



Delegated Report

Approval of Conditions Application

Planning Application No: 20260231

Location: Kent Tor Wrotham Road Culverstone Gravesend

Description: Application for the approval of condition 5 (Biodiversity Enhancement Plan), condition 6 (Foul and Surface Water Sewerage Disposal), condition 8 (Hard Landscaping) and condition 9 (Soft Landscaping) attached to planning reference number 20251160.

Applicant: Mr & Mrs H Richard

Submitted Documents/Plans

Application Form
25/489/02 A – Proposed Plan and Elevations
25/489/03 E – Proposed Site Plan and Bin Store
Cover Letter
Photo of Site

Relevant Planning History

Reference	Description	Decision	Decision Date
20251160	Demolition of existing bungalow; erection of a new self build, timber frame bungalow and detached garage with associated works to create a driveway and bin store.	Permitted	12.01.2026

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
- T5 – Access to the Identified 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 2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Technical Housing Standards – Nationally Described Space Standard (2015)
- SPG 4 – KCC Parking Standards (2006)
- Design for Gravesham – Design Code (2024)

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

Consultees

Ward Councillors

No comments received.

Meopham Parish Council

No comments received.

KCC Biodiversity

SUMMARY

Condition 5 (Biodiversity Enhancement Plan) – Sufficient information

Condition 9 (Soft Landscaping) - Sufficient information

Condition 5 (Biodiversity Enhancement Plan)

"Prior to the commencement of any above ground works, details of how the development will enhance biodiversity, in the form of a Biodiversity Enhancement Plan will be submitted to and approved in writing by the Local Planning Authority. The details will be implemented as approved and thereafter retained."

The following enhancements and planting have been proposed on site:

- Sowing a wildflower meadow and planting fruit trees to the rear of the garden
- A woodcrete bat box mounted to a retained tree
- A Woodcrete bird box mounted to a retained tree
- A hedgehog hole in the fence to the rear of the garden

We are satisfied with the location of these enhancements but remind the applicant that bird boxes are best situated facing north when erecting the features on the trees, and bat boxes facing south. The measures detailed in the submitted reports must be implemented as approved. We advise that sufficient information has been submitted in relation to condition 5, which can now be discharged.

Condition 9 (Soft Landscaping)

"Prior to any part of the permitted development being occupied or used, and notwithstanding the details shown on the approved plans a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping shall thereafter be maintained to the satisfaction of the Local Planning Authority for a period of five years to ensure establishment. Any trees or plants that die, are damaged, removed or become diseased within five years from the implementation of the soft landscaping scheme shall be replaced with trees or plants of a similar size and species during the next available planting season."

Sowing a wildflower meadow and planting fruit trees to the rear of the garden have been proposed. We are satisfied that these are suitable landscaping and that a simple establishment and maintenance plan has been provided, including the replacement of any of the landscaping within a five year period to ensure establishment. The measures detailed in the submitted reports must be implemented as approved. We advise that sufficient information has been submitted in relation to condition 9, which can now be discharged.

It appears that condition 6 (Foul and Surface Water Sewerage Disposal) and condition 8 (Hard Landscaping) regarding this discharge application does not refer to ecology in the wording or the reasons. Therefore, we are unable to provide comments for this condition. If this is not the case and ecological advice is required, please let us know.

KCC Drainage

Thank you for your consultation on the above referenced planning application.

As Lead Local Flood Authority, Kent County Council are required to provide technical advice and guidance on the surface water drainage strategies, designs and maintenance arrangement put forward by developers to any new major development.

According to the Town and Country Planning (Development Management Procedure) (England) Order

2010, major development is defined in planning as any development involving any one or more of the following:

- a) The winning and working of minerals or the use of land for mineral-working deposits;
- b) Waste development;
- c) The provision of dwelling houses where:
 - i. The number of dwelling houses to be provided is ten or more; or
 - ii. The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c) (i);
- d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- e) Development carried out on a site having an area of one hectare or more.

The application under the above reference number therefore falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee.

Notwithstanding the above, please feel free to contact us again if you consider there to be local flood risk issues on this site that may require further consideration.

Southern Water

Following a review of the documents submitted Southern Water is happy to discharge Condition 6 (Foul and Surface Water Sewerage Disposal), due to note below.

We do not have any comments on condition 5 (Biodiversity Enhancement Plan), condition 8 (Hard Landscaping) and condition 9 (Soft Landscaping).

Build over:

The applicant has confirmed to Southern Water that their plans are not within 3 metres of the public sewer. The applicant must ensure that this remains the case.

Neighbouring properties

Neighbour consultation is not required for applications for discharge of condition. However, a neighbour comment was submitted. The summary of the comment is as follows:

- Condition 8 relates to levels and contours which are not included.
- Levels on site have been raised and in places are above the concrete gravel board of neighbouring fence, above 150mm above ground level.
- Concerns raised with regard to damage and maintenance to fence and flooding issues.

