

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL REFERENCE: APP/A2280/W/20/3259868

Medway Council

Note on Building Heights Parameters Plan

**Land off Pump Lane
Rainham
Kent
ME8 7TJ**

MARCH 2021

Introduction

1. This note responds to a proposal made by the Appellant made for the first time on 23rd February 2021 – during the second week of the Inquiry and after the landscape and heritage evidence had been heard – to amend the Building Heights Parameter Plan so as to reduce the maximum height of buildings across a portion of the Appeal Site (“the site”).
2. In particular it responds to the document entitled “INQUIRY DOCUMENT: Parameter plans – Building Heights (26/02/2021)” together with its attachment.

Context and Proposed Amendment

3. The application for planning permission in 2019 was accompanied by a series of parameters plans. This included a Building Heights Parameter Plan (PL 004 Rev A). That showed a maximum building height of 12m across the site, save for the proposed areas for the school and village centre where the maximum building height was set at 10m.
4. The Council does not accept that the maximum height of development as shown on the Building Height Parameter Plan which was submitted (PL 004 Rev A) came directly as a result of requests it made at the pre-application stage. Whilst it considers the matter ultimately irrelevant to whether the proposed amendment should be permitted now, it does not accept as accurate the PRC note (which, its is noted, is a note produced last week: not a contemporaneous record of the discussion in November 2018). This is addressed in **Appendix A**, which includes a pre-application response letter dated 19 November 2018.
5. Following refusal of the application, in September 2020 the Appellant submitted revised parameters plans together with their Statement of Case. These were revised to make amendments to the area of built development in order to provide a greater ‘buffer’ to the Lower Twydall and Lower Rainham conservation areas. The Building Heights Parameter Plan was revised to reflect the amendments area of built development (PL 004 Rev B). No amendments were proposed in relation to the maximum building heights at this stage.
6. On 23rd February 2021, during the second week of the inquiry (and following the hearing of evidence on both landscape and heritage matters), the Appellant proposed an amendment to the Building Heights Parameter Plan. On 26th February 2021 the Appellant clarified that the proposal is as follows:
 - a. Building Heights Parameter Plan (PL 004 Rev B) be withdrawn;
 - b. In its place an amended Building Heights Parameter Plan (PL 011 Rev A) is proposed. In broad terms this plan shows a maximum building height of 12m across the northern part of the site (save for the school and village centre where

the maximum building height is 10m), and a maximum building height of 10m across the southern part of the site.

- c. Two related conditions are proposed in conjunction with the above:
 - i. The development shall be carried out substantially in accordance with the layout included in the illustrative masterplan, subject to Parameter plan (ref. 11047/PL/011A) (“the first proposed condition”)
 - ii. No building shall exceed the height of 12 metres specified for buildings as set out in 11047/PL/011A (“the second proposed condition”).

The Council’s Position

EIA Considerations

7. As this proposal constitutes EIA Development, if outline permission is granted it would be necessary to secure the parameters of the development permitted, including the maximum building heights (to provide for the so-called ‘Rochdale envelope’ following *R v Rochdale MBC Ex. p. Milne* (No.2) [2001] 81 P&CR 27). This is in order that it can be ensured that the development permitted does not give rise to likely significant environmental effects which have not been assessed.
8. The Council accepts that the proposed amendment to the Building Heights Parameter Plan will not give rise to likely significant environmental effects which are greater than those which have already been assessed both within the Environmental Statement and through evidence to this Inquiry, including evidence of Mr Etchells and Ms Wedd on behalf of the Council.¹ This is because the revised Building Heights Parameter Plan (PL 011 Rev A) reduces the maximum height of the buildings across a proportion of the site, and does not seek to increase the maximum building heights elsewhere.

Effect on Landscape and Heritage evidence/environmental information

9. In light of the above, the Council does not, in principle, object to the proposed amendments to the Building Heights Parameters Plan. However, this position is subject to the Council being permitted to submit short notes from Mr Jon Etchells (Landscape

¹ Both witnesses evidence amounts to “environmental information” for the purposes of Regulation 2(1) The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (“EIA Regulations 2017”). When determining this appeal, that evidence must, together with other environmental information, must be taken into account by the Secretary of State when reaching “a reasoned conclusion on the significant effects of the proposed development on the environment”: Regulation 26(1).

witness) and Ms Kit Wedd (Heritage witness) to address the extent to which, if at all, the proposed amendment affects the assessments they have reached in their evidence. This is necessary because their respective assessments and evidence were necessarily informed by the Building Heights Parameter Plan provided at the time of the appeal (PL 004 Rev B).

