



Delegated Report

Major Application

Application No:	20250258
Location:	Dering Industrial Park, Dering Way, Gravesend, Kent,
Description:	Application for variation of condition 2 attached to planning permission reference number 20160114 for change of use of land to Use Class B8 Storage and Distribution together with formation of new access road; to allow for changes to the scale and siting of the approved B8 use class Plots (A, B, C, D and E) informed by the current layouts of occupied Plots A and B, Re-siting the approved shared central roadway via the existing security gate adjacent to Plot B, the central roadway would now be shared solely by Plots B, C, D and E with Plot A retaining independent gated access from the approved access road, as built and some changes to the siting of installations within each plot (e.g. septic tank, refuse points, noticeboards) to better suit the proposed layout and some changes to the siting of slot drains and storm water attenuation sites to better suit the proposed layout.
Applicant:	Mr. Brian Cowland, Cowland Limited
Site Visit:	Desktop Assessment

Submitted Documents/Plans

- Application Form – dated 17 March 2025;
- Covering Letter by Langleys Chartered Surveyors (ref. DW/0325) – dated 17 March 2025;
- Supplementary Information – Submission Schedule (ref. DW/0325)
- Drawing no. DRAW/DW/0325/001 – Proposed Site Layout Plan
- Drawing no. DRAW/DW/0325/002 – Proposed Detailed Layout and Installation Plan;
- Drawing no. DRAW/DW/0325/003 – Proposed Surface Water Management Plan; and
- Drawing no. DRAW/DW/0325/004 – Access Road Technical Drawing.

Relevant Planning History

Reference	Description	Decision	Decision Date
20180988	Application for approval of condition 11 attached to planning permission reference no. 20160114 relating to the details of the sustainable surface water drainage scheme for the site.	APPROVAL OF DETAILS	01.11.2018
20160114	Change of use of land to Use Class B8 Storage and Distribution together with formation of new access road.	PERMITTED	19.07.2017
20151078	Application for the approval of conditions 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 attached to planning permission reference no. 20110473 relating to details of the means	WITHDRAWN	26.04.2016

	of construction of the vehicle access, scheme for the drainage of surface water, contaminated land assessment, code of construction practice (CoCP), strategy for enhancing local biodiversity, details of artificial lighting on site, details of hours of use of the site, provisions for the on-site storage of waste, travel plan and dust management plan.		
20110473	Change of use of land to Use Class B8 Storage and Distribution together with formation of new access road.	PERMITTED	21.01.2013 <i>EXPIRED</i> 21.01.2016

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS04 – Gravesend Riverside East and North East Gravesend
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

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
- Section 14 – Meeting the challenge of climate change, flooding and coastal change

Supplementary Planning Guidance

- 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

External Consultees

KCC Flood and Water Management – Kent County Council as Lead Local Flood Authority have reviewed the Proposed Surface Water Management Plan prepared by Langleys Chartered Surveyors (Mar 2025). As limited changes have occurred to the surface water drainage strategy and the design remains functionally similar to that previously approved, we would see no reason to object to the variation of Condition 2.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

28 April 2026 - Whilst we do not object in principle to the variation of condition 2, as noted in our previous responses, the changes to the siting of slot drains and storm water attenuation sites would likely require a new updated detailed design to vary the details and/or re-submission of the discharge of condition 11 to update those details. Given the application is part retrospective, it is unclear what has been implemented to date.

This will need to be produced by a competent drainage engineer and include updated detailed design drawings and amended calculations, utilising appropriate hydraulic modelling software, where the contributing areas to each part of the drainage network are altered by the change in layout. The information provided to date is not of sufficient detail to be accepted as a detailed design submission. No evidence has been provided to demonstrate that the proposed surface water drainage network operates in accordance with the requirements of Condition 11 or the principles of the detailed design approved under application reference 20180988.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

KCC Highways – I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway

authority.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

Southern Water – From reviewing the submitted documents, Southern Water is happy to discharge condition 2 (Approved Plans).

Environment Agency

30th October 2025

While we do not object in principle to the site's current/proposed use and the alteration to the site's layout, the current drainage information is conflicting with that provided with the parent application (ref. 20160114). We therefore object to this application until additional information is provided. This is in line with paragraph 187 of the National Planning Policy Framework.

Details around pollution prevention relating to surface water runoff and discharges is not clear/conflicting. In previously approved drainage plans, we understand that the proposals were for oil separators to be installed across site. The latest Flood Risk Assessment states in section 5.5 (Drainage and pollution control) that 'septic tanks' will be used to 'ensure surface water and tidal waters do not wash contaminants offsite'. While we appreciate the principles between separators and septic tanks are similar, there are differences, and the terminology should not be used interchangeably.

