

Delegated Report

Approval of Conditions Application

Planning Application No: 20260686

Location: Land To The West Of Nursery Mews Gravesend Kent

Description: Application for the approval of conditions 9 and 10 (Ecological Enhancement Plan Report) attached to planning reference number 20241000.

Applicant: Miss Chloe Page

Submitted Documents/Plans

Application Form
Ecological Enhancement Strategy

Relevant Planning History

Reference	Description	Decision	Decision Date
20241000	Erection of 6no. affordable residential dwellings, emergency access / pedestrian / cycle route with associated parking and landscaping.	Permitted	13.02.2025

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS11 - Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS16 – Affordable Housing
- CS18 – Climate Change
- CS19 – Design and Development Principle

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T5 – Access to the Identified Highway Network
- TC7 – Other Archaeological Sites

As set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012 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

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 (2026), the Council will also seek to replace these.

National Planning Policy Framework (2026)

- Section 4 -Achieving Sustainable Development
- Section 14 – 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)
- Design for Gravesham – Design Code (2024)

Emerging Local Plan as a Material Consideration

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (Planning and Compulsory Purchase Act 2004) and section 70(2) of the Town and Country Planning Act 1990 (Town and Country Planning Act 1990) make it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise.

Decision Making Policy DM4 of the Framework sets out that when considering development proposals, relevant policies may be given weight, however, this is subject 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 compliance of the relevant policies in the emerging plan with the policies for plan-making in this Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given to them).

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 of the Framework, which from 17 August 2026 Decision Making Policy DM4 of the Framework.

The Council's emerging Local Plan has reached the Regulation 19 Consultation stage, with the consultation having ended on 18 August 2026. The emerging Local Plan does not form part of the Development Plan.

The Council is aware that third parties have raised objections to the wider emerging Local Plan and specific policies within it. Therefore, at present the Council cannot categorically state that the emerging Local Plan can be considered sound and consistent with the National Planning Policy Framework (2024) [as an emerging Local Plan being brought forward under the legacy system, it would be examined under the 2024 Framework]. 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

N/A

Officer's Analysis

Condition 9 of 20241000 states:

Prior to any above ground works taking place, an ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. It shall demonstrate how the site will enhance biodiversity through planting which will benefit pollinators, and/or native species planting and ecological enhancement features within the buildings and site. The details as approved, shall be implemented as approved and maintained thereafter.

Reason: To ensure no net loss of biodiversity in accordance with Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Condition 10 of 20241000 states:

Prior to any above ground works taking place, an ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. It shall demonstrate how the site will enhance biodiversity through planting which will benefit pollinators, and/or native species planting and ecological enhancement features within the buildings and site. The details as approved, shall be implemented as approved and maintained thereafter.

Reason: To ensure no net loss of biodiversity in accordance with Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

It is noted that conditions 9 and 10 are duplicated conditions. Therefore, the information submitted to address both are the same.

The submitted Ecological Enhancement Strategy dated 30 March 2026, sets out a range of measures to enhance biodiversity within the buildings and wider site. These include three integrated swift bricks within Plots 1–3, four hedgehog highways, two hedgehog houses and a sensitive external lighting strategy to protect nocturnal species and vegetated corridors.

The proposed landscaping includes native trees, shrubs, bulbs and hedgerows, together with nectar-rich herbaceous planting. The species would provide nectar and pollen for pollinators, as well as food, shelter, nesting opportunities and habitat connectivity for birds, invertebrates and small mammals.



The measures would be implemented during construction or before occupation, as appropriate. Planting would be subject to a five-year establishment period, including replacement of failures, while the ecological features would be periodically inspected, repaired or replaced where necessary and retained in perpetuity.

Accordingly, the submitted details demonstrate how biodiversity would be enhanced through native and pollinator-friendly planting and ecological features within the buildings and site, together with suitable arrangements for implementation and long-term maintenance. The requirements of duplicated Conditions 9 and 10 are therefore considered to have been met, and both conditions can be discharged.

Conclusion

The details provided fully address the requirements of conditions 9 and 10 of 20241000.

Recommendation

Conditions 9 and 10 attached to planning permission reference number 20241000 should be discharged in full.

(see draft Decision)

Case Officer:	Mrs Lisa Fisher	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	1st September 2026	Dated:	01 September 2026