10. The Council considers that, both for reasons of fairness, and in order that the Inspector can properly and fully report to the Secretary of State (including when discharging duties under Regulation 26(1) of the EIA Regulations 2017), these witnesses must be given an opportunity to explain whether (and if so, to what extent) the proposed amendment materially affects the assessment they had undertaken and the evidence that they have given (both orally and in writing).
11. Mr Etchells and Ms Wedd have both produced short notes updating their evidence specifically (and only) to take account of the proposed revised Building Heights Parameter Plan (PL 011 Rev A). They are attached at **Appendix B** and **Appendix C** to this note. It will be seen that in both cases the witnesses confirm that the proposed amendment would not materially affect the conclusions that they had reached in their evidence, and give reasons for this being the case.

Wheatcroft tests

12. Ultimately it is for the inspector to decide whether to accept the proposed amendment to the Building Heights Parameters Plan at this stage (and to decide whether any further public consultation is required). However, for its part, in light of the nature and limited scope of the changes proposed that, the Council considers that the proposed amendment would be unlikely to be prejudicial to the interests of third party.

Proposed Conditions

13. The Council does not consider that the proposed conditions are necessary nor appropriate for the following reasons:
 - a. In relation to the first proposed condition, layout is (and has always been) a reserved matter and the Council do not consider it appropriate to fix, at least in part, the layout to that set out in the illustrative masterplan. Because it is a reserved matter, layout has not been a primary consideration at the application or appeal stages. It is too late to attempt to fix (or at least, partially fix) layout now by reference to a plan which has always had illustrative status. If permission were to be granted, the Council would wish to see full flexibility in relation to layout,

subject only to the disposition of development shown on the Land Use Parameters Plan (PL 006 Rev B). Nor is the proposed condition a necessary consequence of the amendment to the Building Heights Parameters Plan. Finally, the proposed requirement that the layout be 'substantially in accordance' with the illustrative masterplan is not sufficiently certain.

- b. In relation to the second proposed condition, this is not necessary because it duplicates (and would be partly in tension with) the condition which will secure that development be undertaken in accordance with *inter alia* the Building Heights Parameters Plan.
- c. Neither condition is necessary, because, in accordance with proposed condition 6 the development would have to be undertaken in accordance with *inter alia* the Building Heights Parameter Plan (PL 011 Rev A).

3rd March 2021

Appendix A - Planning Officer's Rebuttal

Councils rebuttal/response in relation to:

INQUIRY DOCUMENT: Building Height Parameters PREPARED BY: Robert Hughes and Duncan Parr 22/02/2021 INQUIRY DOCUMENT REF: ID 21

The document above has been reviewed by the Planning Case Officer and the Councils Urban Design Officer who were both present at the Pre-Application discussions. The following comments relate to the officer's recollections of the first and subsequent meetings and is backed up by the pre application comments letter to the agents that followed the first main pre app meeting which was based on the discussions at the meeting.

- The discussions at the meeting were at a very high strategic level relating to principle issues and there were no detailed discussions, nor assumptions made, relating to the 12m height parameter plans. This is very clear from the headings in the pre app response letter. The design feedback section of the letter makes no reference to heights but sets out questions that need to be considered (including what parameters could be set out – suggestion clearly none were put forward at the meeting). The letter clearly states that a vast amount of work needs to be done on design and sets out suggestions for the process that needs to be followed.
- The discussion prior to the submission of the application covered the importance of variation and distinction but was not specific. In this respect the Council did not (and do not) feel that taller buildings or even 3 storeys would be a good design solution in this location but agreed variation would be needed. This could include roofscape variation and distinctions.
- At meetings, it is likely that distinctiveness and placemaking was discussed through variation – however this can be derived from more than just height. It is unlikely for the Council to have suggested 'feature' or 'focal' buildings. Points of arrival would have been discussed – but again, this doesn't rely on height to achieve this.
- There was never any suggestion made that a particular height would be acceptable. The Council did in fact ask that an extensive amount of additional work was required.
- A "Design Approach" document with sample documents was submitted to the Council after the initial pre-app meeting. This demonstrated at what level the applicants would work in relation to design, however no further submissions were received. The Council were under the impression that the applicants were going on a substantial design journey, but that was not followed up by the applicants.
- P29 of DAS does not reflect discussion with officers. This is far more specific than any meetings that were had. The Council's understanding is reflected in the fact that sample documents showed the kind of design thought process journey that they were going to go on. It starts off reflecting discussions with the Council but then appears to start to bring their own interpretation. This is very clear in that Twydall is not an example that the Council would have given as it is urban location, while the application site is very different in character and would require more of a rural edge response in terms of layout and design.

