

**Tonbridge and Malling Borough Council**

**LOCAL DEVELOPMENT FRAMEWORK**

**DEVELOPMENT LAND ALLOCATIONS DPD**

**POSITION STATEMENT No DLA06**

**Safeguarding**

**Objectors**

Croudace Strategic Ltd (171.13/14/16/17)

KCC (property) (174.03/06/07/08/09/10)

Hildenborough Parish Council (76.01)

**Supporters**

Hildenborough Village Preservation Association (52.02)

Southern Water (65.09)



# TONBRIDGE & MALLING LOCAL DEVELOPMENT FRAMEWORK

## Position Statement No DLA06

### Safeguarding

#### 1 Introduction

- 1.1 This Position Statement addresses representations that have been received relating to safeguarding.

#### 2 Barming Station Car Park

- 2.1 The Tonbridge and Malling Borough Local Plan included Policy P7/2.2 which indicated that “proposals for rationalising or extending the existing car park at (inter alia) Barming Station would be permitted subject to satisfactory access and adequate landscape screening”. The policy was applied to the extent of the existing car park at the Station and did not seek to prejudge where any extension might be. In the event, no such proposal by the Rail Operator has come forward. The proposal is therefore not carried forward into the LDF.
- 2.2 Croudace Strategic Ltd (Reps 171.14/16/17) object to the absence of the continued safeguarding of land at Barming Station for additional parking. They argue that whilst Network Rail may have no proposal to extend the car parking at the Station at present, failure to safeguard the land may prejudice the implementation of such a proposal in future whether it is brought forward by Network Rail or privately in association with employment development. In this respect, they are proposing a car park on land to the south of the station.

**Response:** *The Borough Council does not have the evidence base to support the allocation of land at Barming Station for an extension to the car park. If proposals come forward they can be treated on their merits. There is no need to safeguard the land because the Station lies within the Strategic Gap and is therefore already safeguarded from any form of prejudicial development.*

#### 3 Hermitage Lane Roundabout

- 3.1 Croudace Strategic Ltd (Rep171.13) objects to the absence of the safeguarding of land for a new roundabout on Hermitage Lane which they say is necessary to access to a housing allocation in the Maidstone Borough Local Plan. They argue that failure to safeguard this land could prejudice the implementation of the proposal.

**Response:** *It is not appropriate to safeguard land in the Development Land Allocations DPD for an un-adopted highway scheme associated with a proposal that does not yet have planning permission and where the Borough Council is not the planning authority for the development. Furthermore, Maidstone Borough Council has formally resolved not to release Local Plan allocated greenfield sites. This decision was made in the light of PPG3 'Housing' and Maidstone Borough Council's Urban Capacity Study (2002) which found that the Council has the ability to meet its housing requirements on identified brownfield sites. The situation is being reviewed through the preparation of the Maidstone LDF.*

*For this reason it would be premature to safeguard land for a roundabout to serve a site where there is uncertainty over its release for development. In any case, it is not necessary to safeguard a road improvement that can take place entirely on land within highway limits or on land controlled by the applicant in an area where no other prejudicial development would be permitted. Adequate provisions are made in the Maidstone Borough-wide Local Plan (December 2000) to address the access and highways issues associated with the housing allocation at land east of Hermitage Lane, Maidstone in policies H11, T3, T8 and T23 which itself will be the subject of review through the Maidstone LDF process. Any proposal for the development of this site will be judged on its merits in the light of the prevailing policies, Government advice and consultation with Kent County Council as the Highway Authority.*

#### **4 KCC Education Sites**

4.1 KCC (Property) Services has made a number of representations suggesting changes to the safeguarding of education sites under Policy S1.

- (1) The County Council (Rep 174.10) wishes to see an extension to the area safeguarded under Policy S1(j) for additional playing fields for the **Judd School, Tonbridge** as shown on the map at **Annex A**.

