



Delegated Report

Approval of Details Application

Planning Application No: 20240355

Location: Mid Kent Golf Club Singlewell Road Gravesend Kent

Description: Application for approval of Conditions 3, Part A of 4 and 6 attached to planning permission reference number 20231115 relating to a precautionary method statement for protected species (e.g., reptiles and nesting birds) (3), an archaeological watching brief (4) and Code of Construction Practice (6) being submitted and approved.

Applicant: Mr Andrew Seale

Submitted Documents/Plans

Planning Application Form (revised 05.06.24);
Drawing No. 851.02. Rev A – Existing Site Details;
Protected Species Method Statement (revised 05.06.24);
Technical Data;
Written Scheme of Investigation for an Archaeological Evaluation; and
Code of Construction Practice (revised 05.06.24).

Relevant Planning History

Reference	Description	Decision	Decision Date
20231115	Relocation of the 13th hole.	Permission	28.12.2023

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS10 – Physical and Social Infrastructure
- CS11 – Transport
- CS12 – Green Infrastructure
- CS13 – Green Space, Sport and Recreation
- CS18 – Climate Change
- CS19 – Design & Development Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC7 – Other Archaeological Sites

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 and beautiful places

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006);

Consultations

KCC – Heritage Conservation

Thank you for consulting us on the submission of the Written Scheme of Investigation (WSI) for an archaeological watching brief (CBAS 2024). I would be happy for the WSI to be formally approved and for part (A) of Condition 4 to be discharged.

KCC – Biodiversity

CONDITION DISCHARGE – TEXTUAL CHANGES REQUIRED

We have reviewed the submitted document in relation to condition 3 and advise that the reptile precautionary mitigation measures be updated before a discharge can be recommended. We have taken this view following review of the methodology proposed for sensitive habitat clearance for reptiles at the site.

British reptiles are protected species under the Wildlife and Countryside Act (WCA) 1981 (as amended) and it is an offence to intentionally kill, injure or take any wild animal. There is suitable habitat on-site for reptiles.

Condition 3 states: “No development shall take place (including any ground works or vegetation clearance) until a precautionary method statement for protected species (e.g., reptiles and nesting birds) has been submitted to, and approved in writing by, the Local Planning Authority. The content of the method statement shall be produced by a suitably qualified and experienced ecologist and through liaison with the construction.

Reason: In accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (September 2014)”.

The submitted method statement is unclear regarding when the second grass cut should take place, and has a first cut to c.250mm and a second cut to a maximum of 150mm. We would recommend changing the reptile habitat manipulation in paragraphs 2 and 3 under the heading ‘Reptile Precautionary Mitigation Measures’ to state the following:

- *Any required clearance of tall grassland (>150mm high) with potential to support reptiles will be undertaken in two stages, with a first cut to 150mm1;*
- *48 hours later, following a fingertip search by an ecologist, the arisings will be carefully removed using hand tools, looking for the presence of any reptiles within the vegetation as it is removed. Any reptiles found will be caught by a suitably qualified and experienced ecologist, and moved to suitable habitat;*
- *Once the arisings have been removed from the cut area, the vegetation can be cut to ground level. This will happen shortly after the removal of arisings to prevent the grass regrowing and again becoming suitable for reptiles;*

- *Vegetation clearance will only be carried out during the period March to October in suitable weather conditions for reptiles to be active (temperatures above 9°C, dry conditions, low wind);*
 - *Vegetation clearance will be carried out using handheld equipment;*
 - *Vegetation will be cut so as not to leave islands of vegetation where reptiles can get trapped, so cutting in a way that allows reptiles to move into adjacent areas of long vegetation without having to break cover²;*
 - *Where ground works are required, any holes or fissures discovered following grass clearance, or the removal of any scrub/tree roots, will be undertaken carefully under Ecological Clerk of Works supervision using an excavator with a toothed bucket or a handheld spade (depending on the area of habitat requiring a destructive search).*
- Firstly, the top few centimetres of the ground should be removed, to expose reptiles sheltering in crevices just below the surface. Following this, larger and deeper excavations can be made, concentrating on areas which afford shelter to reptiles, such as tree stumps and buried rubble. Particular care needs to be taken when emptying the bucket in case any reptiles are dug up in the spoil. Any reptiles found will be caught by a suitably qualified and experienced ecologist, and moved to suitable habitat³;*
- *Once vegetation has been cut to ground level, it will be kept short (<100mm) for the duration of construction to prevent reptiles returning to the area;*
 - *A suitably qualified and experienced ecologist will be contacted for advice if any reptiles are discovered during works.*
 - *Construction materials will be kept on raised pallets for the duration of construction to avoid reptiles using them for basking/sheltering.*

Once the submitted ecology document has been updated, sufficient information will be available to discharge the condition.

