

Delegated Report

Discharge of Conditions

Planning Application No: 20231088

Location: 36 Whitehill Lane Gravesend Kent DA12 5LY

Description: Application for approval of conditions 3, 4, 5 and 6 attached to planning permission reference number 20210046 relating to (3) topographical details, proposed slab levels, proposed layout, elevations and sections and ground works, (4) disposal of surface water SUDS, (5) foul drainage strategy and (6) external materials.

Applicant: Mr Taran Liddar

Site Visit Date: 06 December 2023

Submitted Documents/Plans

Approval of details reserved by condition form;
Drawing no. WS-A-001 Rev. B Existing topographical elevations;
Drawing no. WS-A-002 Rev. B Proposed topographical elevations;
Drawing no. WS-A-003 Rev. B Proposed slab levels;
Drawing no. WS-A-005 Rev. B Proposed groundworks;
Drawing no. WS-A-006 Rev. B Proposed SUDS;
Drawing no. WS-A-007 Rev. B Proposed foul drainage strategy;
Drawing no. WS-A-008 Rev. B Proposed elevations; and
Schedule of materials.

Procedural issues

It should be noted that the development is currently under construction at the application site.

The submitted details and the ongoing development at the application site are not entirely consistent with that which was approved under planning permission 20210046 or each other. For example, the frontage parking area is larger than was approved, the single storey rear element is deeper and has a different roof design than was approved (but which are not shown on the submitted details), the slab level is higher than was approved. It should be noted that this is not an exhaustive list.

It is noted that the application site is the subject of an ongoing enforcement investigation (reference 22/00160/EN – relating to the ongoing works not being in accordance with the approved scheme). Therefore, the application site will be reported back to the GBC Planning Enforcement Team for further investigation.

It is possible that an amended discharge of conditions application could be used to regularise the unauthorised works at the application site (due to the wide-ranging nature of condition 3) but any future submission should provide all of the information required by the conditions and be accurate in its representation of the existing development at the application site. It is strongly recommended that a pre-application enquiry be submitted and determined prior to any future discharge of conditions submission, in order to ascertain whether the amendments to the approved scheme would be acceptable.

Relevant Planning History

Reference	Description	Decision	Decision Date
20211000	Application for approval of conditions 3, 6, 7, 8 and 9 attached to planning permission reference number 20210046 relating to (3) topographical details, proposed slab levels, proposed layout, elevations and sections and groundworks, (6) external materials, (7) hard landscaping, (8) soft landscaping and (9) refuse storage.	Withdrawn	04.10.2022
20210046	Application for a minor material amendment to planning permission reference no. 20191024 for, Demolition of existing bungalow and erection of one pair of semi-detached two storey dwellings with associated car parking, amenity space and landscaping, to allow alteration of full hipped roof to full gabled roof; installation of roof lights at the rear; conversion of the roof space to habitable accommodation; reduction in the height of the dwelling; and removal of basement and ramped access.	Permitted	23.04.2021
20191024	Demolition of existing bungalow and erection of one pair of semi-detached two storey dwellings with associated car parking, amenity space and landscaping.	Refused	03.01.2020
	Decision appealed (reference AP2020/00036/REF)	Allowed	26.10.2020

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

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network

Paragraph 33 of the NPPF (2023) 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 (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-designed Places

Supplementary Planning Guidance

- 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)
- Householder Extensions/Alterations Design Guide (2021)

Consultations, Publicity and Representations

GBC Environmental Protection Team (Regulatory Services)

Only Condition 5 is relevant to Environmental Protection. The wording of this condition is such that it relates to water pollution and reference is made to consultation with the Environment Agency (EA). In this respect, although the proposed drainage strategy appears satisfactory and there is no objection to the condition being discharged, consultation should be undertaken with the EA as well.

GBC Highways Officer (comments regarding SUDS only)

I have looked at the proposals for condition 4 and it seems there are inconsistencies and lack of justification.

Looking at drawing WS-A-006 Rev 6.

