of the dwelling. This condition relates to the submission of secure and weatherproof cycle parking facilities.

The applicant is also reminded that condition 13 of planning permission 20220175 must be discharged prior to the first occupation of the dwelling. This condition requires the provision of an electric vehicle charging point for the front garden parking space.

Conclusion & Recommendation

Due to the various issues with the submitted drawings, to insufficient information being submitted and to the existing unauthorised works at the application site, the conditions attached to planning permission 20220175 cannot be fully assessed or discharged.

The proposed external facing materials and surface treatments would be generally acceptable. However, insufficient information has been submitted. As such, condition 5 of planning permission 20220175 cannot be discharged.

The submitted details would result in boundary treatments that would be detrimental to highway safety and residential amenity and could be detrimental to visual amenity and out of character with the surroundings. Furthermore, insufficient information has been submitted. As such, condition 6 of planning permission 20220175 cannot be discharged.

The submitted details would result in a landscaping scheme that has some positive attributes but insufficient information has been submitted. As such, the landscaping scheme should be amended and condition 14 of planning permission 20220175 should not be discharged.

The submitted details would result in bin storage that would not be detrimental to residential amenity but would benefit from amendment to make it larger. As such, condition 16 of planning permission 20220175 could be discharged but it would be preferable for amended details to be provided.

Due to the existing unauthorised works, the application site will be reported to the GBC Planning Enforcement Team for investigation.

The applicant is advised that it may be preferable for a revised planning application to be submitted to regularise any unauthorised works, instead of a revised details pursuant application being submitted. The new application could also include all of the details required by the conditions attached to planning permission 20220175 and therefore it would negate the need for any similar future conditions to be imposed.

It is strongly recommended that a pre-application enquiry is submitted before any amended planning application, in order to ascertain whether the retention of the unauthorised works would be supported by the Council.

Overall, the current application should be refused.

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	13th December 2023	Dated:	14 December 2023