



Delegated Report

Discharge of Conditions

Planning Application No: 20260402

Location: 1 Gabriel Gardens Gravesend Kent DA12 4QD

Description: Application for the approval of condition 3 (Hard and Soft Landscaping), condition 4 (Climate Change), condition 5 (Biodiversity Enhancement Plan), condition 6 (Refuse Storage) and condition 7 (Cycle Storage) attached to planning reference number 20260222.

Applicant: Mr & Mrs Usher

Site Visit Date: None (desktop assessment)

Submitted Documents/Plans

Application form for approval of details reserved by condition;
Drawing no. 211C landscaping details;
Schedule to accompany drawing no. 211 (revision A);
Solar panel system details;
Solar hybrid inverter specifications;
Solar panel specifications;
Solar panel technical project details; and
Email from the agent received 21 July 2026.

Submitted Documents/Plans

Drawing no. 211A landscaping details; and
Schedule to accompany drawing no. 211A.

Procedural Issues

In line with responses from consultees and a request from the case officer, the landscaping details were amended to remove a non-native species and to ensure that a low growing species was located adjacent to the proposed parking space. Furthermore, additional information was submitted regarding the proposed solar panels. Because the amendments accord with consultee comments, no additional consultations have been undertaken.

Relevant Planning History

Reference	Description	Decision	Decision Date
20260222	Application for variation of condition 2 (Approved Plans) attached to planning permission reference number 20250180 for Erection of a new two storey dwelling attached to existing dwelling with associated works. Erection of front porch and creation of vehicular crossover to existing dwelling; to allow erection of single storey side	Permitted	23.04.2026

	extension		
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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
- T1 – Impact of Development on 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
- SPG 4 – KCC Parking Standards (2006)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- 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

KCC Biodiversity Officer

Final response;

The agent is correct it would be unlikely that a bat box between windows would be utilised. Apologies for not spotting that the relevant elevation was the rear one with the windows.

As a bat box is impractical, I would be happy for the condition to be discharged without it, other measures have been included (2 swift bricks and pollinator friendly planting). I think this is sufficient in this case.

As suggested earlier perhaps the addition of a small native tree in the corner of the garden would be an added good measure.

Second response:

The best option, in the absence of a S or SE aspect is an east facing bat box. Or an alternative enhancement would be to plant a tree(s) in the garden. We would be happy with either and if they confirm their chosen option to you, we do not further consultation.

Initial response:

We have reviewed the information for the discharge of condition 5 Biodiversity enhancement plan. We note that the 2 swift bricks are stated to be built into the gable wall, which is appropriate as it faces north. The soft landscape plan includes honeysuckle climbing plants which is valuable for pollinators.

However, it also states the bat box will be on the north facing gable wall which is a suitable height but an incorrect aspect for a bat box. It needs to face south to south east.

We consider that if the applicant confirms to the LPA that a bat box will be installed to face south on the building that we are satisfied that the condition can be discharged and we do not need to be further consulted for condition 5.

We remind the applicant that condition 9 will require evidence of implementation of these biodiversity enhancement features.

GBC Horticultural

Second response:

For a low maintenance hedge in the UK, I would consider native and slow growing deciduous plants like Beech, Hornbeam, Field Maple, Hawthorn, and Flowering Quince

These would give greater species variety for potential nesting birds and remove monoculture.

Equally on the front boundary suggest flowering options that would be more aesthetically pleasing and improved for pollinators, like lavender for example.

Initial response;

I am concerned that the landscaping introduces non-native hedgerow (Portuguese Laurels) into the environment and there is minimal positive habitat for wildlife, especially that the mature (25+ year old) trees have been stripped from the rear garden, within the past 5 years.

I am also concerned that there is minimal water mitigation to the surrounding area and the property with the increase of hardstanding and a reduction of natural soakaway by 63%

GBC Waste & Recycling Manager

I have reviewed the planning application and confirm I am happy with the waste & recycling storage provision.

Officer's Analysis

Planning permission reference 20260222 was granted for a variation of condition 2 (approved plans) attached to planning permission reference number 20250180 (for the erection of a new two storey dwelling attached to existing dwelling with associated works; the erection of a front porch and the creation of a vehicular crossover to the existing dwelling) to allow the erection of a single storey side extension. This application seeks to discharge conditions 3, 4, 5, 6 and 7 of planning permission 20260222.

Condition 3 reads as follows;

3. Prior to the commencement of works above slab level, a scheme detailing the proposed hard and soft landscaping associated with the development shall be submitted to and approved, in writing, by the Local Planning Authority. The details shall include:

- (i) the type and species of planting to be carried out to include their quantity and size;*
- (ii) a timetable for implementation;*
- (iii) details of initial aftercare, long term maintenance and details for monitoring and remedial measures; and*
- (iv) the materials for all areas of hardstanding.*

The approved landscaping scheme shall thereafter be implemented in accordance with the approved timetable and maintained in accordance with the approved details. Any trees or plants that die, are damaged, removed or become diseased within five years from the date of planting shall be replaced with a species of a similar size and species during the next available planting season.

