

**LAND OFF PUMP LANE
RAINHAM
KENT
ME8 7TJ**

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

APPEAL BY A C GOATHAM & SON

INQUIRY DOCUMENT: Parameter plan – Building Heights

PREPARED BY: Duncan Parr

3/3/2021

INQUIRY DOCUMENTS REF: ID 29

Note: Building Heights Parameter

1. The Appellant invites no reliance upon Parameter plan ref.11047/PL/004/B [**CD.8.1 Appendix 6**] and reliance on proposed **Parameter plan ref. 11047/PL/011B** (appended).
2. The impetus for the Appellant's reliance arises directly from the approach taken on behalf of the Council during XX R. Hughes (App. Landscape) that the decision-taker *must* adopt a worst-case scenario when assessing the landscape impacts of the outline development *as to mean that* Parameter plan ref.11047/PL/004/B *might* provide for 'widespread' three-storey development (up to 12m) 'across the appeal site'.
3. This extent of three storey development is nowhere reflected by the appeal proposal – and never has been – a fact of which the Council has forever known since pre-application stage.
4. The inference (inappropriately) led by the Council in XX R. Hughes is new and presents a volte face regarding the development that Parameter plan ref.11047/PL/004/B is intended to reflect and why this parameter plan was produced – contrary to the Council's own knowledge, invitation and direction, upon which the Appellant relied: see: **Note of PRC** (pre-application discussion with Council on 8.11.18, and maintained thereafter). During this meeting, Council officers agreed that the proposal should be, in substantially majority part, be no higher than *two* storeys, but should allow for height variety through some taller buildings, of three storeys (12m).
5. The PRC Note – faithful to the direction given by the Council – is also entirely consistent with the DAS. Amongst the design and layout principles clearly explained in the DAS (section 6.5, page 29, third and fourth paragraphs) are:

"The proposed development will have a typical build height limited to two storeys, yielding a typical ridge height of up to 9m. The final heights will be wholly dependent on design, roof pitch and span which should provide variety to the roofscape."

Inclusion of the occasional two and a half or three storey elements should be provided to create individual 'feature' or 'focal' buildings and should be scattered throughout the development. In these cases ridge heights would be able to increase up to 11m, but localised to individual dwellings."

6. Accordingly, Parameter plan ref.11047/PL/004/B was produced merely to allow for due flexibility for the possible incorporation within the site, small and dispersed pockets of up to 12m high residential development. Again, the DAS reflects this realism, and pre-application advice given by the Council.

7. It would be highly inappropriate (and improper) for the Council to now suggest or act – mid-Inquiry – inconsistently to their position, consistently adopted since pre-application discussions, by virtue of their approach now taken to the landscape assessment on the basis of Parameter plan ref.11047/PL/004/B.
8. Against the above background, the Appellant would suffer clear prejudice should Parameter plan ref. 11047/PL/011B not now be received by the Secretary of State, in the light of the Council’s approach, adopted mid-Inquiry (XX R. Hughes (App. Landscape)).
9. Proposed Parameter plan ref. 11047/PL/011B *reduces* (rather than (say) reallocates) the areas within the appeal site of maximum building heights of 10 and 12 metres respectively, including in respect of residential and care home elements. Under Parameter plan ref. 11047/PL/011B, the areas within the site that may be developed up to a height of up to 12 metres is comparatively less than the ‘worst case scenario’ the Council advocated in XX R. Hughes. Parameter plan ref. 11047/PL/011B is no different from the pre-application advice given by the Council to the Appellant.
10. Parameter plan ref. 11047/PL/011B also preserves some flexibility.
11. Parameter plan ref. 11047/PL/011B brings about no alteration of the red line boundary, no change to the amount of development approved, and no change to phasing. It clearly defines parameters for development of up to a maximum height of 10 and 12 metres development. Hence, Parameter plan ref. 11047/PL/011B provides a faithful representation of the development, consistently with the adequate detail provided elsewhere for identifying, predicting and assessing the significance of any potential environmental impacts.
12. It remains entirely the case that this level of detail similarly enables proper assessment of likely environmental effects and necessary mitigation, consistently with Parameter plan ref. 11047/PL/011B. The relevant range of effects therefore remains fully considered. Therefore, ES (CD 8.3: e.g. paragraph 2.2 and Figure 2.2a) continues to provide a full assessment of the effects of the building height parameter shown by plan ref. 11047/PL/011B.
13. Consistently, no changes arise regarding the significance of the likely effects and mitigation measures from those already adequately explained across the ES submissions. The assessment of significance remains unaffected. The ES relates to revised illustrative masterplan ref. 11047/PL/009C (CD 8.1 appendix 5) in addition to design information in the DAS (ref. CD 5.10: e.g. section 6.5, page 29) and also

Parameter plan ref.11047/PL/004/B that showed a greater area of maximum height of 12 metres.

