



Medway Council
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR

Date: 28 April 2023

Our Ref: [REDACTED]

Your Ref:

By email only: planning.policy@medway.gov.uk

Dear Sir / Madam,

RE: THE DRAFT ARCHES NEIGHBOURHOOD PLAN (REGULATION 16) CONSULTATION.

As agents acting for the owners of the former Go Outdoors and Market Hall site, we have been instructed to comment on the draft Arches Neighbourhood Plan Consultation. In drafting this response we have had regard to all of the evidence base but are commenting solely on the draft Neighbourhood Plan

In general, the draft plan is welcomed for its key policy areas which deal with housing, built and natural environment, sustainable transport, local economy, and community spaces.

Turning to specific policies we have the following comments:

Policy HO1 – Affordable Housing

The general approach to the provision of affordable housing on site as the preference, as opposed to any off-site provision is entirely in accordance with the adopted local plan, previous draft of the then emerging local plan and national planning policy. However, the NPPF sets out the exemptions to a blanket expectation for 10% provision at paragraph 65 which is not referenced in any way in the current draft Neighbourhood Plan. Moreover, it is important to also reflect the guidance set out at paragraph 64 of the NPPF which states that *“To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.”* This reduction is quantified in footnote 30 which sets out that this should be *“Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.”* There is no reflection of this acknowledgement in the current draft policy, which therefore conflicts with the approach in national guidance and that adopted by the council across the wider borough.

We think it is unrealistic to impose a blanket restriction on new development to homes with 3 or more bedrooms as set out in the rationale. At the Local Planning Authority level, the general housing mix is set out in the Local Housing Needs Assessment 2021 which sets the approach to annual delivery. As part of the neighbourhood plan process there has been a more recent housing need assessment carried out a year ago, that also suggested that no 1 or 2 bed units were needed. However, the report accepts that this is unrealistic and a very blunt approach to addressing wider issues. Whilst there may be a surplus of 2 bed accommodation in the town (historically in the form of pre-war terraced housing) that may not be the sort of housing every potential 2 bed occupier wants. Newer more modern accommodation will also be desirable as sales of 2 bed flats show. In addition, not all purchasers of 2 bed units will necessarily want a terraced house with no car parking.

Policy HO2 – Beautiful Design

The word beautiful is subjective and will be hard to quantify in any planning case, a similar word was proposed in the draft NPPF and has been the subject of objections. What one person finds beautiful another may not.

In relation to the Draft NPPF Zack Simons, barrister at Landmark Chambers, said: "*In the last year, schemes have been rejected by planning inspectors for poor design but they have found it hard to interpret the existing policies of achieving beauty. The latest draft NPPF revisions will not make it any easier.*" Likewise, Vicky Payne, chair of the Royal Town Planning Institute's (RTPI's) urban design network and strategy lead at the Quality of Life Foundation charity, agreed. "*The government has not helped by setting out what it means by beauty,*" she said. "*The glossary in the NPPF which defines the terms used in it does not offer a definition.*"

Good design would be a better choice of words.

This policy is based around the Design Code work that the Neighbourhood Forum have led with professional assistance. Of course, it is also to be noted that the council are undertaking a comprehensive programme of work on Design Codes to cover the entire Chatham town centre as part of the Pathfinder programme. There is likely therefore to be significant overlap of areas between that covered in the Neighbourhood Plan and covered by the council's own Design Code work.

Furthermore, the rationale to the policy states that "*New-build developments have been regarded as harmful to the area's historic character and architectural identity*" which is a blanket statement indicating that no new development has been successful within the neighbourhood plan area at integrating successful in design and function.

Policy HO3 – Family Housing

For Policy HO3 this states that developments which remove family homes from the market will not be supported. It goes on to say that developments that re-introduce family housing – including conversions of existing properties into family housing – will be strongly supported. But removal of homes may be proposed as part of a wider regeneration scheme that in turn provides replacements, would this be contrary to policy? The wording could be made clearer.

Policy HO4 – Site Allocations

Policy HO4 states that there are a number of specific sites identified in the neighbourhood plan that must adhere to the design Code (Appendix A). Our clients site is one of these and we object to the wording of Policy HO4 because it insists on conformity to a design code unless that is in order to respond positively to heritage assets, and where Historic England or the LPA express a divergence from the design code for this. It does not allow divergence from the design code for other reasons (such as good design, townscape improvements etc.).

Reference to the need for all development proposals to make appropriate contributions towards SAMMS is not required in the neighbourhood plan as this is a strategic matter adopted by Medway Council as the appropriate authority having agreed the strategy with Natural England. This is therefore repeating a matter already addressed within the adopted Guide to Developer Contributions.

Policy BNE4 – Urban Greening

BNE4 requires 'a future tree canopy of 25% of the site area and 0.5 hectares or more'. This is not clear, does it mean a future tree canopy of 25% of the site area on sites of 0.5 hectares or more?