9th January 2026

We have no objection to the variation of condition 2.

In our previous response dated 30 October 2025 (ref. KT/2025/133004/01-L01) we requested for the applicant to clarify the surface water pollution prevention/mitigation on site, and how this conforms to/deviates from the previously approved strategy.

We note that within the updated Flood Risk Assessment REV 1, the applicant has clarified pollution and drainage control on site, and we are satisfied with the proposed measures. The updated information overcomes our previous objection.

Internal Consultees

GBC Environmental Protection – No comment with regards to this application.

Neighbouring properties

An advert was published in the Gravesend Messenger and a notice was displayed on site 03 April 2025.

In addition, twenty-eight surrounding properties were consulted and no representations were received.

A re-consultation took place of consultees following revised details being submitted. The final consultation period expired 01 May 2026.

Officer's Analysis

Proposal

This application seeks to vary condition 2 attached to planning permission ref 20160114, for the "*change of use of land to Use Class B8 Storage and Distribution together with formation of new access road*". According to the applicant the 2016 permission was implemented in 2018, through the commencement of groundworks.

The current application would enable changes to:

- the scale and siting of the approved B8 use class Plots (A, B, C, D and E);
- the re-siting of the approved shared central roadway;
- the siting of installations within each plot; and
- the siting of slot drains and storm water attenuation sites.

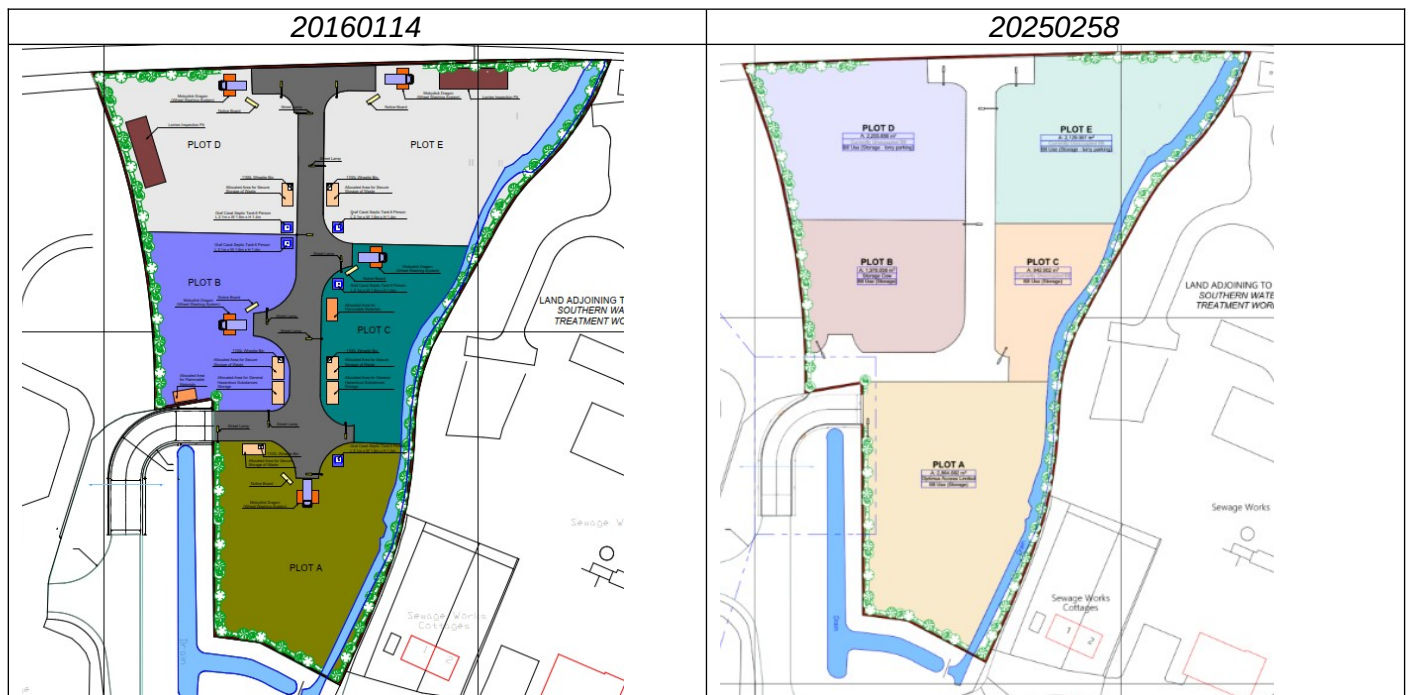
This application seeks to vary condition 2 (Approved Plans and Documents), with the following being replaced:

- DRAW/DW/0216/PLP
- DRAW/DW/0216/DET
- DRAW/DW/0216/SWDP
- DRAW/DW/0216/AR

All other documents and details are to remain unchanged, however an addendum to the approved documents is included within the submitted cover letter.