(For assistance, the Councils written pre-app response is included – which does not appear to be within the Core Documents of the Planning Appeal.)

Please ask for: Hannah Gunner
Tel: 01634 331581
Our Ref: PRE/18/2755
Date: 19 November 2018



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Dear Mr Parr

PROPOSAL: Proposed residential development of up to 1250 dwellings.
LOCATION: Land At Pump Farm And Bloors Farm, Rainham, Gillingham, Kent, ME8 7TJ

I refer to our meeting of 1 November 2018 regarding the above proposals. In attendance at this meeting was:

- Hannah Gunner (Senior Planner, Medway)
- Tom Gilbert (Senior Planner - Policy, Medway)
- Duncan Berntsen (Senior Urban Design Officer, Medway)
- Stuart Steed (Environmental Protection Officer, Medway)
- Su Ormes (Public Health Programme Manager, Medway)
- Robert Neave (Principle Transport Planner, Medway)
- Daniel Atkinson (Flood Risk Officer, Medway)
- Duncan Parr (Rapleys)
- Conor Healy (Rapleys)
- Simon Tucker (DTA, Transport Consultant)
- Gary Symes (PRC, Architect)
- Paul Whatley (Lloyd Bore, Landscape Architect)

A number of issues were discussed within the meeting in reaction to the proposed outline application for up to 1250 new dwellings. The discussion also incorporated the provision of accommodation for the elderly, shopping facilities and the provision of a new primary school.

The meeting included looking at local plan issues and the SLAA process, land allocations, access, air quality, open space provision, place making and potential visual impact specifically. These are covered below.

Policy

Development Plan Status

The current Development Plan for Medway is formed of saved policies of the Medway Local Plan 2003 (MLP). These are in force until a new Local Plan has been adopted.

Work has started on the production of a new Local Plan in 2014, with a planned adoption date 2020. The detailed programme for this work is outlined in the Council's Local Development Scheme published in the January 2018.

5 Year Land Supply

At present the council acknowledges that it does not currently possess a 5 year land supply for housing and a 20% buffer should be applied, as per paragraphs: 11, 14 and 73 of the NPPF 2018.

This calculation is based on figures from the latest published AMR 2016-2017. Figures for 2017-18 year are yet to be finalised and will be so by December 2018.

This does not mean that applications should be automatically approved. They still have to be assessed in line with other relevant policies of the NPPF since the Supreme Court judgement of May 2017 on the interpretation of 'relevant policies'.

- (Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant)

It indicated that the narrow interpretation of the phrase 'relevant policies' is to be applied. As such only housing policies which refer to the number and distribution are deemed out of date automatically, other policies need to be tested for their conformity with the NPPF in order to clarify the level of weight that can be applied to them.

Strategic Land Availability (2018)

In July 2018 Medway Council published its latest version of the SLAA assessing site for suitability for inclusion within the emerging Medway Local Plan. Sites 750 and 1061, which form this pre-application area were tested. Both sites were found to be unsuitable for the following reasons: access to services, landscape and impact on agricultural land.

Whilst the SLAA does not grant planning permission and influence it in anyway it does highlight the potential issues for a site.

Principle of Development

The proposed scheme comprises a residential use of up to 1,250 units. The proposed scheme falls outside the urban boundary in the countryside (Policy BNE25), an area of local landscape importance (BNE34). In normal circumstances the proposal would in principle be unacceptable. It would be deemed contrary to the

strategic direction of the MLP2003 highlighted in Policy S1. This policy directs development to brownfield sites and is supported by policy BNE25 that restricts development in the countryside.

The application of these policies is compromised by the two elements. These are the lack of a 5 year housing land supply (as explained above) and the conformity of the policies to the NPPF.

As noted above the site lies outside of the urban boundary and so policy BNE25 applies. An assessment of the conformity of this policy with the NPPF - undertaken by the Council- has found it to have significant issues, except as a definition of the separation between the urban and rural areas.

Due to the present 5 year land supply the sustainability of the site is very important. Sustainability is defined in paragraph 8 of the NPPF. It has three dimensions, including: environmental, social and economic considerations. Any assessment needs to encompass all of the dimensions of sustainable development and note that they are 'mutually dependent' as per paragraph 8 of the NPPF. Therefore further investigation is needed in order to ascertain the principle of development.

Therefore we would expect an application to justify the sustainability of the site through the 3 strands in the NPPF (economic, social and environment).

