

**Tonbridge and Malling Borough Council**

**LOCAL DEVELOPMENT FRAMEWORK**

**DEVELOPMENT LAND ALLOCATIONS DPD**

**POSITION STATEMENT No DLA02**

**Quarry Wood**

The Junction (295.07/08/09/10/11/12/13/14/15/16)

AXA (312.01/02/03/04/05/06)

Ringbest (180.13/15/16/17/18/19/20)

Highways Agency (69.53/54)

Royal British Legion Industries (265.04)

Sainsburys (298.03)



# TONBRIDGE & MALLING LOCAL DEVELOPMENT FRAMEWORK

## Position Statement No DLA02

### Quarry Wood

#### **1 Introduction**

1.1 This Position Statement deals with a series of complex, inter-related and competing representations relating to the policies applying to the Quarry Wood area. The representations fall into two broad categories though even these are inter-related in some respects:

- Whether, pursuant to Core Policy CP23(1)(c), it is appropriate to specifically identify a site or sites for further retail development at Quarry Wood and whether the employment polices for the area should be amended accordingly;
- Whether the use and extent of the land allocated for Business development under Policy E1(p) and E3(h) is correct.

The various representations are illustrated on the map attached at **Annex A**.

1.2 The Position Statement has been prepared prior to the receipt of the Inspector's Report on the Core Strategy. The Council accepts that its position may need to change depending on the Inspector's Report. If this is the case then the Council's revised position will be set out in a further Response Statement.

#### **2 The Borough Council's Position**

2.1 The policies relating to Quarry Wood have been informed by the Employment Land Review undertaken by Drivers Jonas<sup>1</sup> and the advice the Council received from Nathaniel Lichfield and partners on retail matters<sup>2</sup>. The Council's position on employment land matters is set out in Position and Rebuttal Statements CS08 and on retail matters in Position and Rebuttal Statements CS09.

2.2 The Employment land Review concluded that, allowing for planned losses of employment land (see Policy H4, for example), there was just sufficient land identified to meet future needs and that further losses should be resisted. In line with Government Guidance on Employment Land Reviews it identified the best employment areas that should be safeguarded for employment purposes. These areas are covered by Core Policy CP23.2 and identified diagrammatically on the Key Diagram. Their precise extent is shown on the Proposals Map pursuant to Policy E1 in the Development land allocations DPD. All other employment areas (apart from those specifically allocated for another use – eg housing under Policy H4) are covered by Policy E2 which, whilst not safeguarding them, still seeks to retain these areas in employment uses unless certain specified criteria are met.

2.3 In the case of Quarry Wood the Employment Land Review found that the area generally to the west of Mills Road was of a higher quality and should be safeguarded under Policy E1. To the east of Mills Road the quality was more mixed with some better quality

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<sup>1</sup> RD 7.4 – Employment Land Review

<sup>2</sup> see Annex A to Position Statement CS09

development to the north (the AXA site) but with poorer quality buildings to the south (the Ringbest site). This area is therefore not safeguarded but is covered by Policy E2.

- 2.4 To the east of the main employment area, between the employment uses and the backs of houses fronting Hermitage Lane, lies a relatively small open area. In the light of the proposal to amend the confines of the built up area pursuant to Policy CP12<sup>3</sup> the Council proposes this area should be allocated for employment purposes under Policy E1, and restricted to business use in the light of the proximity of the houses.
- 2.5 Policy E3 identifies those relatively few remaining open areas within the identified employment policy areas potentially available for development. In this respect a technical amendment should be made to the extent of the open area at Priory Wood as shown on the map at **Annex A** to properly reflect the amount of undeveloped land as at the base date of the plan. The extent of the area under Policy E3(g) should consequently be revised from 6.85 ha to 3.46 ha.
- 2.6 To the north of the employment area on the A20 frontage lies the South Aylesford Retail Park and Sainsburys superstore. This area is identified diagrammatically under Policy CP23 as an out-of-centre retail facility, the extent of which is defined on the Proposals Map pursuant to Policy R1(m). Policy CP23 recognises that, if there is an identified need for comparison goods shopping that cannot be met within the Maidstone urban area, then Quarry Wood is a suitable location to meet this need. The Council has agreed that this fact should be recognised by the addition of a suitable symbol on the Key Diagram<sup>4</sup> but, by definition, this cannot be site specific.
- 2.7 Proposals for retail development would therefore be considered on their merits in the light of the circumstances pertaining in Maidstone Borough and in the light of the relevant employment policies in the LDF. In this respect, there would be a strong presumption against retail development to the west of Mills Road within the area safeguarded by Policy E1(f). Further retail development, if it was justified, would therefore need to take place on land to the east of Mills Road and this is recognised in Policy E2(e) which specifically cross-refers to Policy CP23(1)(c). Any proposals for retail development in this area would need to be considered against the criteria in Policy E2. In this respect, and on the face of it having regard to the quality of the existing premises on the site, the AXA site would be likely to find it more difficult to comply with the criteria than the Ringbest site. However, this is a judgement that can only be made in the light of circumstances prevailing at the time an application is considered. If this were to be the case, it could mean that the Ringbest site would be developed in isolation which would not relate well to the existing retail uses.
- 2.8 Under the circumstances, the Council therefore finds it impossible and considers it inappropriate to firmly allocate a site for retail development at Quarry Wood. For a start it does not yet know whether there is likely to be a need which cannot be more properly met in Maidstone. If there is an unmet need, the scale is not known which means it is impossible to be precise about the size of site that needs to be allocated. In the absence of this information it is equally impossible to be definitive about the location of such a site, though in land use terms it should preferably be located adjacent to and be seen as an extension of the existing retail area.

