



Delegated Report

Discharge of Conditions

Planning Application No: 20231081

Location: 18 Marks Square Northfleet Gravesend Kent

Description: Application for the approval of conditions 5 and 7 attached to planning permission 20220590 relating to details of (5) New boundary treatments to the site including any remaining structures and (7) Soft landscaping.

Applicant: Mr Lewis Brown

Site Visit Date: 06 December 2023

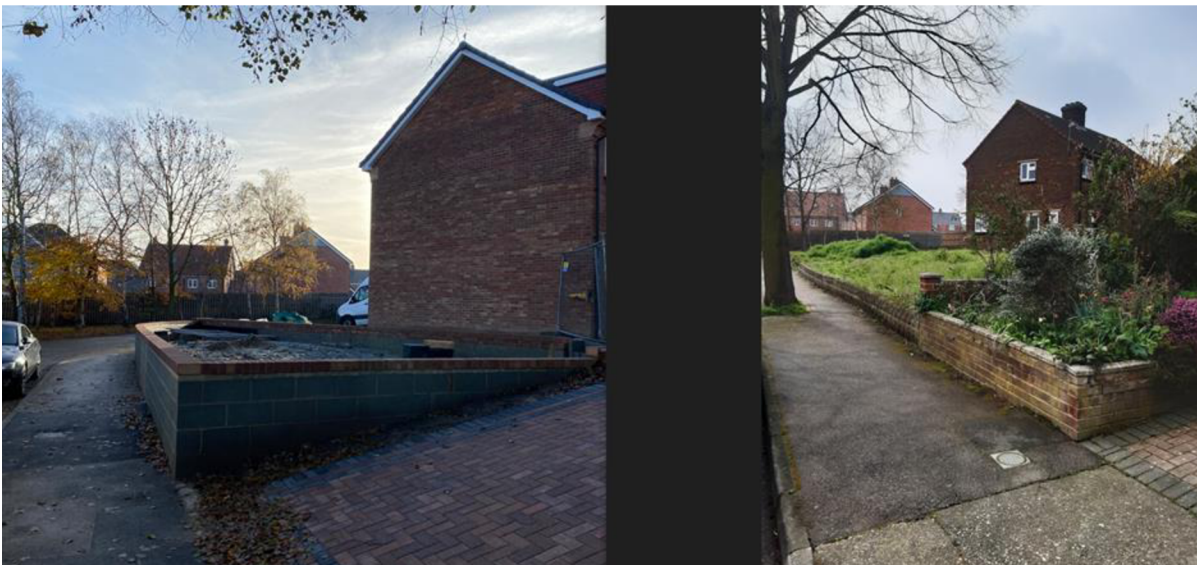
Submitted Documents/Plans

Approval of details reserved by condition form;
Drawing no. 006 Rev. A Landscaping plan; and
Drawing no. 006 Rev. A Landscaping plan with maintenance details.

Procedural issues

The submitted details are not consistent with that which was approved under planning permission 20220590. The drawings show a rear extension and a 'patio' on the frontage which were not approved. It appears likely that these features require planning permission and as such, are unauthorised developments.

Furthermore, there appears to have been alterations to the ground levels at the front of application site, which were not part of the approved development under 20200590;



Other discrepancies between the approved development and that built on site may also exist. Therefore, the application site will be reported to the GBC Planning Enforcement Team for investigation.

In light of the above, it is considered that it is not possible to discharge the conditions attached to planning permission 20220590. Notwithstanding this and as a way of being positive and proactive, the following report will assess the information submitted in this application.

It should be noted there are a number of issues with the submitted drawings (not an exhaustive list);

- The red/blue line boundary for the application site does not correspond with the red line boundary for the application site shown in planning permission reference 20220590.
- Both of the submitted plans are referenced the same (Drawing no. 006 Rev. A), which is confusing.
- The referencing on the drawings is confusing and it is not clear exactly where one type of boundary treatment ends and another begins.
- Boundary Type A is described as a 1.5 metre tall, rendered wall with a brick top but the image is a wall with a fence on top and planting behind (which is unspecified in nature and height).
- Boundary Type B is described as a retaining brick wall but the image shows a render finish.
- The submitted boundary details do not entirely accord with the boundaries that have been constructed on site.

These issues have been identified for the benefit of the applicant, so that they can be rectified in any future submission.

