



Delegated Report

Variation of Condition Application

Planning Application No: 20250903

Location: 9 Spring Grove Gravesend Kent DA12 1LL

Description: Application for variation of condition 2 and 8 attached to planning permission reference number 20200314 for demolition of existing dwelling and garage and erection of 3no four bedroom terraced dwellings; to replace Drawing Nos. SG/101 Revision B - Proposed Site Plan and SG/101 Revision C - Proposed Site Plan with Drawing No. SG/101 Revision D - Proposed Site Plan.

Applicant: Mr Jason Lay

Site Visit Date: 3rd November 2025

Submitted Documents/Plans

Planning Application Form; and
Drawing No. SG/101 Rev D – Proposed Site Plan.

Relevant Planning History

Reference	Description	Decision	Decision Date
20211222	Application for approval of condition 8 attached to planning permission reference number 20200314 relating to a hard and soft landscaping scheme.	Approval of Details	26.11.2021
20200314	Demolition of existing dwelling and garage and erection of 3no four bedroom terraced dwellings.	Permitted	17.07.2020

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

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
- Technical Housing Standards – Nationally Described Space Standard (2015)
- SPG 4 – KCC Parking Standards (2006)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)

Consultations, Publicity and Representations

Neighbouring properties

17 surrounding properties were consulted with an overall consultation expiry date of 8th October 2025. No comments have been received.