14. The Appellant's LVIA *has* assessed the worst-case scenario encompassing up to 12m high development consistently with Parameter plan ref.11047/PL/004/B.
15. The Council could and should have undertaken the same assessment – whilst remaining mindful of its own advice given to, and observed by, the Appellant. The Council has every opportunity to undertake this assessment. It is not reasonably open to the Council to now suggest that its own assessment is in any way disadvantaged by the introduction of Parameter plan ref. 11047/PL/011B. Accordingly, the Appellant considers it unnecessary to revisit the landscape evidence.
16. However, should the Inspector be of the view that the Council should be permitted to produce a short landscape note, in order to maintain procedural fairness, the Appellant requires an opportunity to reply to any such note.
17. The Appellant also invites that consideration be given by the Inspector to imposing planning conditions relating to development parameters and providing for the consistency of the proposal with subsequent reserved matters applications. Conditions will ensure that the development is substantially the same as the revised masterplan subject to Parameter plan ref. 11047/PL/011B and will restrict the outline permission by reducing the potential 'worst-case scenario' with regard to the areas within which up to 12m high development may be located. Parameter plan ref. 11047/PL/011B also preserves due flexibility for the Council to allow for the evolution of the proposal within the adequately defined parameters.

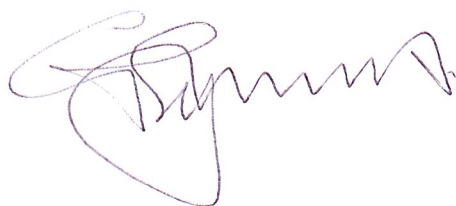
Conditions

18. Entirely in conjunction with the above, the following conditions, including an 'indicative plan condition' may be considered by the Inspector (see further: *R v Rochdale MBC Ex. p. Milne (No.2)* [2001] 81 P&CR 27):
 - a) The development shall be carried out substantially in accordance with the layout included in the revised illustrative masterplan ref. 11047/PL/009C, subject to Parameter plan ref. 11047/PL/011B;
 - b) No building shall exceed the height of 12 metres specified for buildings as set out in 11047/PL/011B.

Duncan Parr
3 March 2021

Building Heights: Parameters

1. This note is provided further to the design principles of the proposed development, specifically in the context of building heights and parameters. I am the project architect for the proposal and have been instructed since the inception of the planning application in summer 2018.
2. During the early design phase of the proposal, I attended a pre-application design meeting with Medway Council on 8 November 2018. In attendance was Hannah Gunner - the Case Officer (who was case officer throughout, up until refusal of the proposal by the Council), Duncan Berntsen - Urban Design Officer and Paul Bratton - Landscape Officer. I was accompanied by the then instructed Landscape Architect and Mr. Healy (Planning Consultant).
3. The high-level, general vision in respect of the site was discussed. As part of this, it was agreed between the parties (quite unsurprisingly in my view) that the design should not be too prescriptive about layout or design, but that certain parameters could be agreed, including building heights.
4. It was agreed that the proposal should principally be two storeys. However, Council officers also actively encouraged, and expressed the view for there to be a variety of heights across the site. Council officers expressed the view that some taller buildings, of three storeys, would be welcomed, selectively used within the site. It was conveyed that this would provide variety and important focal points, a point that was also well understood.
5. It was agreed that the height of the taller buildings would be restricted to no more than three storeys (12m).
6. Officers raised the need for flexibility, noting that more than one developer might bring these proposals forward and, as such, a parameter of no more than three storeys would rightly allow for contemporary approaches for a future developer.
7. The agreement at the meeting was that parameters as discussed within the Design & Access Statement, should reflect the above. I note section 5 of the Design & Access Statement (CD 5.10) page 16 - 20. The DAS reflects the view clearly expressed by the Council at this meeting. I am not aware of any change of view on this issue having been communicated by the Council.