Relevant Planning History

Reference	Description	Decision	Decision Date
20231180	Application for the approval of conditions 15 attached to planning permission 20220175 relating to details of how the development will enhance biodiversity.	Pending	
20231080	Application for the approval of conditions 5(i)(ii), 6, 14 and 16 attached to planning permission 20220175 relating to details of 5(i) External facing materials, 5(ii) Surface treatments and finishes to vehicle parking areas, pedestrian accesses, steps and stairs and all other amenity areas, (6) Boundary treatments to both existing and new dwelling, (14) Soft landscaping and (16) Refuse storage for the new dwelling.	Pending	
20230562	Application for the approval of condition 5 attached to planning permission 20220590 relating to the details of the new boundary treatments to the site including any remaining structures.	Withdrawn	14.06.2023
20230403	Application for the approval of conditions (5) External Materials and Surface Treatments, (6) Boundary Treatment, (14) Soft Landscaping and (16) Refuse Storage attached to planning permission reference number 20220175.	Refused	14.06.2023
20230167	Application for approval of condition 5 attached to planning permission reference number 20220590 relating to full details of the new boundary treatments to the site including any retaining structures	Refused	13.04.2023
20230166	Application for approval of condition 5, 6, 14 and 16 attached to planning permission reference number 20220175 relating to external facing materials and finishes including brick and roof tiles of the proposed dwelling and surface treatments and finishes to the vehicle parking areas, pedestrian accesses, steps and	Refused	13.04.2023

	stairs and other amenity areas, full details of the new boundary treatments to the site for both the existing dwelling and new dwelling as hereby permitted including any retaining structures, full details of soft landscaping and full details of the refuse storage areas		
20220590	Erection of a two storey side extension.	Permitted	26.07.2022
20220175	<u>REVISED DESCRIPTION</u> Erection of a two-bed detached two-storey house within the curtilage of 18 Marks Square with associated amenity space and formation of vehicle access and one parking space at front.	Permitted	30.05.2022

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
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)

Consultations, Publicity and Representations

GBC Highways Officer

I consider the application confusing, the applicant shows on drawing 006 Rev A, details for the “patio” but given there is no front boundary treatment this could easily be used as a driveway and if this is the case, it may not have appropriate visibility splays. 43m x 2.4m x 43m being required for a 30mph speed limit, but could potentially be reduced if the results of an approved speed survey was available.

Given the alignment of Marks Square, the proposed boundary treatments should not be higher than 850mm where they affect sightlines. I would suggest that any boundary treatment conforms to boundary treatment Type B shown on the drawing and not exceed 0.7m in height. The applicant could provide either planting or another boundary treatment set back some 2 metres from the edge of highway to secure their property. However, if the applicant wishes to plot the forward visibility requirements for a driver on the inside of the curve of Marks Square, as well as the 43m x 2.4m x 43m visibility requirements for the access associated with the new dwelling, the alignment of the fence can be reconsidered.

GBC - Service Manager (Housing Operations)

My primary concern revolves around the front elevation of the property. The grass garden not only softens the landscape and complements the surrounding properties but also provides an effective soakaway for rainwater. This concern is exacerbated by the description of a 'SUDS Compliant Resin-bound Patio.' While SUDS hardstanding is a suitable ground coverage for a driveway, the technical drawing lacks further detail specifying the proposed material. Based on the language used, it appears that the proposed material may not comply with the recommendation that water should be free to soak away.

Is a Resin Bonded system SUDS compliant?

No, resin bonded systems are not SUDS compliant. This is because resin is applied directly onto a surface, usually Bitmac or concrete. This forms a complete layer of hardened resin, which water cannot pass through.

Has the application for a drop kerb been requested from KCC, as the plans suggest that it will be off street parking, that could damage the pedestrian pathways around the property surround and endanger any persons using that bend in the road.



Front Garden Planting:

The proposed vegetation on the front elevation does not qualify as hedging, as it offers limited support for wildlife, security, or privacy from the right side. Nevertheless, it does soften the harsh landscaping along the driveway and provides a modest soakaway for surface water runoff.

Rear Garden Planting:

While a monoculture laurel hedge is suggested for its evergreen nature, it lacks significant habitat value for insects and wildlife until reaching maturity. Even then, it provides minimal benefit for nesting birds in this context. It is recommended to diversify the hedge by introducing other species to create a more native and natural hedgerow. Consider incorporating prominent species such as *Fagus Sylvatica* or Green Beech, which can be shaped into a hedge and contribute to a higher biodiversity score.

