

23/504552/FULL**Representation**

The agent for the application has made the following (summarised) points on behalf of the applicant with the officer responses in bold:

- A proposed biodiversity net gain (BNG) of 48% is proposed but the agent states that as the scheme progresses to detailed design i.e. further detail on hard and soft landscaping, there may be slight changes but they anticipate the BNG will be at or around 48%. To avoid issues requiring variations to the legal agreement/conditions the agent requests the BNG obligation be set at a minimum of 40%, rather than 45% to provide some flexibility.
Because the BNG being demonstrated is over the double the policy requirement of 20% it is considered that securing a minimum of 40% is still acceptable. This requires a change to the Heads of Terms as set out below as the condition does already state 40%.
- The agent considers the proposed BNG should be regarded as a 'significant' benefit of the application.
Providing over double the draft policy requirement of 20% on-site is considered to be a benefit that attracts 'moderate' weight.
- The agent does not consider there to be a justification/need for a ragstone plinth to Block E.
Officers consider this is necessary for the reasons set out at paragraph 6.40 of the committee report.
- Conditions 7 (waste management) and 8 (construction method statement) – The agent anticipates demolition will take place in accordance with the approved prior notification, which could be before a decision is issued (if approved). If that is the case, the agent considers these conditions requiring information before demolition works will no longer be needed.
The separate prior approval for demolition could be carried out in advance of any planning permission should it be approved. Therefore amendments to conditions 7 and 8 are recommended below to factor in this potential scenario.

Amendment to Conditions

Conditions 7 and 8 are amended as follows (changes in bold):

7. ***If demolition has commenced under application 24/500047/DEMREQ, no development beyond demolition shall take place until a Waste Management Plan has been submitted to and approved in writing by the local planning authority. If demolition has not commenced under application 24/500047/DEMREQ, no development including demolition shall take place until a Waste Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall follow the Waste Hierarchy within the Kent Minerals and Waste Local Plan and include the following:***
- a) Measures to minimise the production of construction, demolition, and excavation waste.*
 - b) Measures for the storage, collection, and management of waste arising from the occupation of each phase of the development.*

The development shall be carried out in accordance with the approved details.

Reason: To comply with the Kent Minerals and Waste Local Plan.

8. ***If demolition has commenced under application 24/500047/DEMREQ, no development beyond demolition shall take place until a Construction Method Statement (CMS) to minimise noise, dust and vibration has been submitted to and approved in writing by the local planning authority. If demolition has not commenced under application 24/500047/DEMREQ, no development including demolition shall take place until a Construction Method Statement (CMS) to minimise noise, dust and vibration has been submitted to and approved in writing by the local planning authority.***

The approved CMS shall be strictly adhered to and implemented throughout the demolition and construction period in accordance with the approved details.

Reason: To ensure that any impacts of development activities are minimised.

Condition 16 is amended as follows to include battery storage measures as required under policy LPRQ&D1 of the draft Local Plan Review:

16. *No development above slab level shall take place until details and evidence of the measures necessary to incorporate at least 10% on-site renewable or low carbon energy production measured as a percentage of overall consumption have been submitted to and approved in writing by the Local Planning Authority. The details must include all measures set out in 'Energy and Sustainability Statement (September 2023) being the PV panels and air source heat pumps to serve all apartments installed as shown on drawing nos. LHA-XX-09-DR-A-0420-AB-109 Rev01, LHA-XX-08-DR-A-0420-CD-124 Rev 01, and LHA-XX-03-DR-A-0420-E-128 Rev01. **Such details shall also include measures for on-site battery energy storage unless this is demonstrated with evidence to be unfeasible.** Follow installation of the approved measures they shall thereafter be retained.*

Reason: To ensure a sustainable form of development in accordance with policy LPRQ&D1 of the draft Local Plan Review.

Amendments to Heads of Terms

- a) *To secure the on-site biodiversity habitat net gain of at least ~~45%~~ 40% for at least 30 years including monies (to be agreed by officers in consultation with KCC Ecology) to cover the costs of the LPA reviewing monitoring reports.*

Correction

The adopted Local Plan affordable housing policy is SP20 as listed in the relevant policies at Section 3 of the report (page 60) and at paragraph 6.131.

In error this policy is referred to as 'SP21' in the 'Summary of Reasons for Recommendation' (page 57), and paragraphs 6.135 and 7.13.

To clarify, the four references to 'SP21' should read 'SP20'.

RECOMMENDATION

Officer's recommendation remains the same subject to the amendments to the conditions and heads of terms set out above.