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<sup>3</sup> See Annex H2 to the Core Strategy

<sup>4</sup> See Rebuttal Statement CS09 – para 4.1.

2.9 If the scale of need was very large then it could be appropriate to allocate the entire area east of Mills Road for retail development. If the scale was small then the AXA site alone might be sufficient, but the quality of existing units might militate against the development of this area and the development of part of the Ringbest site might be preferable. If the need was somewhere between the two then, if the objective is to see a logical extension to the existing retail area then it might be more appropriate to allocate the AXA site together with the northern part of the Ringbest site. However, this would still compromise the objective of retaining the reasonable quality employment units on the AXA site. Under the circumstances, it might be considered preferable to develop the Ringbest site alone notwithstanding its relative isolation from the rest of the retail area. In the view of the Borough Council all of these judgements are best made in the context of considering a planning application where the particular circumstances can be judged at the time against the criteria in the LDF policies.

### **3 Response to Representations**

3.1 The Junction who are the owners of the existing Retail Park suggest that the entire Quarry Wood area should be subject to Policy E2 so that effectively there is a level playing field between the areas to the east and west of Mills Road [Reps 295.13/14/15]. This is because they see the southward extension of the existing retail park as being in better accord with Core Policy CP23 than retail development to the east of Mills Road particularly in terms of encouraging linked trips. They argue that development in this area would predominantly affect car showrooms rather than B class employment uses.

**Response:** *The Council's position is set out under Section 2 of this statement and is determined by the conclusions of the Employment Land Review that land to the west of Mills Road should be safeguarded for employment purposes. This conclusion had regard to the fact that some of the units at the northern part of the site are occupied by car dealerships. Car showrooms are a sui-generis use. They include elements of retail, storage and activities of an industrial nature in the repair workshops. Importantly, as high quality buildings they enhance the appearance of the industrial estate and add to its overall quality, in marked contrast to much of the land to the east of Mills Road. If any of these car showrooms became available for redevelopment the Council's preference would be it to be developed for an employment use. The Council believes that the proposal to safeguard land to the west of Mills Road for employment purposes is sound.*

3.2 AXA suggest that, having regard to Core Policy CP23 their land immediately to the south of the Sainsburys store should be firmly allocated for bulky goods retailing and deleted from the employment area [312.01-06]. On the other hand, Ringbest suggest that their site to the south of the AXA site should be the location allocated for retail development pursuant to Core Policy CP23 and that the AXA site, being better quality buildings should be covered by Policy E1 rather than E2. They argue that their site is no longer suitable or needed for employment use [180.15/17/19].

**Response:** *The Council's position with regard to the firm allocation of land for retail development at Quarry Wood is set out under para 2.8 and 2.9 above. Whilst, in terms of the quality of the buildings, there could be a case for the AXA site to be safeguarded and covered by Policy E1, it is a relatively small area and not in itself of such strategic significance as the rest of the Quarry Wood/Priory Park area west of Mills Road. However, the quality of the buildings on the site*

would be a material consideration in the determination of a planning application having regard to the criteria in Policy E2. In terms of the quality of the buildings on the Ringbest site, it is accepted that the Employment Land Review found them to be of poor quality. However, the Employment Land Review also concluded that the Council could not afford to lose existing employment land. The first preference would therefore be that this area should be redeveloped for employment purposes unless it can be demonstrated, in terms of the criteria in Policy E2, that this is not appropriate.

- 3.3 The Royal British Legion Industries (RBLI) whilst supporting the identification for development of the small area of land which they own behind the houses in Hermitage Lane argue that it should be allocated for a mix of retail and residential development rather than for business use under Policy E1(p) [Rep 265.04]. RBLI also own the properties on the Hermitage Lane frontage. The Junction [Reps 295.07/08/09] argue that the area allocated under Policy E1(p) should be enlarged to include the housing on the frontage and should include a requirement for the provision of a second access into the Quarry Wood area to relieve congestion at the Mills Road junction with the A20. Ringbest, on the other hand, argue that this area should not be allocated for any use because there is no need and it contributes to the Strategic Gap [Reps 180.13/16/18/20].