It's important to note that the suggestion of using only twelve plants (Laurels) to form the hedge may result in them being spaced too far apart, preventing the formation of a natural hedge that can effectively offer privacy and screening.



Officer's Analysis

It should be noted that planning permission has recently been granted for the erection of a detached, two bedroom, two-storey dwelling within the curtilage of 18 Marks Square, with associated amenity space and the formation of a vehicle access and one parking space (reference 20220175). The dwelling is currently under construction and is located to the north of the existing dwelling at the application site. Applications to discharge conditions 5, 6, 14, 15 and 16 of permission 20220175 are currently being determined (references 20231080 (conditions 5, 6, 14 and 16) and 20231180 (condition 15)).

Planning permission reference 20220590 was granted for the erection of a two storey side extension at the application site. This application seeks to discharge conditions 5 and 7 of that permission.

The wording of the relevant conditions and a summary of the submitted details (constrained by the drawing issues outlined above) follows.

Condition 5

5. *Notwithstanding the details and annotations shown in the approved plans and particulars, full details of the new boundary treatments to the site including any retaining structures shall be submitted to and approved in writing by the Local Planning Authority within one month of the commencement of the development hereby permitted and the approved boundary treatment scheme shall then be fully implemented prior to the development hereby permitted being first occupied.*

Reason: In the interests of visual amenity, the wider street scene and pursuant to Gravesham Local Plan Core Strategy Policies CS19: Development and Design Principles and the national planning guidance in Section 12: Achieving well-designed places of the National Planning Policy Framework (NPPF) 2021.

The submitted details show;

- Side boundary with no. 20 Marks Square at the front - 0.7 metre tall wooden fence.
- Side boundary with no. 20 Marks Square at the rear - 1.8 metre tall close boarded timber fencing.
- Front boundary (middle section) – 0.7 metre tall retaining brick wall (but no details of the brick type have been provided).
- Front boundary (northern end) - 1.5 metre tall rendered wall with brick top and planting behind (but no height details of the planting or render specifications have been provided).
- Boundary set back from the site frontage - 1.5 metre tall rendered wall with brick top and planting

behind (but no height details of the planting or render specifications have been provided).

Condition 7

7. *Prior to the first occupation of the development hereby permitted and unless otherwise agreed in writing by the Local Planning Authority, full details of soft landscaping within the garden area of the existing dwelling shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the type and species of planting to be carried out, to include their quantity and size as well as arrangements for aftercare. Thereafter the approved soft landscaping scheme shall be carried out in full during the first available planting season following the first occupation of the development. Any trees or plants that die, are damaged, removed or become diseased within five years from the date that the development is first brought into use shall be replaced with a species of a similar size and type during the next available planting season.*

Reason: To ensure that the landscaped elements of the scheme as proposed are properly designed and suitably implemented in the interests of visual amenity and biodiversity and in accordance with Policies CS12 (Green Infrastructure) and CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (September 2014), and Section 12: Achieving well-designed places and Section 15: Conserving and Enhancing the Natural Environment of the National Planning Policy Framework (NPPF), 2021.

The submitted details show hedging located on the western side boundary of the rear garden and around the proposed boundary with the new dwelling and the eastern part of the site frontage. An area of wildflower planting would be located on the northern side of the front garden. The remainder of the green space within the rear/side garden would apparently be laid to grass (although the drawing does not specify what the green shading identifies). The hedging and planting areas would contain a mixture of species and aftercare information is specified. However, no details of the proposed wildflower seed mix have been provided.

Design, Character and Appearance

In relation to front garden boundary treatments, the Householder Extensions/Alterations Design Guide (2021) sets out that proposals should respond to the design of the dwelling, be consistent with the height of other enclosures on the road, avoid introducing different styles, reinforce the dominant boundary type along the street, consider well maintained planting as an alternative and retain any hedgerow.

The application site is located in an urban, residential area, where front gardens predominantly have low walls (constructed from brick, blockwork and timber materials). Opposite the application site, there is close boarded timber fencing which delineates the edge of a new housing development.

Close boarded timber fencing would be located around the rear garden and would not be widely visible. It is a common feature in the area and as such, would be acceptable.