***Response:** Whilst the Borough Council would have no objection in principle to this proposal it is conscious that it was not put forward at either the Issues Report or Preferred Options stages and has therefore not been subject to Sustainability Appraisal and has only been subject to public consultation at the Reg32 Stage. There were no objections at that stage and support was received from the Judd School itself. The site lies within the Green Belt and is an acceptable use of the Green Belt. If, under the circumstances, the Inspector felt that this proposal could be supported then the Borough Council would have no objection.*

- (2) The County Council (Rep 174.07) wishes to see the area safeguarded under Policy S1(h) for additional playing fields for **Weald of Kent School, Tonbridge** to be safeguarded for educational “and/or community use”. They argue that this is required for flexibility on a modern school campus.

***Response:** Whilst, on the face of it, the inclusion of a reference to “community use” in association with education safeguarding would seem appropriate in relation to the joint use of education facilities, this is only the case insofar as it is ancillary to the primary use of the land for education purposes. As worded, it suggests that community use could be an alternative to education use. The planning implications of an independent community use could be very different to a purely education use, the implications of which would have to be considered on their merits. In any case, the County Council, as Education Authority, is only likely to be prepared to accept blight in respect of safeguarding for its statutory function. Furthermore, the Borough Council has no evidence of specific need that could justify safeguarding this land for community, as opposed to education use. The change should not be made.*

- (3) The County Council wish to see a site safeguarded for education/ community use at **Peters Pit, Wouldham** (Rep 174.03). They argue that this is to avoid the land

being used for residential purposes or attracting a residential land value since development triggering the school may not be until post 2016 by which time the planning application could lapse.

**Response:** *The outline planning permission for Peters Pit secures the provision of a primary school by means of legal agreement. Under this agreement the school site needs to be transferred to the County Council by the completion of the 100<sup>th</sup> dwelling. This will be well before 2016 (see Annex A to Position Statement CS01). It is therefore not considered necessary to identify or safeguard the approved location for the school. The extent of the overall area with planning permission will be shown for information on the Proposals Map.*

- (4) The County Council wish to safeguard an extension to the area of the **Discovery School at Kings Hill** as shown on the map at **Annex B** (Rep 174.06). They argue that this will ensure that the land is not granted permission for a non-community use and will ensure that it does not attract a residential valuation. It also informs the community that adequate land has been identified for the future expansion of population at Kings Hill.

**Response:** *Whilst the Borough Council would have no objection in principle to this proposal it is conscious that it was not put forward at either the Issues Report or Preferred Options stages and has therefore not been subject to Sustainability Appraisal and has only been subject to public consultation at the Reg 32 Stage. There were no objections at that stage. However, unlike the Judd School proposal this site does lie within the allocated and permitted residential area of Kings Hill and will therefore potentially have significant financial implications. On the other hand, the land owner is the County Council which ought to be able to control the release of the site through its development agreement. If, under the circumstances, the Inspector felt that this proposal could be supported then the Borough Council would have no objection.*

- 4.2 Hildenborough Parish Council has drawn attention to an error on the Proposals Map. Policy S1(g) safeguards land to the rear of **Foxbush, Hildenborough** for new playing fields for Hildenborough Church of England Primary School. Para 6.1.1 makes it clear that, except where otherwise indicated, the extent of the safeguarded areas is the same as on the Local Plan Proposals Map – in this case the area safeguarded under Local Plan Policy P8/9(a). The Parish Council point out that part of the area safeguarded under Local Plan Policy P8/9(A) was granted planning permission in 2001 with the agreement of the County Council and Sport England to be used as an extension to the adjacent burial ground. This part should therefore no longer be safeguarded for education purposes. The County Council has confirmed that this is correct

- 4.3 **Response:** *A technical amendment to update the area to be safeguarded as shown on the map at **Annex C** therefore needs to be made.*

## 5 Supports

- 5.1 There is support for the following proposals:

- Policy S1(f) Site for new playing fields for Wouldham Church of England Primary School – KCC (Property) – Rep 174.09