Economic

The NPPF defines the economic role as:

'to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating development requirements, including the provision of infrastructure;'

Development of the site would bring about short-term economic benefits through construction jobs and associated employment. However this is very niche and would not supply work for the new residents of the proposed development. These residents will need to find employment elsewhere and the proposal is not located within a sustainable distance of existing employment sites that is a key consideration as per (para 104). Therefore the development would not be sustainable economically.

Overall the site would bring about economic benefits, but these may not be sustainable in the long-term.

Social

The NPPF defines the social role as:

'supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with

accessible local services and open spaces that reflect current and future needs and support the communities health, social and cultural well-being;'

Upon review of the above statement and the relevant sections of the NPPF issues relating to affordable housing, housing mix and accessibility of services.

Affordable housing

NPPF para 63 and MLP2003 Policy H3 require affordable housing. The proposed site is partly within the rural area for the purposes of these policies. In this instance affordable housing is required for developments of 15 units or a site area of 0.5 ha. The proposal is for 1250 residential units on a site therefore 25% of units proposed should be affordable.

Housing mix

Paragraph 61 of the NPPF requires local planning authorities to plan for a mix of housing.

The North Kent Strategic Housing Market Assessment (SHMA) (November 2015) stated that the council may seek to follow a similar size distribution in its market housing delivery as in the current total housing stock, based on the 2011 Census (approximately 10% one bed, 25% two bed, 49% three bed, 13% four bed and 3% at least five bed).

Accessible Services

Paragraph 91 seeks to promote sustainable development through housing being located accessibly to services. In initial sustainability work undertaken for the SLAA the site was deemed to have moderate access to local facilities (local centres and education). However the site is located near sustainable to transport options (bus stops).

Overall the site is felt to be relatively sustainable subject to design review from a social perspective.

Environmental

The NPPF defines the environmental role as:

'contributing to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy.'

When reviewing the above statement and the relevant sections of the NPPF issues surrounding landscape and agricultural land have been identified.

Landscape

The site is within an area of local landscape importance. A designation supported by paragraph 170 of NPPF. This stipulates that valued landscapes should be protected and enhanced.

To assess the value of the landscape the Medway LCA 2011 has been reviewed. The site falls within section 21. Lower Rainham Farmland of the Medway LCA 2011. This describes the site as having moderate sensitivity and moderate condition. It recommends to 'resist further built development and introduce more positive landscape management systems'. Therefore the criterion within policy BNE34 is still supported and the principle of development would still harm the function of this area making any development in principle unacceptable.

Agricultural land quality

The site is grade 1 agricultural land as defined by agricultural land classification mapping 1988. Grades 1-3 are the best and versatile agricultural land. As such this area demands a certain level of protection from development as outlined in para 170 of the NPPF that seeks to recognise the 'economic and other benefits' of BMV agricultural land.

Therefore in principle the site would be inappropriate due to the loss of high grade agricultural land. However the Council is aware that the 1988 mapping is high level and so any application would have to accurately define the agricultural land grade in which the site is located and set out the economic potential of the agricultural elements of the site to justify its loss.

Conclusion

In summary while it is noted that the proposal would bring about positive benefits in relation to the delivery of housing. However in Planning Policy terms there are concerns relating to the environmental, economic and social impact. For these reasons the proposed development would not be sustainable and should not be considered acceptable.

Environmental Protection

The Councils Environmental Protection officer spoke generally in relation to the impact that this proposal may have on the local road network and the fact that there are existing AQMAs located within Rainham and the surrounding areas.

It was stated that notwithstanding the need for an EIA, technical assessments will be required covering contamination, noise/vibration and air quality. These reports will be required with any planning application. In respect of noise/vibration and air quality, the scope and methodologies should be agreed up front with the Environmental Protection Team. The application should be made aware of the Medway Air Quality Planning Guidance (April 2016). This is available on line at https://www.medway.gov.uk/.../id/.../medways_air_quality_planning_guidance.pdf

Public Health

The public health issues that need some thought relate to the provision of a dementia community, home zones and shared spaces. It is recognised that this

would be detailed at the design stage however, it would be well received if recognised at the early stages. It was also mentioned that funding for service improvements to the Healthy Hub Centres could be requested.

Affordable Housing/Extra Care

The scale and numbers proposed in this scheme requires the 25% affordable housing contribution. More detail is found on this matter within the Developer Contribution Guide 2018. Additional to the affordable housing provision it has been raised that an extra care scheme is needed within this part of the Hoo area.

Extra Care is considered to sit somewhere between a care home facility and a sheltered housing scheme. These are 1 or 2 bed units with kitchen facilities but also there is provision of a communal canteen, possibly treatment rooms, a gym, hairdressers etc. These additional facilities being available not just for occupants of the scheme but also can act as a hub for a wider residential area. In order for the extra care scheme to be viable it needs to provide a minimum of 60 units. These would provide a mix of rented and shared ownership and would not require the same 1-1 parking provisions of a normal residential scheme.

