



Delegated Report

Condition Discharge Application

Planning Application No: 20230305

Location: O'Dell Place Lower Higham Road Gravesend Kent

Description: Application for the approval of conditions 3, 4 and 5 attached to planning permission reference number 20221232 relating to full details of hard landscaping and surface finishes for the development, a soft landscaping scheme, including a timetable for implementation and completion and any external lighting plan must demonstrate that the lighting has been designed in accordance with Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' guidelines (or subsequent editions/updates) and that artificial lighting will not adversely affect local wildlife

Applicant: Mr Levi Friend

Site Visit Date: Desktop assessment

Submitted Documents/Plans

Application form

Drawing no. 001 Rev. A (Site Location Plan, Previously Approved Block Plan)

Relevant Planning History

Reference	Description	Decision	Decision Date
20221232	Change of use of land as a further extension of the existing Gypsy and Traveller site (approved under 20190823) being a revised site layout to accommodate the approved additional 3 no. pitches including details of hardstanding areas, provision of waste treatment plant and use of part of the stable block as utility areas.	Permitted	01.03.2023
20190823	Change of use of land as extension of existing Gypsy Traveller site to provide additional 3no. pitches with associated development, being associated hard standing, package treatment plant and reuse of part of the stables for utility block.	Permitted	08.06.2020

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS12 – Green Infrastructure
- CS19 – Design and Development Principles

National Planning Policy Framework (2021)

- 12 – Achieving well-designed places
- 13 – Protecting Green Belt land
- 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG4 – KCC Parking Standards (2006)
- Gravesham Landscape Character Assessment (2009)

Officer's Analysis

Condition 3 (hard landscaping and surface finishes)

Condition 3 states as follows:

Prior to any ground works taking place, a plan shall be submitted to and approved in writing by the Local Planning Authority showing full details of hard landscaping and surface finishes for the development, including details of a non-tarmac porous access drive and car parking areas (such as grass-crete or similar) in the rear paddock, and any screening or boundary treatment by walls, fences or other means. The scheme shall be constructed in accordance with the approved details and completed, in its entirety, prior to the first occupation of the caravans hereby permitted.

Reason: In order to protect and enhance the appearance and character of the site and locality in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

The submitted plan has altered the approved layout from what was approved under the original permission:

Proposed block plan:

Permitted block plan:



The proposed plan shows an extended hardstanding further into the rear paddock, the relocation of a caravan pitch further into the open paddock, together with new post and rail fencing across the rear paddock. Planning permission would be required for these deviations from the approved plans, which fail to observe the reasons for granting the previous planning permission, namely the close proximity and relationship of the two relocated pitches to the existing site boundary, helping to keep the openness of the paddock at the rear.

Furthermore, plus the proposed tarmac fails to comply with the requirements of condition 3 for details of a non-tarmac porous access drive and car parking areas (such as grass-crete or similar) in the rear paddock. The use of further tarmac would fail to soften the effect of additional surfacing on the site.

The details are therefore considered to be unsatisfactory in terms of their appearance and would fail to protect and enhance the appearance and character of the site, contrary to the reason for condition 3. The details are therefore considered to be unacceptable and condition 3 cannot be discharged. The proposal is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and condition 3 cannot be discharged.

Condition 4 (soft landscaping scheme)

Condition 4 states as follows:

Prior to any ground works taking place, a soft landscaping scheme, including a timetable for implementation and completion, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- *The retention of existing boundary planting.*
- *Details of additional native tree, hedgerow and shrub planting around the site boundaries to include their quantity, size and arrangements for aftercare.*
- *Details of biodiversity enhancements such as hedgehog, bird and bat boxes, and log piles.*

Any identified trees or plants that die, are damaged, removed or become diseased within five years from the first occupation of the caravans hereby permitted shall be replaced with a species of a similar size and species during the next available planting season. The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use in accordance with an agreed implementation programme. The completed scheme shall be managed and/or maintained thereafter.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of appearance upon the completion of the development and to ensure no net loss of biodiversity in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014.

Whilst a proposed additional hawthorn hedgerow at the rear may generally be acceptable, no details have been provided in terms of the quantity or size of the hedge, nor a timetable for planting implementation, or specifications or locations of the proposed bird or hedgehog boxes.

The details are therefore considered to be unsatisfactory and fail to comply with the requirements of the condition, in that the details are not in the interests of the visual amenity of the site and the satisfactory standard of appearance upon the completion of the development, nor ensure no net loss of biodiversity. Condition 4 cannot be discharged. As such details have not been submitted, the proposal is therefore contrary to Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and condition 4 cannot be discharged.

Condition 5 (external lighting)

Condition 5 states as follows:

Prior to the installation of any external lighting, details shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting plan must demonstrate that the lighting has been designed in accordance with Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' guidelines (or subsequent editions/updates) and that artificial lighting will not adversely affect local wildlife. 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: In order to limit the impact of the lighting on wildlife and residential amenity with regard to Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014.

The proposed plan shows the location of 'existing lighting', but this has not previously had any form of permission including under the previous planning permission 20190823 (where details of lighting was sought under conditions 2 and 6 but never provided). There would also appear to be more lighting proposed than what is currently 'existing' on the site, with 4 lights rather than 3. There are no details provided of the lighting; particularly to demonstrate that it complies with the Bat Conservation Trust's

guidance and will not adversely affect local wildlife.

The details are therefore considered to be unsatisfactory and fail to comply with the requirements of the condition to limit the impact of the lighting on wildlife and residential amenity. The details are therefore considered to be unacceptable and condition 5 cannot be discharged. Such details have not been submitted and therefore the proposal is contrary to Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and condition 5 cannot be discharged.

Conclusion and Recommendation

The Local Planning Authority is not satisfied with the details submitted in relation to planning permission 20221232 for the change of use of land as a further extension of the existing Gypsy and Traveller site (approved under 20190823) being a revised site layout to accommodate the approved additional 3 no. pitches. The submitted plan deviates materially from the plans granted under planning permission 20221232. The details submitted for conditions 3, 4 and 5 are not acceptable and cannot be discharged.

Case Officer:	Mrs Katherine Parkin	Team Leader:	Richard Hart
Signed:	<i>K. Parkin</i>	Signed:	<i>R Hart</i>
Dated:	30th March 2023	Dated:	30th March 2023