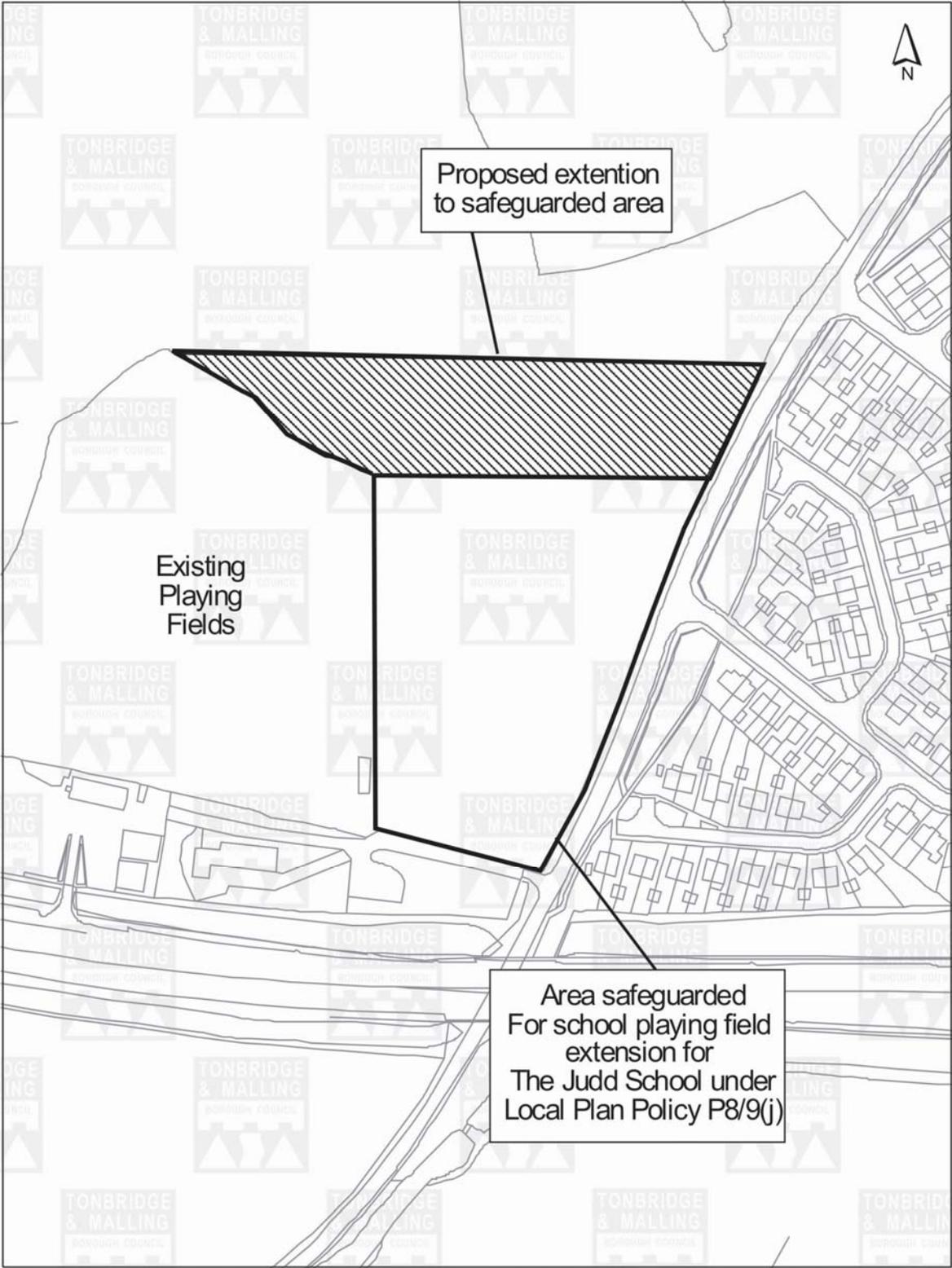
- Policy S1(j) Site for new Primary School at Platt – KCC (Property) – Rep 174.08
- Policy S1(g) Site for new playing fields for Hildenborough Church of England Primary School (as amended – see above) – Hildenborough Village Preservation Association – Rep 52.02
- Policy S1(k) Site for an extension to Burham Reservoir – Southern Water – Rep 65.09.

## **6 Proposed Changes**

- 6.1 The only change that the Council is commending to the Inspector is the correction to the extent of the area safeguarded for an extension to playing fields to the rear of Foxbush, Hildenborough as shown on **Annex C**.
- 6.2 The Inspector may feel that the changes can also be made to the extent of the safeguarding at the Judd School playing fields, Tonbridge (**Annex A**) and the Discovery School, Kings Hill (**Annex B**) but, strictly speaking, the correct procedures have not been followed and the proposals could be challenged.