Design, Character and Appearance

This application seeks to amend the scale and siting of the approved B8 use plots. The size of each plot is subject to change, albeit some greater than others. The changes to the scale of the plots, access road and overall site layout are shown in the comparative screenshots below:

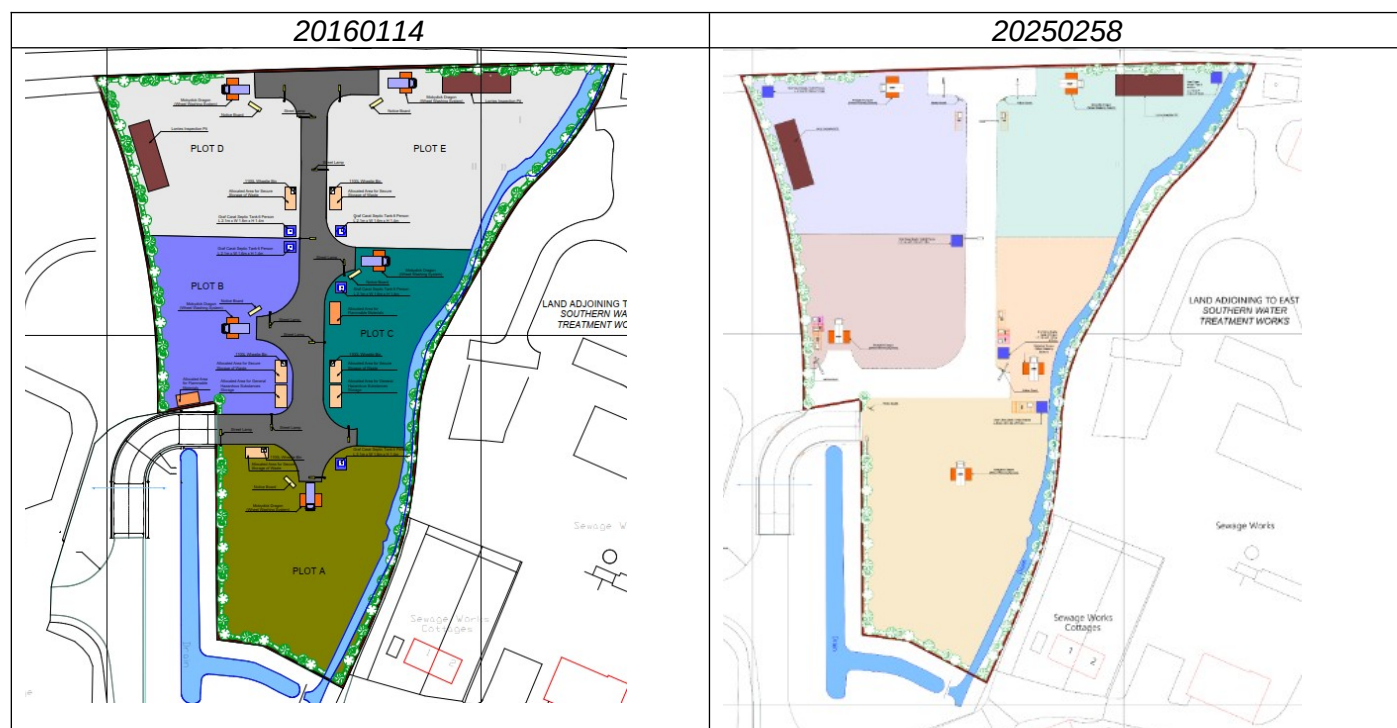


As shown in the images above, the plots have been altered as follows:

- Plot A being increased in size (approx. 692.78m²)
- Plot B being reduced in size (approx. 34.12m²)
- Plot C being reduced in size (approx. 423.9m²)
- Plot D being increased in size (approx. 300.5m²)
- Plot E being reduced in size (approx. 334.25m²)

It is considered that the changes to the plots would have a negligible impact on the character of the site. The industrial character would be unchanged and these changes are therefore considered acceptable.

Within each of the plots, the location of the proposed installations have been altered based on the new site layout. The installations relate to waste storage areas, wheel washing facilities, septic tanks, notice boards and lighting columns. Furthermore, the slot drain locations have been updated in response to the changes to the site layout. The changes to the location of the installations is shown in the images below.