The provision of this here was discussed within the meeting and it is suggested that if you wish for further information on this matter that you could contact Arron Nicholls (senior housing related support programme officer) arron.nicholls@medway.gov.uk.

Schools

A school is incorporated within the proposed scheme, shown to be fairly central within the site. Given that the number of proposed units exceeds 750 units there would be a need for a school to be provided. The minimum requirement would be a 2 form entry primary school, however for further clarification would need to be sought through the Councils Education Team to establish what is required in terms of site area and provision.

Highways

In relation to access, the general layout was discussed in relation to the main access being of Lower Rainham Road, which would bypass the existing narrow Pump Lane. It was described how there is an ambition to create a new dominant route through the site which would remove traffic [pressures from existing, restricted roads. Routes through the site need to be considered, not just for vehicular traffic but also pedestrian and cycle routes through the site, linking the proposed housing to facilities (existing and proposed).

It was noted that to date there have been no discussions with Arriva in relation to bus provision. It will be necessary to show evidence of the need (or lack of need) for any bus route expansion.

More detail will be set out within the Transport Assessment Scoping Note response from Robert Neave, direct to your transport consultant, Simon Tucker. (Which I believe is imminent.)

The link below relates to the Medway Council guidance note in relation to traffic modelling.

https://www.medway.gov.uk/downloads/file/2334/transport_assessments_guidance_note

If any further information is sought in relation to this I advise that you contact andrew.bull@medway.gov.uk.

Flood and Drainage

National Planning Policy Framework states that a site specific Flood Risk Assessment (FRA) is required for developments in;

An FRA is required if the development is:

- in flood zone 2 or 3 including minor development and change of use
- more than 1 hectare (ha) in flood zone 1
- less than 1 ha in flood zone 1, including a change of use in development type to a more vulnerable class (e.g. from commercial to residential), where they could be affected by sources of flooding other than rivers and the sea (e.g., surface water drains, reservoirs)
- in an area within flood zone 1 which has critical drainage problems as notified by the Environment Agency.
- Such an assessment would set out a proposed scheme for the management of surface water to ensure there is not an increased risk to flooding on or off the site as a result of the development.

The site covers a large area, some of which are in locations at risk of low, medium and high surface water flooding. We highly recommend avoiding building in areas of high risk. Dependant on depth of development in medium and low risk areas, we would expect to see flood resilience measures. For example, raised finished floor levels to a level at which they would be out of the potential flood depths as well as fitting solid floors. The site is in flood zone 1 for coastal and fluvial risk.

The site is located on areas of clay and chalk and therefore offers many options for SuDS. Paragraph 079 of National Planning Policy Guidance Flood and Coastal Change states that when considering major development, sustainable drainage systems (SuDs) should be provided unless demonstrated to be inappropriate.

Paragraph 80 of National Planning Policy Guidance Flood and Coastal Change presents a hierarchy of drainage options to follow with the aim being to discharge surface runoff as high up the hierarchy as possible. This is also reiterated within Part H of the Building Regulations. The options are:

- 1 Into the ground.
- 2 To a surface body.
- 3 To a surface water sewer, highway drain, or another drainage system.
- 4 To a combined sewer.

The SuDs scheme should be designed in accordance with SuDs Management Train principles including the prevention of runoff by reducing impermeable areas and utilising source, site and regional controls where necessary.

A primary constraint associated with this site is the underlying clay geology which will likely preclude the use of infiltration measures; however it would still be possible to utilise SuDS techniques for conveyance and treatment through the site such as the use of (lined) permeable paving, swales and filter strips, which can be used within open space areas and designed to enhance the development aesthetically, increase biodiversity, and improve water quality. These SuDS systems may be used in conjunction with infiltration methods on the areas of chalk. As long as there are no groundwater conditions which would preclude the use of infiltration, infiltration techniques may be acceptable subject to further infiltration and geotechnical testing. Data supplied by the British Geological Survey states 'there is a very significant potential for one or more geohazards associated with increased infiltration'.

We would also recommend the use of rainwater harvesting, grey water recycling and water butts where practicable in order to provide an additional means of surface water attenuation as well as reduced demand on potable water supplies.

It should be ensured that there is a maintenance schedule in place for the lifetime of the development to maintain any SuDS which serve it. We will need to see a plan of the frequency of maintenance based on guidance in the CIRIA SuDS Manual as well as details of who will carrying out the maintenance.