## **7 Conclusion**

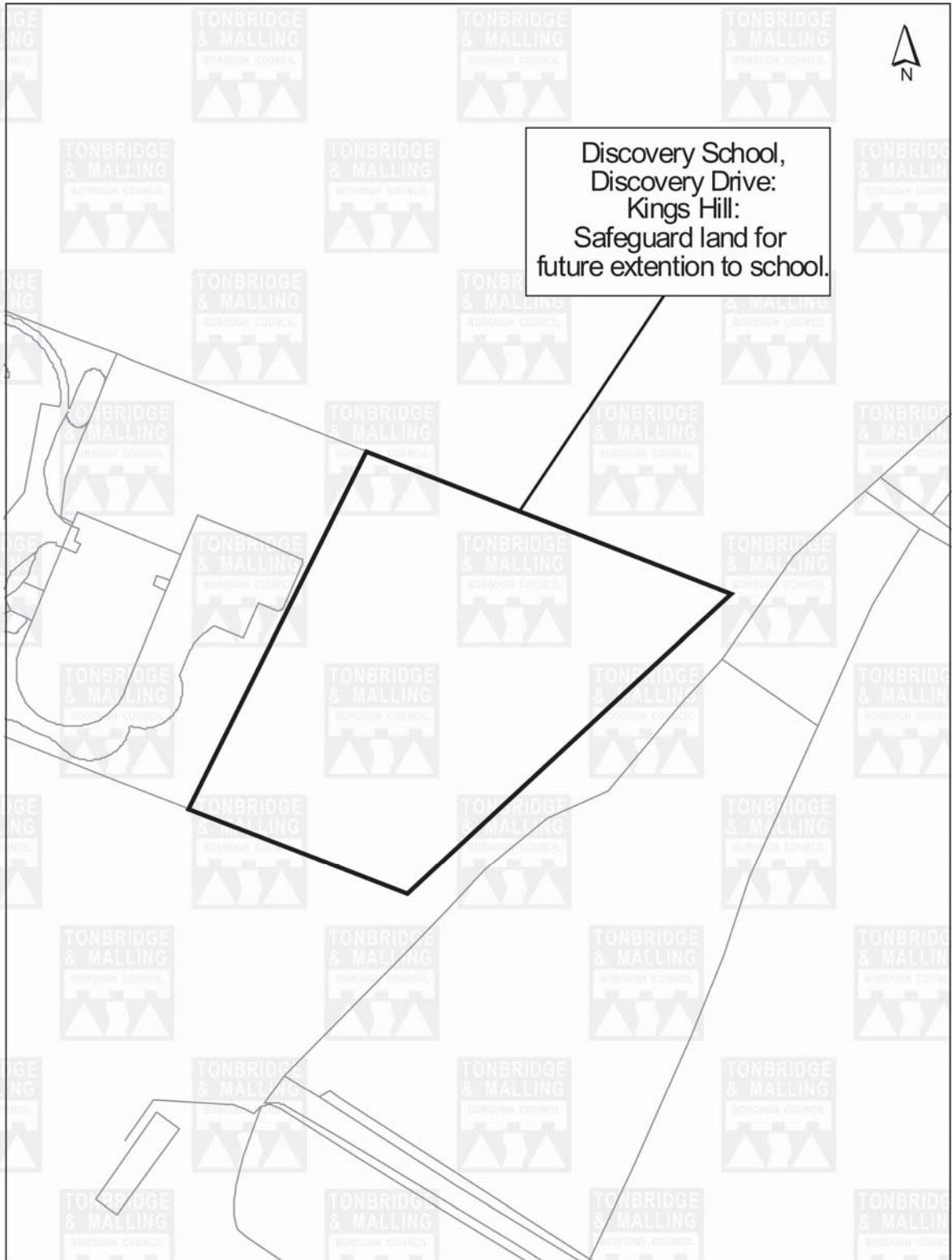
- 7.1 The Development Land Allocations DPD is considered to be sound in respect of the policies relating to Safeguarding