Officer's Analysis

Condition 5 is as follows:

5. *Prior to the commencement of any above ground works, details of how the development will enhance biodiversity, in the form of a Biodiversity Enhancement Plan will be submitted to and approved in writing by the Local Planning Authority. The details will be implemented as approved and thereafter retained.*

Reason To enhance the biodiversity value of the site, in accordance with Policy CS12 of the Gravesham Local Plan: Core Strategy (September 2014).

The following enhancements and planting are proposed on site as detailed within the site plan and cover letter:

- Sowing a wildflower meadow and planting fruit trees to the rear of the garden
- A woodcrete bat box mounted to a retained tree
- A Woodcrete bird box mounted to a retained tree
- A hedgehog hole in the fence to the rear of the garden

KCC Biodiversity reviewed the information submitted and concluded that the location of the enhancements is acceptable subject to the implementation of the approved measures. They advised that condition 5 can be discharged.

Condition 6 is as follows:

6. *No development approved by this permission shall be commenced until full details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved details.*

Reason To ensure that the principles of sustainable drainage are incorporated into this proposal; to ensure that the development does not contribute to, or is not put at risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants and to ensure ongoing efficacy of the drainage provisions in accordance with Policies CS18 and CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

The cover letter provided details that the existing foul drain at the rear of the property will be retained and connected to the existing house via the existing manhole. This is also detailed on the site plan. Surface water will be rained by a crate system soakaway at the rear garden. The crates would be wrapped in heavy duty soakaway wrap fabric. Rainwater from the garage roof would be taken to a crate system soakaway positioned under the drive and a water butt will collect rainwater from the garage roof using a down pipe diverter. The proposed elevation also shows guttering to the dwellinghouse to all sides. Southern Water have confirmed that these details would be acceptable subject to the development not being within 3 metres of the public sewer.

Condition 8 is as follows:

8. *Prior to any part of the permitted development being occupied or used, and notwithstanding the details shown on the approved plans a scheme of hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details shall include the following:*
- o proposed boundary treatments,*
 - o existing and proposed finished levels and contours*
 - o hard surface finishes*
 - o details of any retaining walls or steps*

The approved works shall be completed in accordance with the approved details prior to first occupation of the dwellinghouse as hereby permitted.

Reason To ensure that the landscaped elements of the scheme as proposed are properly designed and suitably implemented in the interests of visual amenity and highway safety in accordance with Policies CS11 and Policy CS19 of the Gravesham Local: Plan Core Strategy (September 2014) and saved policy T5 of the Gravesham Local Plan First Review (1994).

With regard to boundary treatment, there are brick walls to the front and east of the property with the north and west boundaries having close boarded fencing/hedging The cover letter and site plan identifies that the existing boundary treatments will be retained with hedgehog gaps created in existing fencing with exception to the eastern boundary (excluding the access drive which would retain a wall). The existing 1.5m high wall which is partially fallen and in a bad state of repair to the eastern boundary to the side of the dwellinghouse

would be replaced with a 1.8m high close boarded fence. The extent and appearance of this have been provided and are considered to be appropriate in this residential setting, with limited visibility from the street.

Although concerns have been raised by a neighbour in relation to the contours and levels of the site, this condition relates only to hard surfacing. Photographs of the site show minimum level changes with confirmation that the site will be levelled. The site plan has also been updated to confirm that hard and soft landscaping levels shall not alter more than 300mm above existing levels. Should levels change by greater than 300mm planning permission would be needed for such a change in its own merit as it would constitute engineering works. In this case, the details submitted demonstrate that this would not be the case.

The driveway would be finished in permeable resin and the rear patio would use sandstone paving slabs. Images of the intended materials are shown in the cover letter and are considered to be appropriate.

Condition 9 is as follows:

9. *Prior to any part of the permitted development being occupied or used, and notwithstanding the details shown on the approved plans a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping shall thereafter maintained to the satisfaction of the Local Planning Authority for a period of five years to ensure establishment. Any trees or plants that die, are damaged, removed or become diseased within five years from the implementation of the soft landscaping scheme shall be replaced with trees or plants of a similar size and species 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 and highway safety in accordance with Policies CS11 and Policy CS19 of the Gravesham Local: Plan Core Strategy (September 2014) and saved policy T5 of the Gravesham Local Plan First Review (1994).

The proposed site plan details a wildflower meadow and introduction of fruit trees to the rear of the garden. KCC Biodiversity commented on the details submitted to discharge this condition. They advised that they are satisfied that the landscaping would be suitable and a simple establishment and maintenance plan provided, including the replacement of any of the landscaping within a five year period to ensure establishment. They advised that they agree to the discharge of this condition subject to implementation.

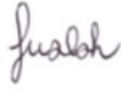
Conclusion

The details submitted with this application are considered to be submitted to meet the requirements and purposes of conditions 5, 6, 8 and 9 of 20251160.

Recommendation

The recommendation is to approve the application and discharge these conditions.

(see draft Decision)

Case Officer:	Mrs Lisa Fisher	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	28th May 2026	Dated:	28 May 2026