At a detailed design stage, the Flood Estimation Handbook (FEH) should be used for the design storms opposed to FSR.

MicroDrainage outputs (or other industry appropriate software) should be provided for the critical duration for a range of storms up to and including the 1 in 100 year + 40% intensity climate change scenarios.

Surface water simulations should also be submitted at detailed design stage including relevant MicroDrainage outputs or other industry recognised software.

Design (feedback and discussion from meeting of 1 Nov and 8 Nov 2018)

It is noted that this is a large scale development that is set out of a series of different 'plots' currently. The likelihood is that these plots would be sold off separately and therefore would be built by different developers. It would be a key consideration of any proposal coming forward how exactly this would work, ensuring that place-making is set out and guaranteed at the early stages.

There is a need to try and avoid 'ordinary' and 'standard' design and as a Local Authority, Medway are being more demanding when it comes to quality and standard. It will therefore be important to set out how the scheme works, looking at the emphasis on landscape as well as architecture.

It is noted that the site is not flat and as a result, topography and how that is incorporated within the early stages is an important issue. The site allows for some views out toward the estuary and it is considered important that the rural and open nature of the site is recognised in bringing a design forward. It is because of its rural location, acting as a green buffer that this site has always in the past not been viewed as an appropriate site/area for development.

A number of questions or points for consideration were put forward in terms of design. These include:

- SuDs - at this stage how might they be incorporated into design in a positive way?
- Health - how can this be incorporated to influence the place-making aspect?
- This will not have a blanket density. How can we ensure a more variegated scheme? How will the rural edge develop?
- What parameters could be set out within an outline submission?
- Some sort of design code would be required to inform the forthcoming applications and drive the place-making of the site.

In short, there is a vast amount of work that needs to be done on design before the application is submitted to ensure the quality of design that would be required. To summarise in a more simple way, Duncan has suggested the following process which should be demonstrated. This would help understand where and why you have arrived on design and how this has moulded the submission:

1. Recording - This should be a detailed account of the site and its surroundings
2. Analysis - This should detail the context, the site, the surroundings
3. Creativity - Identify and be creative with the sites originality and uniqueness
4. Interpretation - Provide clarification and definition of the aspects that will mould the character of the site and development.
5. Synthesis - bringing together aspects that can be exploited from the creative and analysis work.
6. Place making - Use characteristics and information generated to create the 'community' and place narrative for that coming forward.
7. Distil -Parameters that best use the opportunities of the site and context from above. This can be expressed as a form of 'Design Code'.

It was suggested in the meeting of 8 November 2018 that both Duncan and myself would be happy to review a draft of any documentation coming forward, with a view to assisting the process.

Bird Mitigation Contributions

Whist not covered within the pre-application meeting, there will be a requirement to provide contributions toward Bird Mitigation.

Natural England requires all new housing schemes/applications to be considered against Regulation 61 of the Habitats Regulations, especially where sites are within 6km of Protected Landscape Areas, SSSI or Ramsar sites. Natural England advises that there is a likely significant effect on recreational impact on the over wintering bird interest from new residential development on Special Protection Areas and Ramsar Sites that comprise the North Kent Marshes. All development for new housing within 6km of these protected sites are required to be accompanied by a Habitats Regulations Assessment demonstrating suitable mitigation measures against harm to these areas or provide a financial contribution per unit to enable the impact on wildlife in these areas to be screened out and to provide strategic access management measures across the north Kent marshes.

The proposed residential units fall within 6km of these protected sites and as such come under the terms of this request. The tariff which has been agreed across all of the local authorities involved and Natural England, currently stands at £239.61 per new/additional dwelling, excl. legal and monitoring officer's costs which separately total £550.

In the instance of your proposal the cost would be:
£299,512.50 (based on 1250 new dwellings @ £239.61 each)
£550 (legal and monitoring costs)
£300,062.50 TOTAL

Your agreement in principle would be requested at an early stage which if resolution to approve is agreed will be pursued through a unilateral undertaking which has to be completed by the applicants. Details are available on our website and also a draft undertaking is there for you to use.

Planning Obligations

This application will require developer contributions to be made through the submission of a Section 106 Agreement. Medway Council's Guide to Developer Contributions, a Supplementary Planning Document sets out what obligations and contributions will be required for future developments. Developers are expected to take account of, and meet the requirements of, this document before submitting planning application to the council. It is designed to help them know what the council is likely to require for new developments in Medway.

Given the likely level of public opposition to this scheme it is recommended that you fully engage with the contribution process, to demonstrate that the additional demands for infrastructure and services generated by the development can be mitigated.