Reason: To ensure an acceptable standard of development upon completion through provision and long term management of soft landscaping in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014.

The submitted details include a planting scheme with turf and native species, a planting schedule and maintenance information. The frontage parking area would be surfaced with charcoal paving blocks and the rear paving area with ivory beige porcelain paving slabs, both installed on a permeable sub base.

It is noted that the proposed planting is in line with the guidance provided by GBC Horticulture. The proposed planting would soften the proposed built development and improve biodiversity. Although the lavender planting on the site frontage would ideally be kept to a maximum height of 0.6 metres, to protect pedestrian visibility for users of the new parking space, provided that it is managed as set out in the application details, then there would be no significant adverse impacts highway safety.

The proposed hard surfacing would be visually appropriate and would not lead to excessive surface water

run off.

Overall, the submitted details are acceptable and provide sufficient information to satisfy the requirements of condition 3.

Condition 4 reads as follows;

4. Prior to the commencement of works above slab level, details of measures to reduce the adverse impacts of climate change (such as the provision of electric vehicle charging points and energy and water saving proposals) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory standard of development in accordance with Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy September 2014.

The submitted details show the installation of eight solar panels on the rear roof slope, an electric vehicle charging point on the side elevation of the proposed porch, rainwater butts at the front and rear of the building and a combi boiler and radiators fitted with thermostatic controls within the building. These features would save water and energy and would help to reduce the impacts of climate change. In addition, the features would not look out of character with the proposed building or its surroundings. As such, the submitted details are acceptable and provide sufficient information to satisfy the requirements of condition 4.

Condition 5 reads as follows;

5. Prior to the commencement of works above slab level, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include full details of biodiversity enhancements based on recommendations from the Preliminary Ecological Appraisal (KB Ecology, July 25). The approved plan shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity in accordance with Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

The submitted details show the provision of two integrated swift bricks built into the gable wall of the proposed dwelling, a bat box fitted to the north facing gable wall and pollinator friendly planting in the soft landscaping scheme (lavender).

Following discussions with the KCC Biodiversity Officer regarding the location of the proposed bat box, it is noted that a north facing aspect would not be appropriate. However, due to the design of the proposed dwelling, the siting of a bat box on an elevation with a more appropriate aspect, would not be likely to lead to it being utilised. Notwithstanding this, applicant has confirmed that a bat box will be fitted on the northern gable wall. Because the KCC Biodiversity Officer has accepted the BEP without the bat box, it is considered that the proposal would sufficiently enhance biodiversity at the application site. Therefore, the submitted details are acceptable and provide sufficient information to satisfy the requirements of condition 5.

In line with the suggestion of the KCC Biodiversity Officer, the applicant can be reminded of the need to discharge condition 9 (photographic evidence of the implementation of the approved biodiversity enhancement measures) of planning permission 20260222, within 12 months of the first use of the dwelling, in an informative attached to this decision.

Condition 6 reads as follows;

6. Prior to the first occupation of the development hereby permitted, details of the means for storing refuse for the new dwelling shall be submitted to and approved, in writing by the Local Planning

Authority. The approved refuse storage facilities shall be provided before the development hereby permitted is first occupied and thereafter retained at all times.

Reason: In the interests of visual and residential amenity and in line with Policy CS19 of the Gravesham Local Plan Core Strategy September 2014.

The submitted details show a timber refuse store located in the rear garden, which could accommodate two wheelie bins. The GBC Waste & Recycling Manager has indicated that the proposed refuse provision would be adequate. It is considered that the structure would be appropriate in terms of visual amenity. As such, the submitted details are acceptable and provide sufficient information to satisfy the requirements of condition 6.

Condition 7 reads as follows;

7. Prior to the first occupation of the development hereby permitted, details of secure and weatherproof cycle storage for two cycles for the new dwelling shall be submitted to and approved, in writing, by the Local Planning Authority. The approved cycle storage shall be provided before the development hereby permitted is first occupied and thereafter retained at all times.

Reason: To ensure adequate cycle storage provision at the application site and in accordance with Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy (2014).

The submitted details show a timber shed located in the rear garden with dimensions of 1.8 metres by 2.4 metres, which could accommodate two cycles. Such an outbuilding is commonplace in the surrounding urban environment and would be appropriate in terms of visual amenity. As such, the submitted details are acceptable and provide sufficient information to satisfy the requirements of condition 7.

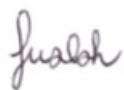
Conclusion

The submitted details provide sufficient information to satisfy the requirements of conditions 3, 4, 5, 6 and 7 of planning permission 20260222. Therefore, these conditions have been addressed in their entirety and can be discharged.

Recommendation

Conditions 3, 4, 5, 6 and 7 of planning permission 20260222 can be discharged.

(For details and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	30 July 2026	Dated:	31 July 2026