Gary Symes

Design Director

For PRC Architecture & Planning Ltd




23 February 2021

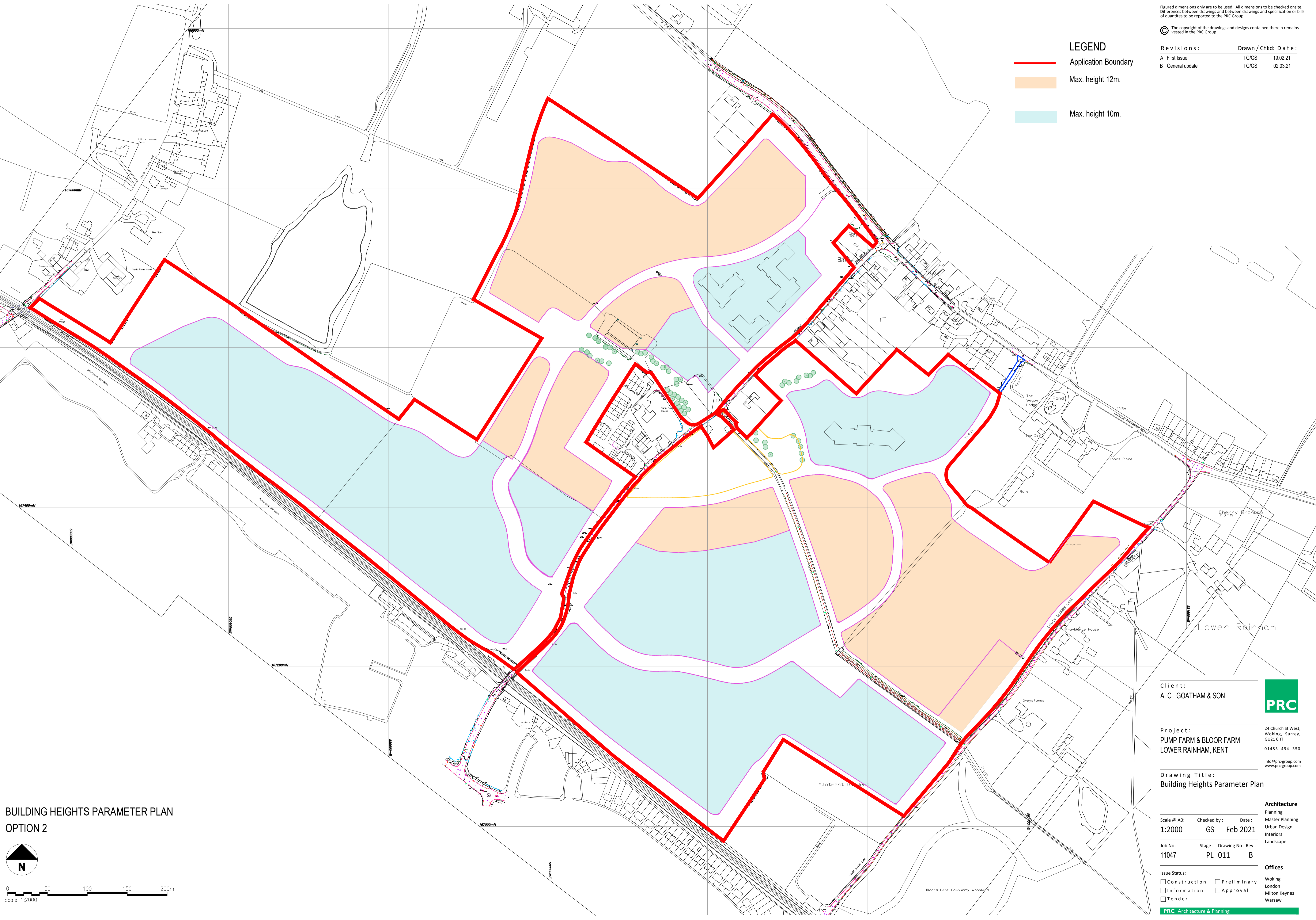
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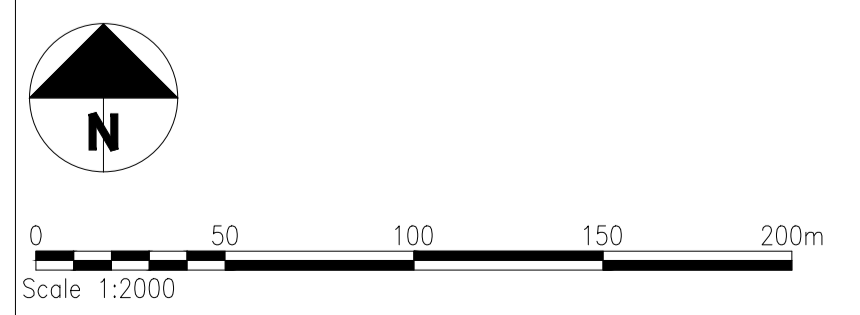
Revisions:	Drawn / Chkd:	Date:
A First Issue	TG/GS	19.02.21
B General update	TG/GS	02.03.21

LEGEND

-  Application Boundary
-  Max. height 12m.
-  Max. height 10m.



**BUILDING HEIGHTS PARAMETER PLAN
OPTION 2**



Client:
A. C. GOATHAM & SON



Project:
**PUMP FARM & BLOOR FARM
LOWER RAINHAM, KENT**

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Drawing Title:
Building Heights Parameter Plan

Scale @ A0: 1:2000
Checked by: GS
Date: Feb 2021

Job No: 11047
Stage: PL 011
Drawing No: Rev: B

Issue Status:
 Construction
 Information
 Tender
 Preliminary
 Approval

Architecture
 Master Planning
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