Officer's Analysis

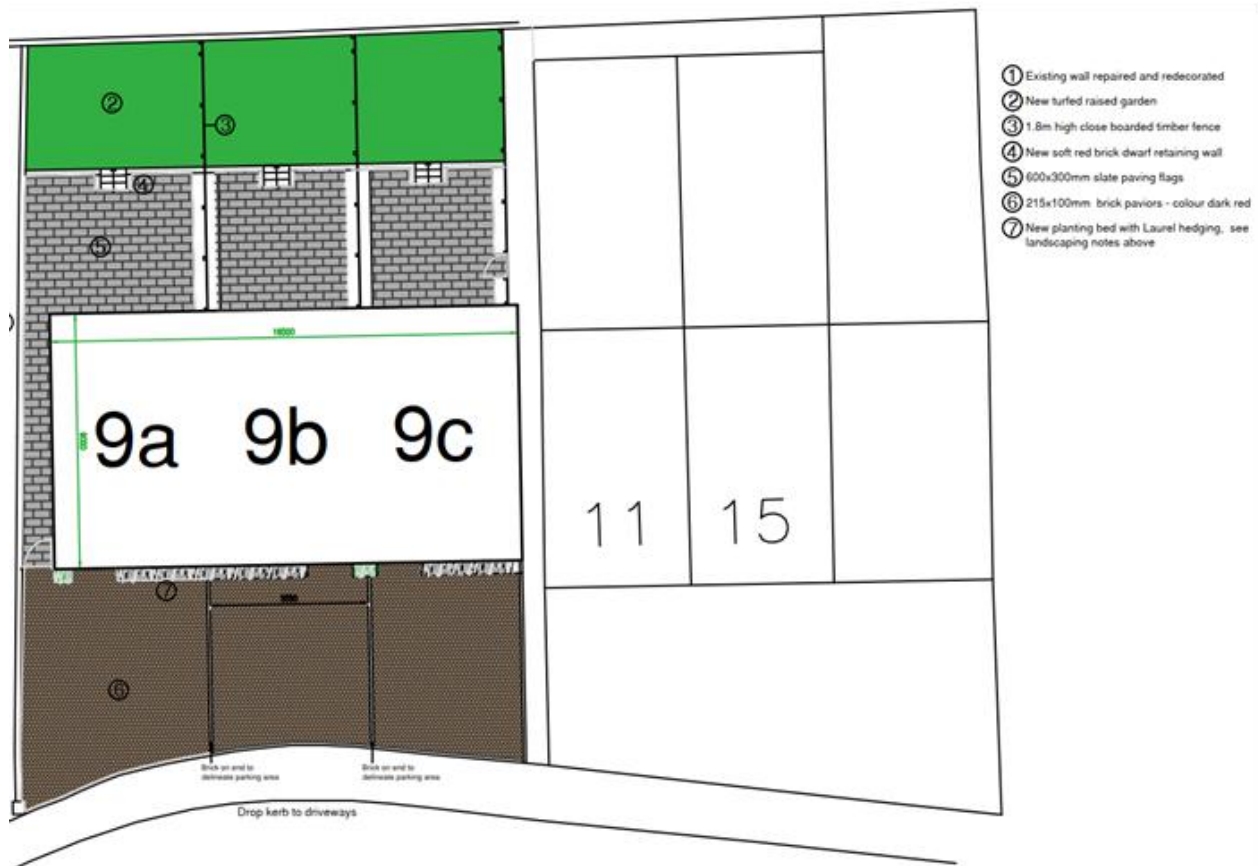
Procedural Note

This application relates to Conditions 2 and 8 of planning permission reference 20200314 for the *demolition of existing dwelling and garage and erection of 3no four bedroom terraced dwellings*. The proposed variation is to replace Drawing Nos. SG/101 Revision B - Proposed Site Plan and SG/101 Revision C - Proposed Site Plan with Drawing No. SG/101 Revision D - Proposed Site Plan. This amendment would allow for the change of the front driveway materials from dark red brick pavers to black tarmac. It must also be noted that, as the above planning history shows, Condition 8 was subject to an Approval of Details application (App. Ref. 20211222) which refers to Drawing No. SG/101 Rev C – Proposed Site Plan which approved the use of the dark red brick pavers as detailed within the submitted plan (Drawing No. SG1/101 Rev C – Proposed Site Plan). Therefore, if this current application for variation of condition were approved, the approval of details application with reference 20211222, would also need to be varied. This is shown in the following images;

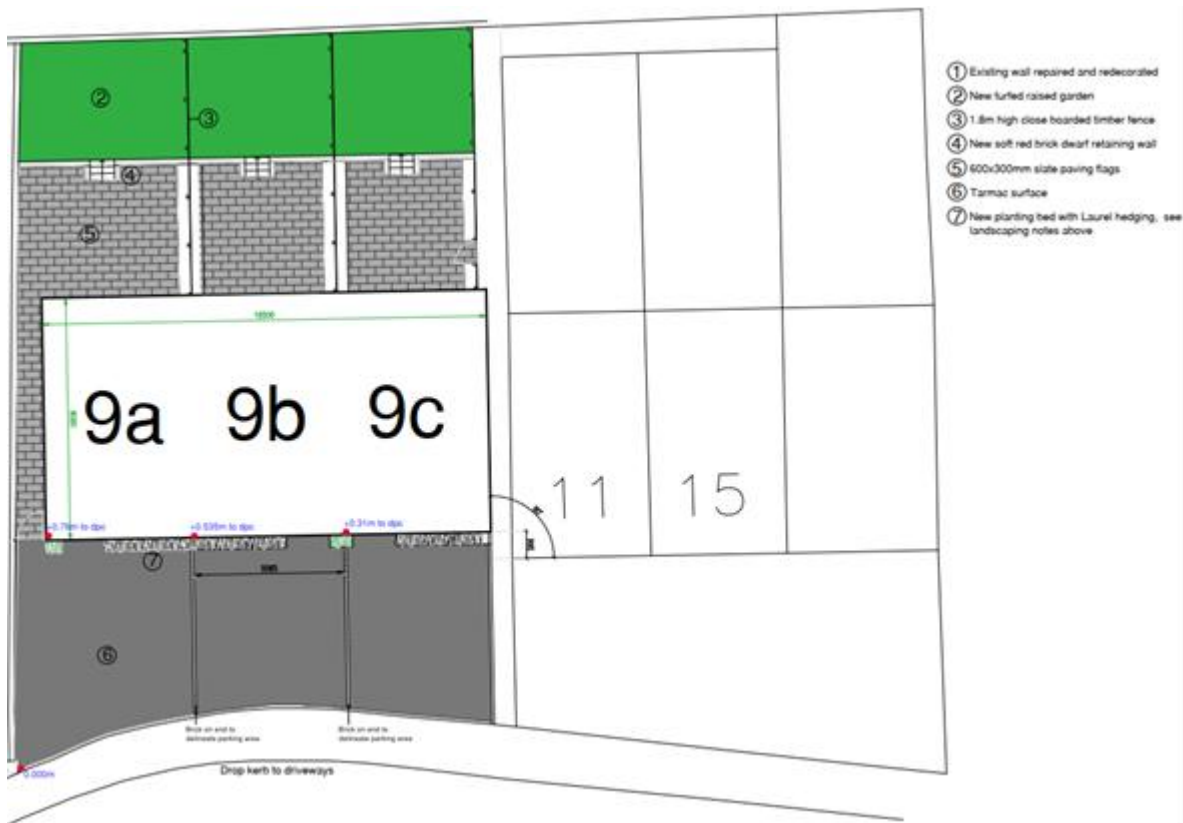
20200314 *Approved Proposed Site Plan (Drawing No. SG/101 Rev B)*



20211222 Approved Proposed Site Plan (Drawing No. SG/101 Rev C)



Current Application Proposed Site Plan (Drawing No. SG/101 Rev D)



Despite this procedural issue, the assessment of this current application will be the same.