GBC – Environmental Protection

Only condition 6 Code of Construction Practice falls within Environmental Protection's remit.

The submitted Code of Construction Practice is accepted in terms of the measures to control dust and noise and in respect of deliveries, storage of material, dealing with waste etc.

However, the site working hours are given as 07:00 to 1800 Monday to Friday (and 08:00 to 13:00 on Saturday). The 07:00 start is generally considered to be too early, particularly when heavy machinery is being used, and should be no earlier than 08:00. If this start time can be amended, then there is no objection to Condition 6 being discharged.

Officer's Analysis

Preliminary Matters

Following comments received from KCC Heritage, KCC Biodiversity and GBC Environmental Protection, a revised application form was submitted and amendment to the description to state the proposal is for the discharge of Part A of Condition 4, a revised of the Code of Construction Practice (6) to amend hours to after 8am, together with an amendment to paragraphs 2 and 3 of the Reptile Precautionary Mitigation Measures, were submitted to address the objections raise.

Proposal

This application is for the approval of Conditions 3, Part A of 4 and 6 attached to planning permission reference number 20231115 relating to a precautionary method statement for protected species (e.g., reptiles and nesting birds) (3), an archaeological watching brief (4) and Code of Construction Practice (6).

Submitted Details

The following information has been submitted to discharge the first part of Conditions 3, Part A of 4 and 6:

Planning Application Form (revised 05.06.24);
Drawing No. 851.02. Rev A – Existing Site Details;
Protected Species Method Statement (revised 05.06.24);
Technical Data;
Written Scheme of Investigation for an Archaeological Evaluation; and
Code of Construction Practice (revised 05.06.24).

Condition 3

Protected Species

3. No development shall take place (including any ground works or vegetation clearance) until a precautionary method statement for protected species (e.g., reptiles and nesting birds) has been submitted to, and approved in writing by, the Local Planning Authority. The content of the method statement shall be produced by a suitably qualified and experienced ecologist and through liaison with the construction.

Reason: In accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

The initial consultation comments from KCC provided some textual changes within the reptile precautionary mitigation measures relating to grass cutting. It was noted that once the submitted ecology document had been updated, sufficient information would be available to discharge the condition.

A revised Protected Species Method Statement was submitted on 5th June 2024 with the textual changes and therefore sufficient information had been provided to discharge Condition 3 of 20231115.

Condition 4

Archaeology

4. A) Prior to any below ground works the applicant (or their agents or successors in title) shall secure an archaeological watching brief so that excavations and other development works are observed and items of interest and finds are recorded. The watching brief shall be undertaken by an archaeologist approved by the Local Planning Authority and in accordance with a Written Scheme of Investigation (WSI), which has been submitted to and approved in writing by the Local Planning Authority.
- B) The archaeological watching brief, recording, post excavation assessment, analysis and reporting shall be carried out in accordance with the agreed specification and timetable.
- C) Within 6 months of the completion of the watching brief a Report shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (September 2014).

In relation to Part A of Condition 4 the submitted Written Scheme of Investigation (WSI) for an archaeological watching brief (CBAS 2024) is formerly approved and sufficient to discharge part (A) of Condition 4 of 20231115.

Condition 6

Code of Construction Practice

6. No development approved by this permission shall be commenced until a comprehensive Code of Construction Practice covering all environmental impacts of this development is provided by the applicant and submitted for approval to the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved Code of Construction Practice.

Reason: To minimise the impact on residential amenity and in accordance with Policy CS19 Gravesham Local Plan: Core Strategy (September 2014).

The submitted Code of Construction Practice is accepted in terms of the measures to control dust and noise and in respect of deliveries, storage of material, dealing with waste etc.

GBC Environmental Protection advised that the 07:00 start of site working hours is generally considered to be too early and advised for it to be no earlier than 08:00.

The Code of Construction Practice was amended to reflect this and shows a start time of no earlier than 08:00 and was submitted on 5th June 2024. As such, Condition 6 can be discharged.

Conclusion Recommendation

Sufficient information has been submitted to discharge Conditions 3 and 6 in full and Part A of Condition 4 of planning approval 20231115 which relates to the submission of a precautionary method statement for protected species (e.g., reptiles and nesting birds) (3), an archaeological watching brief (4) and Code of Construction Practice (6). Part B of Condition 4 relates to the record, post excavation analysis and report and Part C of condition 4 requires the submission of a report.

Recommendation

ADET - Approval of Details

(For detailed conditions / 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:	10 th June 2024	Dated:	10th June 2024