There is a simple statement that one soakaway is required for every 50sq.m of impermeable area, but no detail on where this figure comes from. Each soakaway is stated as 1 cubic metre, and they are clumped together reducing the surface area through which drainage can occur. No details are given regarding the rate of soakage, to ensure the soakaways can in fact drain.

The roof area is inconsistent. In the first column at the bottom of the drawing it states 154m² whilst in the second column it states 112m²

The number of soakaway blocks is inconsistent, seven are shown in the drawing and this agrees with the figure in the first column at the bottom of the drawing, but in the last column it refers to 6 soakaways.

Assuming the total area is 321m², 7 cubic metres gives the depth of rain as approximately 22mm. So should be readily able to accommodate most periods of rainfall, but if there are several days of intense rain, it all depends on how readily the soil absorbs the water, which decreases over time as it becomes saturated. So, some supporting information would be welcome on how they achieved the 7 x 1 cubic metre soakaways clumped together. The efficiency of the system would be improved by increasing the surface area of the soakaway, such as placing them all in a row, or even separating them so they drain on all sides as well as the bottom, but this depends on the type of soakaway.

Even better would be a permeable driveway with soakaways in the rear gardens for the roof. The roof drainage is then for Building Regulations and the permeable paving is generally assumed to work, with the drain at the highway boundary feeding back to a soakaway under the drive which also acts as a storage tank as a catch all for periods of intense rain.

Environment Agency

From our records it does not seem we were consulted on the outline application (20191024). However, as the plans confirm that the foul drainage will be through mains, we do not have any comment to make.

Southern Water

Southern Water has no objections to discharge condition 05 relating to foul drainage. An approval for the connection to the public sewer should be submitted under Section 106 of the Water Industry Act.

The Council's Building Control officers or technical staff should be consulted regarding condition 04 for surface water disposal.

Southern Water has no comments to make on other conditions.

KCC Flood & Water Management

The application falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee.

Officer's Analysis

Planning permission reference 20191024 was granted on appeal in October 2020 and was for the demolition of the existing bungalow at the application site and the erection of one pair of semi-detached, two storey dwellings, with associated car parking, amenity space and landscaping. In April 2021, a revised planning permission was granted (reference 20210046), which amended certain aspects of the 2019 proposal. This application seeks to discharge conditions 3, 4, 5 and 6 attached to planning permission 20210046.

The wording of the relevant conditions and a summary of the submitted details follows.

Condition 3

3. *Prior to the commencement of development, scaled drawings shall be submitted to and approved in writing by the Local Planning Authority detailing the following;*

- (a) Full topographical details (existing and proposed ground levels and site sections)*
- (b) Proposed slab levels*
- (c) Proposed layout, elevations and sections of the dwellings*
- (d) A plan indicating the extent of ground works*

The development shall be built in accordance with the approved details.

Reason: No such details have been provided and in order to safeguard the character of the area and amenity of surrounding properties in accordance with Policy CS19 of the Local Plan Core Strategy 2014.

The submitted details show proposed slab levels and elevations for the proposed dwellings and some topographical site information but the elevations are not accurate in their representation of the development on site and there is insufficient detail regarding topography/groundworks.

The following outlines some of the specific issues with the submission for condition 3 (this list is not exhaustive);

- The proposed elevations are not accurate – e.g. the rear extension depth and roof.
- Full layout plans and sections of the dwellings are required.
- Full groundworks details (including the excavations on the frontage for the parking area) are required.
- The submission does not appear accurate in relation to the site frontage – retaining walls of at least 0.5 metres are onsite but the plan shows only a maximum of 0.3 change in ground levels.
- Details showing the locations/specifications of retaining walls are required.

Condition 4

4. *Prior to the commencement of development, a scheme for the whole site to provide for the disposal of surface water run-off and incorporating sustainable urban drainage systems (SUDS), shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be implemented in accordance with the details approved pursuant to this condition and shall be completed prior to occupation of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. The scheme submitted pursuant to this condition shall include the following, as appropriate:*

- (a) A scaled plan indicating the extent, position and type of all proposed hard surfacing (e.g. drives,*

parking areas, paths, patios) and roofed areas.