A rendered wall and a brick wall would be located on the site frontage, which could be appropriate in this locality but their visual impact would be very dependent on the type of brick and render proposed (details of which have not been provided). As such, it is not possible to determine if these boundary treatments would be acceptable.

The proposed landscaping would soften the impact of the built development but the GBC Service Manager (Housing Operations) has raised concerns that the proposal would provide only sparse hedging. As such, the proposed landscaping could be improved visually.

Overall, it is considered that insufficient information has been submitted to allow the design, character and appearance impacts of the details submitted in relation to conditions 5 (boundary treatments) and 7 (landscaping) to be assessed.

Amenity of Future Occupiers

In relation to the proposed location and boundary treatments for the private garden of the existing dwelling,

the issues set out in the Highways section below are relevant. Due to the need for lower boundary treatments along the site frontage, the proposed private garden area would be subject to overlooking from passers-by, which would be detrimental to privacy and lead to a poor standard of living for future occupiers. Therefore, the proposal would be detrimental to residential amenity and contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Neighbouring Amenity

The proposed boundary treatments would have no adverse overshadowing or overbearing impacts to the occupiers of surrounding dwellings.

The proposed landscaping would not have any adverse impacts to neighbouring occupiers.

Therefore, the proposed development would not be detrimental to residential amenity and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Highways Issues

Marks Square is an unclassified road with a footway only on one side and with restricted forward visibility due bends in the road. The application site is located on a bend and the open front garden area provides visibility for drivers using the roadway and will provide sight lines for drivers exiting the driveway of the new dwelling.

In relation to front garden boundary treatments, the Householder Extensions/Alterations Design Guide (2021) sets out that proposals should incorporate visibility splays and sight lines for pedestrian and vehicular safety.

The GBC Highways Officer has advised that the proposed boundary treatments/landscaping should not be higher than 850mm, where they affect sightlines and that the use of the frontage area for parking may undermine visibility across the application site.

The proposed 1.5 metre wall with unspecified height planting behind is likely to undermine visibility across the application site and as a result, be detrimental to highway safety.

Therefore, the applicant is advised that the private garden area for the existing dwelling (located at the front/side) should be set back further into the site, so that the boundary treatment can be appropriate in height for privacy (circa two metres) and then planting should be located in front to soften it. The boundary ideally would be a brick wall (which was there originally). In addition, it would be appropriate to have a low boundary treatment along the back edge of the footway (ideally 0.6 metres height). The side/front area that is publicly visible can be subject to landscaping with low vegetation only. The boundary treatment should extend further along in front of the dwelling to restrict parking on the site frontage.

Overall, the proposed development would be detrimental to highway safety and contrary to Policy CS11 of the Gravesham Local Plan Core Strategy (2014) and to the Householder Extensions/Alterations Design Guide (2021). Furthermore, it is considered that insufficient information has been submitted to allow the full highway safety impacts of the details submitted in relation to conditions 5 (boundary treatments) and 7 (landscaping) to be assessed.

Biodiversity

It is noted that the proposed landscaping scheme is part of the submission to discharge condition 15 of planning permission 20220175 (biodiversity enhancements), which will be fully assessed under planning application 20231180.

According to the GBC Service Manager (Housing Operations), the proposed landscaping scheme would provide only sparse planting and provide limited support for wildlife. Therefore, it would be preferable for the landscaping proposal to be amended to improve biodiversity in the ways suggested. It would also be beneficial for the applicant to await the comments of the KCC Biodiversity Officer in relation to application 20231180 before amending the proposal.

Overall, the proposed landscaping would provide some positive biodiversity impacts but could be improved.

Conclusion & Recommendation

Due to the various issues with the submitted drawings, to insufficient information being submitted and to the existing unauthorised groundworks at the application site, the conditions attached to planning permission 20220590 cannot be fully assessed or discharged.

The submitted details would result in boundary treatments that would be detrimental to highway safety and residential amenity and could be detrimental to visual amenity and out of character with the surroundings. Furthermore, insufficient information has been submitted. As such, condition 5 of planning permission 20220590 cannot be discharged.

The submitted details would result in a landscaping scheme that has some positive attributes but insufficient information has been submitted. As such, the landscaping scheme should be amended and condition 7 of planning permission 20220590 should not be discharged.

Due to the existing unauthorised works, the application site will be reported to the GBC Planning Enforcement Team for investigation.

Overall, the current application should be refused.

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

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	13th December 2023	Dated:	14 December 2023