The total number of installations within the site would be unchanged, given size and the nature of the installations their resisting would not harm the character of the site and would be in keeping with industrial nature of the site and its surroundings.

Neighbouring Amenity

Whilst there would be changes to the size of each of the plots, the total site area is unchanged, the use of the plots and hours of operation would be unchanged. Furthermore, the changes would not introduce any additional noise generating installations over what was originally approved, and the installations would remain sufficiently separated from surrounding premises. Given the nature of the changes proposed under this application it is unlikely there would be any materially worse impact on neighbours as the originally approved scheme.

Highways and Access

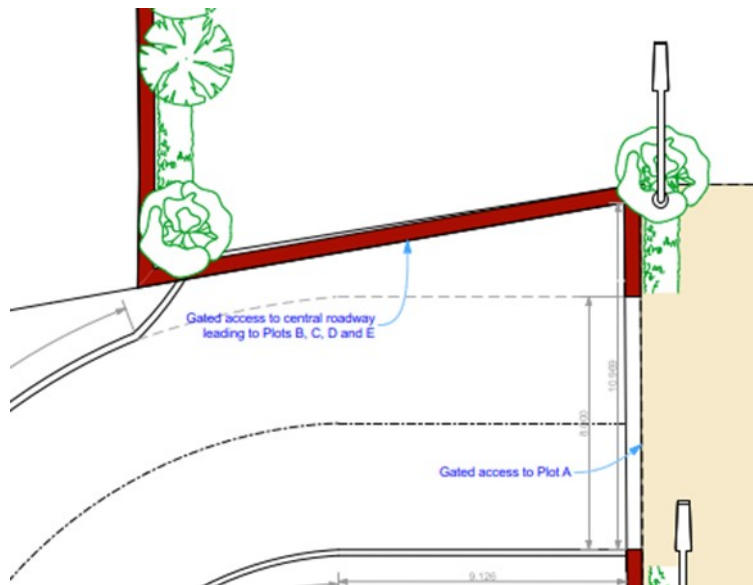
This application seeks to amend the access previously approved shared central roadway. The revised layout would re-site the central roadway via the existing security gate adjacent to Plot B, with the main roadway shared by Plots B, C, D and E. Plot A would retain its existing independent gated access.

The changes to the access are shown in the comparative screenshots below:

20160114	20250258
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The access to the shared roadway is to the north of the originally approved permission, and would run adjacent to Plot B as shown in the image below:



Kent County Council Highways have reviewed the proposal and raise no objection in highway terms. The proposed shared access road has the same width as the previous approval and therefore manoeuvrability is not compromised.

Overall, the re-sited access roadway is considered acceptable in accordance with local and national highway policy.

Any Other Material Planning Considerations

Flood and Surface Water

It is noted that condition 11 was originally imposed requiring a surface water drainage scheme to be submitted and approved. Under application 20180988, a surface water drainage scheme was approved for the site. Due to the changes proposed under this variation of condition application, the surface water drainage scheme cannot be implemented as approved. The Lead Local Flood Authority have been

consulted on this application and have provided the following comments.

Whilst we do not object in principle to the variation of condition 2, as noted in our previous responses, the changes to the siting of slot drains and storm water attenuation sites would likely require a new updated detailed design to vary the details and/or re-submission of the discharge of condition 11 to update those details. Given the application is part retrospective, it is unclear what has been implemented to date.

It is considered necessary to reimpose a condition requiring details of a new drainage scheme to be provided, the updated condition 11 will read as follows;

Notwithstanding the approved plans and details approved under application 20180988, no later than three months from the approval of this application, a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by the development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm event) can be accommodated within the curtilage of the site and disposed of at greenfield runoff rates without increasing flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The approved drainage scheme shall be implemented in full within six months of the approval of this application and shall thereafter be retained and maintained for the lifetime of the development.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

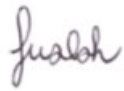
Conclusion

The proposed variation of condition 2 of planning permission 20160114 is considered acceptable subject to the reimposition of a condition requiring details of a drainage scheme to be submitted and approved.

Condition 1 will be removed as the works have commenced, whilst condition 2 will be updated to reflect the changes applied for, the changes to condition 2 will also reflect the changes to the approved documents which are set out within an addendum in the submitted cover letter. Condition 3 will be updated to reflect the updated drawings. The time frame in condition 21 has been updated. The original remaining conditions will be reattached to the permission.

Recommendation

Vary conditions 2 and 11.

Case Officer:	Mr Ade Lawal	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	5th August 2026	Dated:	10 August 2026