The link below sets out some of the typical requirements. It is advised that specific discussion occurs in relation to this prior to the application submission.

https://www.medway.gov.uk/downloads/file/2745/medway_guide_to_developer_contributions_and_obligations_2018

Member Presentation

Given the size, location and type of development here, it is advised that a member presentation should take place before/at the early stages of the planning application submission in order to clearly outline the proposals and overall scheme to Council Members.

Early engagement with Members can provide very useful feedback and can support their positive consideration of the application.

As set out in the email from Dave Harris (sent 5 November 2018), if you would like to schedule something in the New Year please the Council (either myself or Dave Harris) that this can be arranged.

Planning Performance Agreement

A Planning Performance Agreement (PPA) is a framework agreed between a local planning authority and a planning applicant/agent for the management of complex development proposals within the planning process. A PPA allows both the developer and the local planning authority to agree a project plan and programme, which will include the appropriate resources necessary to determine the planning application to an agreed timetable.

A PPA is intended for applications for large, complex development projects, unconstrained by the 13 week limit. It makes clear in advance what will be required of each party for the effective and efficient processing of the application. A PPA does not commit the LPA to a particular outcome. It is a commitment to a process and timetable for determining the application.

A fee for this scheme could be agreed nearer the time of submission. This will include the fees for:

- The Members presentation
- Pre-application charges you have already paid (which will be discounted)
- Planning officer time for the Section 106 Agreement (but not legal time)

Agreement to enter into a PPA would be recommended. The PPA costings can be discussed with Dave Harris (Head of Planning) once agreed. I note that a PPA Template was also sent by Dave Harris in his email of 5 November 2018.

Conclusion

The above letter sets out the constraints that are currently considered to be of concern at this site. It also sets out that if an application is to be forthcoming, the level of detail that would be required, justifying the loss of agricultural land, the proposed impact on transport and air quality as well as setting out a satisfactory design code.

I must point out that the advice given above is at officer level and does not indicate the acceptability of the proposed development or otherwise. Members of the Council are not bound to follow any advice or requirement set out in the formal determination of any planning application.

I trust the content of this letter is helpful to you. Should you wish to discuss any matters further please do not hesitate to contact me.

Yours Sincerely

Hannah Gunner
Senior Planner

Appendix B - Building Heights Parameter Plan Response from Jon Etchells

LAND AT PUMP LANE, RAINHAM

NOTE ON PROPOSED SUBSTITUTION OF BUILDING HEIGHTS PARAMETER PLAN

1. I understand that the Appellant proposes to substitute a new Building Heights Parameter Plan (drawing PL 011 A) for that which formed part of the Supplementary Environmental Statement submitted with the Appeal (drawing PL 004 B, which itself revised the original plan submitted with the application). The difference between the two drawings is that drawing PL 004 B showed a maximum building height of up to 12m over the entire site area (apart from two relatively small areas around the proposed school and the village centre, where the maximum height would be 10m), whereas drawing PL 011 A shows the 10m height limit continuing to apply to the same two small areas but also extending across the southern part of the site, alongside the railway line and extending northwards into the site for a distance of around 200m (slightly less to the west, and slightly more to the east).
2. My evidence to the Inquiry, and my assessment of the landscape and visual effects of the proposed development, was based (in terms of building heights) on drawing PL 004 B, and also on the Design and Access Statement (DAS), which states on page 29 that the development would be mostly 2 storeys in height, but with some 2½ or 3 storey buildings. My assessment therefore allowed for the presence of some 12m high buildings, which could be located within most of the site area.
3. I have now considered whether the change in the proposed building height limit across the southern part of the site would make a material difference to my assessment, and in short my view is that it would not. The reasons for that view are:
 - a) My assessment assumed that there would be some 12m high buildings within the orange areas on drawing PL 004 B (i.e. over most of the site area) but that the majority of the buildings even within those orange areas would still be no more than 10m high, as set out in the DAS.
 - b) The maximum building height has been limited to 10m within the southern, slightly higher part of the site, but that is also the part of the site closer to the urban edge - the revised drawing shows that 12m high (3 storey) development could still take place in the northern, more rural part of the site, including around Lower Rainham in the north eastern part of the site and around Pump Farm/ Russett Farm in the centre of the site.