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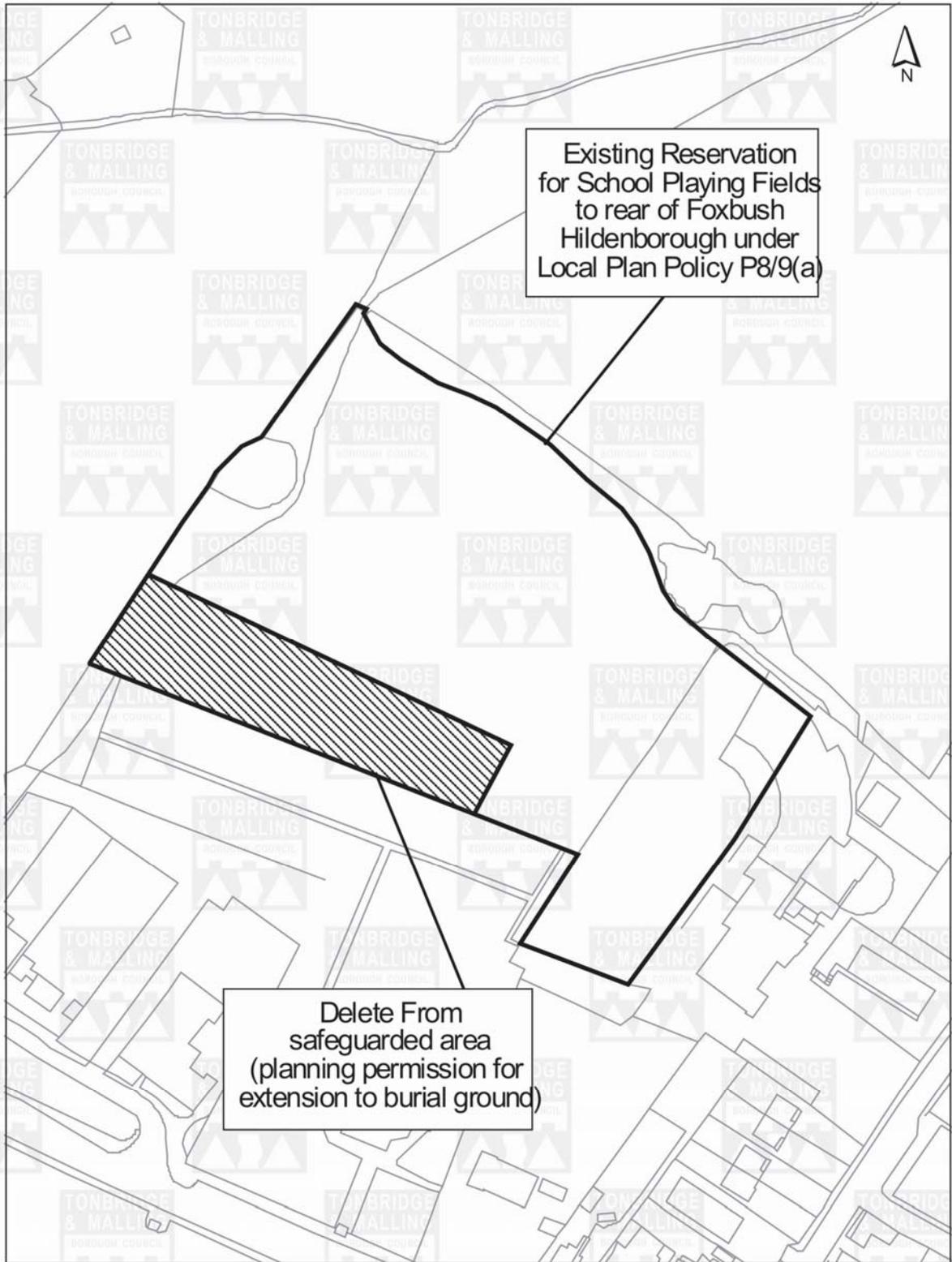


Discovery School,  
Discovery Drive:  
Kings Hill:  
Safeguard land for  
future extension to school.

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