



Delegated Report

Discharge of Condition

Planning Application No: 20260355

Location: Northfleet School For Girls Hall Road Northfleet Gravesend

Description: Application for the approval of condition 3 (sustainable surface water drainage scheme) attached to planning reference number 20250028.

Applicant: Mrs Kacey Leigh

Site Visit Date: None (desktop assessment)

Submitted Documents/Plans

Application form for approval of details reserved by condition;
Drainage Strategy Revision C January 2026;
Technical note with maintenance requirements April 2026;
Drawing no. FRA03 Rev. D Proposed drainage strategy;
Letter from the agent dated 31 March 2026;
Email from the agent received 30 April 2026;
Email from the agent received 15 May 2026; and
Email from the agent received 28 May 2026.

Superseded Documents/Plans

Draft community use agreement received 03 April 2026;
Draft community use agreement received 05 May 2026; and
Technical note with maintenance requirements March 2026.

Procedural Issues

The original application included the discharge of condition 5 (community use agreement) of planning permission 20250028. However, following an email from the agent received on 15 May 2026, this was removed from the application.

In an email received on 28 May 2026, the agent clarified that drawing no. FRA03 Rev. D (proposed drainage strategy) accompanies the revised technical note (April 2026) and that the only update to the overall drainage strategy (as set out in the Drainage Strategy Revision C January 2026) is the inclusion of a microfilter.

Relevant Planning History

Reference	Description	Decision	Decision Date
20250028	Construction of floodlit synthetic turf pitch with perimeter fencing, acoustic fencing, spectator areas and access paths; installation of flood lighting around existing Multi Use Games Area (MUGA); installation of storage	Permitted	05.12.2025

	container; and formation of landscaped bund.		
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Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- 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

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

GBC - Environmental Protection Team (Regulatory Services)

Second Response:

It's noted that the hours of use in the draft community use agreement have been revised as advised in the response dated 13 April 2026. The hours are now in line with Condition 15. This is acceptable and there is no objection to condition 5 being discharged.

Original Response:

Condition 3 (SUDS) does not fall within Environmental Protection's remit – no comments.

Condition 5 (community use agreement) - the hours of use in the draft agreement do not match up with the hours of use as per Condition 15 of the Decision Notice. The approved hours are:

08:00 to 21.30 on Mondays to Fridays,

09.00 and 21.30 on Saturdays and

09.00 and 18.00 on Sundays and Bank Holidays

The community use agreement states that the hours will run until 21:30 in the school holidays. This needs to be amended so that the hours are in accordance with Condition 15. The Bank Holiday times in given Condition 15 also need to be referred to for both term time and school holiday community use (09:00 to 18:00).

It is also advised that the Community Use Agreement refers to Condition 11 – Noise Management Plan.

GBC Leisure, Arts & Culture Manager

While there are no comments to make in relation to the approval of condition 3 we are supportive of the Community Use Agreement (condition 5) that has been provided, which was developed in consultation with Officers from the Leisure Team at Gravesham Borough Council.

KCC - Flood & Water Management

Second Response:

Kent County Council as Lead Local Flood Authority have the following comments:

We note the updated proposals to include a micro mesh filter chamber, which is also added into the proposed maintenance details. We have no objection to the revised details and therefore we can recommend condition 3 is discharged.

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.

Original Response:

Kent County Council as Lead Local Flood Authority have the following comments:

We have reviewed the updated drainage strategy submitted pursuant to the discharge of condition 3 and can confirm that we have no objection to the condition being discharged.

We have no comments to make regarding the discharge of condition 5 as this is outside of our remit as a statutory consultee.

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 & Transportation

I refer to the above planning application and consider that there are no highway implications associated with the proposals.

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.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Further guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

Environment Agency

Second Response:

As part of this consultation, we have reviewed the following documents:

- Drainage Strategy (ref. R-DS-28616-01-C, dated 16 January 2026, by JPP)
- Proposed Drainage Strategy (drawing ref. FRA03 rev D, dated 15 April 2026, by JPP)
- Maintenance Requirements (ref. R-TBN-28616-01-A, dated April 2026, by JPP)

We have no objection to the discharge of conditions 3.

Our understanding is that a detailed drainage system has been presented with criteria for climate change adjustments. Maintenance has been stated will be taken on by Northfleet School For Girls when completed.

Please note condition 5 relates to matters outside pour remit we therefore have no comments on its discharge.

Please note that our comments are based on the details available to us at the time of writing. If any subsequent changes are made to the application, please reconsult us.

In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Original Response:

As part of this consultation, we have reviewed the following documents:

- Drainage Strategy (ref. R-DS-28616-01-C, dated 16 January 2026, by JPP)
- Maintenance Requirements (ref. R-TBN-28616-01-0, dated March 2026, by JPP)

We have no objection to the discharge of conditions 3.

Our understanding is that a detailed drainage system has been presented with criteria for climate change adjustments. Maintenance has been stated will be taken on by Northfleet School For Girls when completed.

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In accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Southern Water

Second Response:

Following a review of the documents submitted Southern Water has no objections to the discharge of Condition 3 (sustainable surface water drainage scheme).

We do not have any comments on Condition 5 (a community use agreement) as this does not relate to the drainage.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction work, an investigation of the sewer will be required to ascertain its ownership before any works commence on site. If this happens, please call our Customer Service Desk on 0330 303 0119

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119)

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Original Response:

Following a review of the document submitted, Southern Water has no objections to the discharge of condition 3 (sustainable surface water drainage scheme).

We do not have any comments on Condition 5 (A community use agreement).

Sport England

Thank you for consulting Sport England in respect of the details submitted under the above planning reference to discharge condition 3 (sustainable surface water drainage scheme) and 5 (a community use agreement) attached to planning reference number 20250028.

We note that we were both sent additional information/clarification from the agent Bob Froud on Wednesday 15th April 2026. We have reviewed all the information submitted in support of the discharge of the conditions.

Sport England's Position:

Sport England raises no objection to conditions condition 3 (sustainable surface water drainage scheme) and 5 (a community use agreement) being discharged on the basis of implementation in line with the submitted details.

Officer's Analysis

Planning permission reference 20250028 was granted for the construction of a floodlit synthetic turf pitch with perimeter fencing, acoustic fencing, spectator areas and access paths; the installation of flood lighting around the existing Multi Use Games Area (MUGA); the installation of a storage container; and the formation of a landscaped bund at the application site. This application seeks to discharge condition 3 of that permission.

Condition 3 reads as follows;

3. Prior to the commencement of the development, 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 this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- appropriate operational, maintenance and access requirements for each drainage feature or Sustainable Drainage Systems (SuDS) component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

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 or off site flooding and in accordance with Policy CS18 of the Gravesham Local Plan Core Strategy (2014).

The submitted details provide sufficient information to satisfy the requirements of condition 3. No

objections have been raised by KCC Flood & Water Management, Southern Water, the Environment agency or Sport England. Therefore, this condition has been addressed in its entirety and can be discharged.

The comments of Southern Water regarding a public sewer and the guidance provided by KCC Highways & Transportation can be brought to the attention of the applicant in informatives attached to the decision.

Conclusion

The submitted details are acceptable.

Recommendation

Condition 3 of planning permission reference 20250028 can be discharged.

(For details and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
Signed:	<i>K Joyce</i>	Signed:	<i>R Hart</i>
Dated:	29th May 2026	Dated:	29th May 2026