Conditions 2 and 8

Condition 2 of 20200314 states:

2. *The development hereby approved shall be carried out in accordance with the following schedule of approved plans:*

*Application Form Dated 21 March 2020;
Design and Access Statement March 2020;
Drawing no. SG/001 (Site Location Plan);
Drawing no. SG/002 (Existing Site Plan);
Drawing no. SG/101 Revision B (Proposed Site Plan) REVISED;
Drawing no. SG/102 Revision D (Proposed Floorplans, Elevations and Roof Plan) REVISED;
Drawing no. SG/103 (Proposed Site Section); and
Drawing no. SG/104 Revision C (Proposed Street Scene) REVISED.*

Reason *For the avoidance of doubt and in the interest of proper planning.*

Condition 8 of 20200314 states:

8. *Prior to the commencement of above ground works a plan shall be submitted to the Local Planning Authority for approval showing a scheme of landscaping (hard and soft). All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Authority gives written consent to any variation.*

Reason *To protect and enhance the appearance and character of the site and locality in accordance with Policy CS19 of the Core Strategy and para. 127 of the NPPF 2019.*

The proposal is to vary these conditions to replace Drawing No. SG/101 Rev C – Proposed Site Plan, with Drawing No. SG/101 Rev D – Proposed Site Plan.

This amendment would allow for the change of the proposed dark red brick pavers to black tarmac in order to regularise the retrospective use of tarmac on the front driveway which has been the result of a recent enforcement enquiry.

Design, Character and Appearance

The application site is No. 9 Spring Grove, Gravesend which prior to the current development, was a detached bungalow with large front garden, access gates and driveway. The recent development saw the demolition of this property and the erection a terrace block of 3no. three storey town houses with front parking.

May 2018 Streetscene



Current Streetscene



The area is residential in nature with a mixture of property design. The majority of the properties have driveways to the front which have predominantly used block paving. The property directly opposite has red brick pavers with a charcoal edge.

In terms of visual amenity, the approved dark red brick pavers were considered as an appropriate material to respect the streetscene and character as a whole. The black tarmac is a stark contrast to other materials used for front parking areas within the immediate and surrounding area. The purpose of the imposition of Condition 8, as laid out above, *is to protect and enhance the appearance and character of the site and locality in accordance with Policy CS19 of the Core Strategy and para. 127 of the NPPF 2019.* (Paragraph 127 of the 2019 NPPF, has been superseded by paragraph 135 of the NPPF (2024)). The proposal to replace the dark red brick pavers with black tarmac would contravene the reasons for the imposition of Condition 8. It is therefore considered that the proposed amendment to the use of tarmac would result in a detrimental impact on the visual amenity of the streetscene and character of the area, contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Paragraph 135 of the National Planning Policy Framework (2024).

In addition to the visual amenity, comments from the GBC's Highway Officer in relation to the approval of details application (App. Ref. 20211222) states;

The information provided is inadequate. The hard standing to the front of the properties needs to be constructed from a bound permeable paving to ensure no surface water discharges onto the highway and there is no need for soakaways as this would not conform to building regulations. (Soakaways are not permitted within 5 metres of a dwelling or the highway).

Taking into consideration the change in land levels, together with the gradient of the driveways, there is likely to be a large amount of surface water runoff, which the ACO drains and soakaway that are currently there would unlikely be sufficient to cope with without the use of permeable materials. Therefore, the use of tarmac, which is not permeable, together with the use of soakaways at the front of the driveways directly contravenes the advice given from the GBC's Highways Officer, together with a breach of national building regulations (as adopted by KCC Highways), which states that soakaways are not permitted within 5m of a dwelling or highway. The proposed variation of condition application to allow the use of tarmac would directly contravene the purposes of Condition 8 which requires parking areas to be made of bound permeable surface to ensure there is no surface water run-off. It is therefore considered that the proposed amendment would not function well or add to the overall quality of the

area, contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Paragraph 135 of the National Planning Policy Framework (2024).

Amenity

The NPPF (2024) states that planning decisions should aim to secure a high standard of amenity for all existing and future users. The impact on amenity is also considered with regard to the criteria with Policy CS19 of the Core Strategy, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land.

The proposed variation of condition application is limited to the use of materials of the front driveways and therefore would have no impact on occupier or neighbouring amenity.

The development would therefore be in accordance with Policy CS19 of the Local Plan Core Strategy (2014) and Section 12 of the NPPF (2024).

Highways and Parking

The proposal relates to the materials of the front driveways. The layout, means of access and visibility splays have not altered and therefore there would be no detriment impact on highway safety or parking provision.

The proposal would therefore be in accordance with saved Policies T1 and P3 of the Local Plan First Review 1994 and Policy CS11 of the Local Plan Core Strategy (2014).

Conclusion and Recommendation

The proposed change of materials from dark red brick pavers to black tarmac directly contravene the purposes of Condition 8 of 20200314, resulting in a detrimental impact on the visual amenity of the streetscene and character of the area, contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Paragraph 135 of the National Planning Policy Framework (2024).

The proposed variation of condition application to allow the use of tarmac would directly contravene the purposes of Condition 8, which requires parking areas to be made of bound permeable surface to ensure there is no surface water run-off. It is therefore considered that the proposed amendment would not function well or add to the overall quality of the area. The development would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Paragraph 135 of the National Planning Policy Framework (2024).

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Amanda Cue	Team Leader:	Richard Hart
Signed:	<i>A Cue</i>	Signed:	<i>R Hart</i>
Dated:	7 th November 2025	Dated:	10th November 2025