(b) Details of the method of disposal for all areas including means of treatment or interception for potentially polluted run-off.

(c) Scaled drawings including cross section, to illustrate the construction method and materials to be used for the hard surfacing (sample materials and literature demonstrating permeability may be required).

Reason: In order 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 pursuant to Policy CS18 for Climate Change of the Local Plan Core Strategy 2014.

The submitted details show drainage from the proposed dwellings and frontage parking area being directed to a soakaway located in the front garden. The rear patio and frontage parking area would be constructed from permeable materials. However, the SUDS proposal lacks justification and includes inconsistent information.

Condition 5

5. *Prior to the commencement of the development, details of a foul drainage strategy shall be submitted to and approved by, the Local Planning Authority in consultation with the water undertaker and Environment Agency. The development shall be constructed in accordance with the agreed detailed design and recommendations of the strategy. The dwellings hereby permitted shall not be occupied until the installed scheme is confirmed as meeting the agreed specifications.*

Reason: To ensure the development protects the groundwater environmental of the site and its locality generally and it compliant with the National Planning Policy Framework (NPPF). Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

The submitted details show connections to the main sewer for both dwellings.

Condition 6

6. *Prior to the commencement of any above ground works, details of all materials to be used in the external faces of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall be built in accordance with the approved details.*

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy 2014.

The submitted details show K Rend Thincot TC15 Topcoat pure white coloured render for the first floor and front gable of the dwelling; Marshalls Woolwich Stock Frogged, yellow coloured bricks for the ground floor; and Sandtoft 20/20 interlocking grey/dark grey coloured roof tiles. The windows would be UPVC grey casement clear windows. The footpath and driveway paving would be Marshalls Keyblock charcoal coloured block paving. However, there are no details of the facing materials for the proposed retaining walls, steps, railings or boundary treatments.

Design, Character and Appearance

The proposed external facing materials details submitted would match with those in the surrounding area and as such, would be acceptable in terms of visual amenity. However insufficient information has been provided in relation to the facing materials for the proposed steps, retaining walls and railings and other boundary treatments. As these would be located on the site frontage and widely visible, it is necessary to carefully consider their visual impacts before condition 6 can be discharged.

The proposed layout, elevation and groundworks details provide insufficient information to allow a full assessment of the visual impacts of the proposed development to be undertaken. As such, condition 3

cannot be discharged.

Amenity of Future Occupiers

The proposed layout, elevation and groundworks details provide insufficient information to allow a full assessment of the residential amenity impacts for future occupiers of the proposed development to be undertaken. As such, condition 3 cannot be discharged.

Neighbouring Amenity

The proposed layout, elevation and groundworks details provide insufficient information to allow a full assessment of the residential amenity impacts for surrounding occupiers of the proposed development to be undertaken. As such, condition 3 cannot be discharged.

Drainage issues

The proposed SUDS details provide insufficient information to allow a full assessment of the drainage impacts of the proposed development to be undertaken. As such, condition 4 cannot be discharged.

No objection has been raised by Southern Water or the GBC Environmental Protection Team (Regulatory Services) to the proposed foul drainage strategy. Therefore, the discharge of foul drainage to the mains sewer would be acceptable and as such, condition 5 could be discharged.

Any Other Material Planning Considerations

The applicant should be advised that conditions 7-9 of planning permission 20210046 need to be discharged prior to the occupation of the dwellings and that other conditions require specific works to be undertaken before the dwellings are first brought into use. This can be done via an informative attached to the decision.

Conclusion & Recommendation

Due to the various accuracy/consistency issues with the submitted details and due to insufficient information being submitted, the details submitted in relation to conditions 3, 4, 5 and 6 attached to planning permission 20210046 cannot be fully assessed or discharged.

Overall, the current application should be refused and the application site be referred back to GBC Planning Enforcement.

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

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	14th December 2023	Dated:	14 December 2023