



Delegated Report

Non-material amendment

Planning Application No: 20211333

Location: Former Bailiffs Cottage Lower Higham Road Gravesend Kent

Description: Application for non-material amendment to planning permission reference number 20160092 approved on 01.09.2017 and discharge of conditions planning permission 20190687 approved of on 23.04.2020, which included Condition 11 Landscaping, to allow; changes to the condition as Quercus Rubor trees can no longer be imported. 2no trees thus specified (north west and south east corners) have been amended for those already approved elsewhere on the site. Regarding the hard landscaping, the proposed pathway and inner road finishes are as shown on the accompanying drawing 6870-L101B.

Applicant: Sue Kent

Site Visit Date: None, desktop assessment

Submitted Documents/Plans

Non-material amendment application form;
Drawing no. 6780-L101C Landscaping detail; and
Drawing no. 6780-C-110 Proposed site plan.

Relevant Planning History

<u>Application No.</u>	<u>Description</u>	<u>Status</u>	<u>Decision</u>
20160092	Demolition of existing dwelling and the erection of 3no. four bedroom houses and 8no. three bedroom houses, with associated amenities and parking.	Permitted	01.09.2017
20190117	Application for approval of conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 attached to planning permission reference number 20160092.	Refused	25.06.2019
20190687	***REVISED DETAILS*** Application for the approval of conditions 3, 4, 6, 9, 10, 11, 12 and 13 attached to planning permission reference number 20160092.	Approved	23.04.2020
20190691	Application for the approval of	Approved	30.08.2019

condition 6 attached to planning permission reference number 20160092 relating to a scheme for sustainable surface water drainage.

20190832	***REVISED DETAILS*** Application for the approval of conditions 5, 7 and 8 attached to planning permission reference number 20160092 relating to a Phase 1 Habitat Survey and Mitigation and enhancement Strategy for wildlife both during and post construction, a scheme taking into account noise levels due to the adjacent air conditioning plant at North Kent College and the applicant, their agents or successors in title, has secured the implementation of a programme of building recording for the 'The Cottage' in accordance with a written specification and timetable.	Approved	23.04.2020
20210133	Application for non-material amendment to planning permission reference number 20190687 to change the terracotta roof and vertical wall-hanging tiles to similar products by a different manufacturer.	Approved	11.02.2021
20210411	Application for non-material amendment to planning permission reference number 20190687 to allow a change in specification of brickwork due to non-availability.	Approved	23.04.2021

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
- CS20 - Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- TC2 - Policy for Listed Buildings
- TC7 – Other Archaeological Sites

Paragraph 33 of the NPPF (2021) 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 (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and 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)

Consultations, Publicity and Representations

GBC - Highways Officer

I have no objections to the proposed materials, the roadway and parking areas will be constructed from permeable materials.

Neighbouring properties

As a non-material amendment to an existing planning permission, there is no statutory requirement to publicise the application to neighbours. However one representation has been received and is summarised as follows;

- The applicant appears to be trying to source stock, that of *Quercus rubor* (Common Oak) tree saplings by import means. The applicant in our view seems unaware of the Government restrictions applied to the importation of trees into the UK. Evidence shows there are adequate supplies and several suppliers based in this country readily available to source the *Quercus rubor* (Common Oak) stock from local provenance
- The attached drawing plan 6780-L101c Landscaping detail contains no reference to *Quercus robur*. The application refers to 2no trees thus specified on north-west and south-east corners. Although these trees are not indicated on the drawing.
- Due to the unauthorised site clearance of trees before the discharge of condition 5 attached to planning permission 20190687, we are minded to recommend the planting of native species of tree including *Quercus rubor* (Common oak) and to source native stock by local provenance.

Officer's Analysis

Background

Planning permission was granted (under reference 20160092) for the demolition of an existing dwelling and the erection of 3 no. four bedroom houses and 8 no. three bedroom houses, with associated amenities and parking on 01 September 2017. The proposed development has been subject to two previous non-material amendment applications and all conditions attached to the original planning permission have been discharged. Discharge of condition application 20190687 was approved on 23 April 2020 and included (amongst other things) hard and soft landscaping details.

Procedure

The procedure for allowing the consideration of non-material amendments is included in s.96A of the Town and Country Planning Act 1990 (as amended). An important consideration in determining this application is

whether or not the proposed amendments would constitute a form of development that may be reasoned to be a non-material amendment in the context of the previously approved scheme, such that a separate application for planning permission need not be required.

The current application seeks a non-material amendment to planning permission reference 20160092 and discharge of condition application 20190687 to change the species of two trees (located in the north western and south eastern corners of the site) from two Quercus Rubor to one Carpinus betulus and one Sorbus aria 'Lutescens' and to amend the proposed pathway/parking areas and inner road finishes as set out below;

Paths: from Marshall Mistral paving (silver grey coloured) to Brett Lugano paving (graphite grey coloured)
Parking areas: from Marshall Mistral paving (charcoal coloured) with two rows of silver grey blocks demarcating the spaces to Brett Lugano Flow (misty grey) with two rows of graphite grey blocks demarcating the spaces.
Inner road: from Marshall Mistral paving (silver grey) to Brett Lugano Flow (misty grey)

It is considered that these amendments would not be material in the context of the previously approved scheme and as such, they can be determined under Section 96A of the Town and Country Planning Act 1990 (as amended).

Hard Surfacing Amendment

The proposed hard surfacing materials would differentiate between the pavement and parking areas and between the inner roadway and parking areas and would be in keeping with the surrounding development. The materials would be permeable and therefore be appropriate in terms of surface water drainage. No objection has been raised by the GBC Highways Officer. Therefore the proposed amendments to the hard surfacing materials would be acceptable and be in line with Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Tree Planting Amendment

The applicant has set out that the proposed Quercus Rubor trees can no longer be imported into Britain because they are subject to tree infection. The Carpinus betulus tree is a similar sized replacement, which is native to the UK. The Sorbus aria 'Lutescens' tree is a smaller tree, which is not native to the UK but it is noted that this species has already been accepted as part of the soft landscaping scheme at the application site. Therefore the proposed amendments to the tree planting would be acceptable in terms of visual amenity and biodiversity and be in line with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

It is noted that a local resident has raised concerns about the use of imported Quercus rubor trees and highlighted that the submitted drawing does not refer to these trees. However it would appear that the local resident has misunderstood the application details in these respects.

The local resident also seeks the planting of native Quercus rubor trees, sourced locally, rather than them being imported. It is noted that this would be an acceptable alternative to the proposed scheme. However as set out above, the proposed replacement trees are either native or previously accepted species at the application site. Therefore it is not considered necessary to require such an amendment to the proposal.

Conclusion & Recommendation

The proposed amendments would be non-material changes to the proposed development granted under planning permission reference 20160092 and discharge of condition application 20190687.

The amendments to the proposed hard surfacing and tree planting would be acceptable in terms of visual amenity, highway safety and biodiversity and would be in line with Policies CS11, CS12 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Therefore the non-material amendments set out in the application can be approved.

(For detailed informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:	K Joyce	Signed:	
Dated:	23rd November 2021	Dated:	23 November 2021