- c) The area over which 3 storey development could take place would be restricted under the parameters shown on drawing PL 011 A, but there is no information (other than the general statements in the DAS) as to how many three storey buildings might be proposed within the reduced orange areas.
- d) Three storey buildings can appear quite different to two storey buildings, as they tend to have a more urban appearance, but the actual difference in maximum height is only 2m, and buildings of either 10 or 12m in height would be significantly taller than the hedges alongside the lanes which run through or adjacent to the site.
- e) The change in maximum building heights across part of the site would not represent a significant change to the proposals - this would still be a very large scale development within an area which has an essentially rural character.
- f) In principle, limiting the height of the new buildings within the higher, southern part of the site would reduce the likely landscape and visual effects slightly (as any reduction in the quantum of development would tend to). However, that would not in my view be a significant reduction, as the overall extent of the development would be the same, there would still be significant areas of up to 3 storey development, and in views from the north around Motney Hill the areas of up to 3 storey buildings would be closer to the viewpoint, and the lack of three storey buildings further away would not be a significant change.
- g) Finally, the categories of effect in the assessments (both mine and that of Tyler Grange/ Mr Hughes) are quite broad, so the very minor reduction in effects which a reduced number of slightly taller buildings in the southern part of the site might produce would in my view not be enough to lead to a change in category of effect, e.g. a reduction from moderate to high adverse effects down to moderate adverse.

Jon Etchells Consulting, 2 March 2021



Appendix C – Building Heights Parameter Plan Response from Kitt Wedd

Pump Lane Appeal

Note on revised Heights Parameter Plan PL-011-A

1. I have been asked to comment on whether the proposed substitution of a new Building Heights Parameter Plan (dwg. no. PL-011-A) in place of the plans previously submitted (dwgs. nos. PL-004-A and PL-004-B) would cause me to revise my assessment of the impact on the significance of the heritage assets that would be affected by the proposed development.
2. The revised plan PL-011-A shows no further change to the layout of buildings and roads in the proposed development. There is a reduction of 2m in the maximum height of the housing in the southern part of the site, from 12m to 10m.
3. In my evidence I concluded that:
 - the impact of the proposed development on the significance of the designated heritage assets would cause less than substantial harm, in the low to middle part of that range.
 - the proposals would cause less than substantial harm to the significance of Bloors Oasts, at the lowest end of that range.
 - the proposals would cause less than substantial harm to the significance of the historic landscape, at the upper end of that range.
 - Taking into account the impact on the significance of each and all the heritage assets, designated and non-designated, the cumulative impact of the proposed development would cause less than substantial harm to heritage significance at the upper end of that range.
4. Having reviewed my evidence to the Inquiry in the light of revised plan PL-011-A, I confirm that the proposed reduction in maximum height does not change my assessment of the impact on heritage significance of the proposed development. My reasons are as follows:
 - a) The reduced maximum height applies to only part of the Site; no change is proposed in the vicinity of the following designated assets:
 - Bloors Place (listed Grade II*)
 - The outbuildings and garden wall at Bloors Place (Grade II)
 - Chapel House (Grade II)
 - Pump Farmhouse (Grade II)
 - The Lower Rainham Conservation Area
 - Bloors Oasts (non-designated heritage asset)

Therefore my assessment of harm to these assets, considered individually, is unchanged.

b) At York Farmhouse (listed Grade II) and the Lower Twydall Conservation Area the proposed reduction in maximum height might make the built form less evident in some views from within the conservation area but it would not overcome the objection to the loss of the undeveloped open farmland setting of the designated heritage assets. The loss of the ability to appreciate the historic association with and dependence on the surrounding land for both the listed building and the conservation area would still occur, whether or not the maximum height were to be reduced.

c) The impact of the proposed development on the historic landscape of the Site as the shared setting of a constellation of heritage assets would not change as a result of the proposed reduction

in maximum height. The development would still result in building across large swathes of land which form the agricultural and rural setting to both the conservation areas and the listed buildings within them. The following changes would still occur:

- Loss of the historic character of the landscape as undeveloped open farmland
- Loss of the north-south sequence of historic landscape types
- Coalescence between the conservation areas, listed buildings and Bloors Oasts, and consequent loss of the historic pattern of sparse and scattered development, and ability to understand the historic relationships between places
- Loss of views of the historic landscape and heritage assets from Lower Rainham Road, Pump Lane and the Bridleway
- Provision of new roads and associated infrastructure, with consequent impact on the character of Pump Lane as a rural lane, the Bridleway and part of the Lower Rainham Road within the setting of Chapel House
- Introduction of lighting, noise and urban activity; loss of diurnal and seasonal cycles of agricultural activity, natural light and tranquillity.

The proposed reduction in the maximum building height would not change the harmful impact of these changes.

5. In my view the proposed reduction in the maximum building height in the southern part of the site would not affect the harm to heritage significance that would be caused by the development.

Kit Wedd

2 March 2021