The importance and value of trees in new developments is already enshrined within the NPPF at paragraph 131 without any specific requirement for sites to deliver 25% future tree canopy. This is also potentially a future conflict with the impending implementation of 10% biodiversity net gain as per the Environment Bill given that it requires enrichment of the environment with a variety of species. The requirement to secure 25% coverage on many of the existing brownfield sites referenced in policy HO4 may also have an impact on overall viability of schemes as well as also potentially conflicting with the need to make the most efficient use of sites as enshrined within the NPPF at paragraph 124.

Policy ST4 - Parking

ST4 requires all new spaces to have active or passive electric chargers with future capacity built in. This would seem to be too onerous as it requires the infrastructure of 100% electric from the outset. For some sites this may well cause viability issues or there may not actually be the infrastructure nearby to connect to.

The council presently adopts parking standards in accordance with policy T13 of the local plan and the supporting guidance. These standards are applicable for all residential development across the Borough and there is no evidence provided as part of the emerging neighbourhood plan to support a different approach in a single area of the Borough.

Chapter 4 – Site Allocations

Policy HO4 allocates a number of sites for a mix of uses, which include commercial and residential. The Former Go Outdoors is one of them and is owned by our clients. Development proposals for the listed sites are expected to adhere to the Design Code at Appendix A.

Site Allocation 2 is the Former Go Outdoors and Market Hall Car Park which is the site owned by our client. Just a point of clarification, on page 35 of the document (Go Outdoors page) – the ownership/lease details are wrong. It is now Medway Council who own the freehold and Arpenteur Nightingale Ltd owns the long lease (999 year lease).

The indicative site capacity has been set at 100 – 250 dwellings per hectare with a maximum height parameter of 6 storeys. This has been taken from the Design Code. That code also expects the upper floor to be set back or introducing a half storey. Developments must adhere to the permissible building heights illustrated on the map. These split the plan area into 2 areas, one with a maximum permissible height of 4 storeys and the other set at a maximum of 6.

However, there is no justification provided within the Design Code for setting a maximum storey height anywhere in the document. Medway's Building Height Policy is a comprehensive document setting out the way in which new buildings should be considered. It states at para 1.2.2 that:

“Higher buildings are likely to be proposed as part of this growth. If they are in the right place, and are of the highest architectural quality, they could have a role in acting as landmarks that signify the urban renaissance, in forging a new and exciting image for Medway's waterfront regeneration sites, and in delivering more sustainable working and living environments.”

That document is not prescriptive in setting maximum building heights rather it acknowledges that building heights must be designed with care and sensitivity to their surroundings.

The Chatham Town Masterplan November 2019 also identified this site as one capable of taking a landmark building (see page 56 & 95).

In all of those documents the heritage aspects and key viewpoints are recognised. Yet the arches Neighbourhood Plan sets a rigid 6 storey maximum height for our site unless any greater height is required to respond positively to heritage asserts. The test should be as per the NPPF wherein paragraph 197 states:

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

There is no justification put forward to restricting development to 6 storeys anywhere in the supporting documentation to the Draft Neighbourhood Plan. Nor does any such policy consider the costs associated with redeveloping a site such as site demolition, clearance and decontamination.

Indeed, the broad-brush approach to maximum building heights has complete disregard to existing planning consents issued by the Council for sites falling within the Neighbourhood Plan area. The former Brook Car Park site on Queen Street falls within the zone identified for a maximum of 6 storeys, however it disregards the existing consent issued under MC/20/2782 which is for 179 apartments in four buildings that range in height from 5 to 7 storeys. This therefore demonstrates that the council have already considered that buildings taller than the maximum limit set in the emerging Neighbourhood Plan are considered appropriate in the wider townscape.

Indeed, the same can also be said of the former Whiffens Avenue Car Park site at the northern extreme of the Neighbourhood Plan area. This site was granted consent for development of 115 apartments in February 2020 for a building spread over 8 storeys. This is a consented site under construction at the time of this consultation, therefore a building height plan indicating a lower maximum height is entirely at odds with the situation on the ground.

The present approach to maximum building heights therefore within the emerging Neighbourhood Plan is unfortunately unsupported by the necessary evidence to make this a robust basis for considering future development opportunities.

For the above reasons we object to the Draft Neighbourhood Plan as presently worded, albeit supporting the overarching principles to *the plan's vision is to transform the neighbourhood area into a beautiful, green and prosperous place in which people wish to stay, live and work; a neighbourhood to raise children, help others and grow old; a place in which people can rediscover a sense of community, pride and purpose; a place with a beating heart.*

Yours faithfully

[Redacted signature block]

For and On Behalf Of
TETLOW KING PLANNING

[Redacted contact information]