**Response:** *The identification of this small parcel of land for development is consequential upon the proposal in the Core Strategy to amend the confines of the built up area by the incorporation of the frontage properties along Hermitage Lane<sup>5</sup>. In terms of land use the Council's preference would be to see this area developed for B1 business use because of the proximity of the existing housing. It is accepted that if this housing were to be demolished then an unfettered employment use would not be inappropriate, except that the Council would wish to see a high quality development on this important road frontage which might not be achieved with conventional B2 or B8 development. The Council does not seek to support this proposal on the basis of need but, bearing mind the pressure there continues to be for the release of employment land for other purposes, not least for retail use at Quarry Wood, it seems appropriate to allocate and safeguard this well-located site for employment use.*

*Whilst this site could be allocated for housing it is not in an ideal location for such use adjacent to unfettered employment B2/B8 uses. Furthermore, there is no overriding need for additional housing whereas the release of the land for employment purposes can be justified in terms of the Employment Land Review. The constraints on the location of housing sites are not so onerous as employment land. This site is considered to be more appropriately located for employment use than residential and should therefore be allocated as such. Likewise, in its present form, it is not considered an appropriate site to allocate for retail use which would in any case, at this out-of-town location, have to be justified in terms of the sequential test and on the basis of need.*

*The issue of a second access to Quarry Wood is a difficult one. The existing access to the Quarry Wood industrial and retail area from the A20 is highly congested since it is the only point of access to this entire area. The Junction are*

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<sup>5</sup> See Annex H2 to Core Strategy

*correct in their suggestion that the County Council as Highway Authority would ideally like to see a second access to the area created out to Hermitage Lane.*

*There is absolutely no doubt that the proposed new allocation under Policy E1(p)/E3(h) would have to have its own dedicated access directly to Hermitage Lane and the Inspector might agree that it would be useful to confirm this fact in by adding the words “to be accessed only from Hermitage Lane” to subsection (p) of Policy E1. However, it would be difficult, in terms of what is reasonable, to require the development of this small site to make provision for an access of the scale and nature necessary to serve the entire Quarry Wood area as suggested by the Junction, particularly as the levels are different. Furthermore, there would be no easy means of securing the continuation of the access though to Mills Road unless it was a planning requirement of the redevelopment of one or other of the sites on the east side of Mills Road. This would essentially create a ransom situation for the RBLI over the development of these other sites.*

*In this respect, what is relevant is the change in the level of likely trip generation between the existing use rights on these sites and the proposed use. This in itself may or may not be sufficient to justify a refusal on the grounds of impact on the Mills Road/A20 junction and will depend upon the scale and nature of the proposed development. It is clear that if the Council were talking about the release of a large greenfield site as an extension to the industrial area then the need for a second access would be unquestionable. The fact that the only new development in the area will be by the redevelopment of existing uses makes things much more complicated.*

*The view the Borough Council has taken is that any development in the area, whether it be for employment or retail use, will have to submit a Transport Assessment and under Core Policy CP2(e) will have to “provide for any necessary enhancements to the safety of the highway network and capacity of transport infrastructure”. If such an Assessment concluded that the only way that such a development would be acceptable would be by the provision of an access directly out to Hermitage Lane then this would be a matter for the respective landowners to pursue on a commercial basis. But a redevelopment on a like-for-like basis would be unlikely to justify such a proposal and, so far as the Development Land Allocations DPD is concerned, this is all that is proposed.*

- 3.4 The Highways Agency express general concern about the likely traffic generation from large out-of-town retail centres like Quarry Wood [Reps 69.53/54]

**Response:** *This matter was dealt with in the context of the Core Strategy in Position Statement CS09 – para 4.2(2). The above considerations relating to a second access are also relevant to overall trip generation. It is the net change that is relevant in the case of redevelopment.*

- 3.5 The Junction propose various changes to the wording of the criteria in Policy E2 in support of their general representations [Reps 295.13/14/15]. They suggest that:

- in criterion (1) an adverse impact should be “significant” and apply to “buildings” as well as land;

- in criterion (2) marketing should be for employment “purposes” and the term “reasonable period” should be defined
- criterion (3) is considered to be unnecessary and inappropriate if the other two criteria have been met.
- An alternative and more appropriate criterion would be “the need for the alternative use”

**Response:** *It is accepted that the word “significant” could be included before the word “adverse” in criterion (1), but the reference to “buildings” should not be included because the policy is about the retention of employment land and not necessarily the buildings currently on that land.*

*In criterion (2) it is accepted that the word “purposes” could usefully be inserted after the word “employment”. What is a “reasonable period” will depend on the circumstances of the case and will need to be agreed at the time.*

*In the case of criterion (3) is not considered that the test of viability is unnecessary. Marketing is not of itself a test of viability. For example, clearance of the site may make it more marketable, but may not be viable.*

*The need for the alternative development is not a matter for this policy which deals with specifically with the judgements that needs to be made about the loss of employment land. Those judgements would have to be balanced against the need for the alternative development as set out in the relevant policy applying to that development, for example, Policy CP23 in the case of retail development.*

#### **4 Support**

- 4.1 Both The Junction [Rep 295.16] and Sainsburys [Rep 298.03] support the identification of Quarry Wood as an out-of-centre retail location under Policy R1.

#### **5 Proposed Changes**

- 5.1 In the light of the above the following proposed changes could be made. These minor technical changes do materially affect the soundness of the plan and would not require further consultation of sustainability appraisal.

- 5.2 Amend the extent of the vacant land at Priory Park identified under **Policy E1(g)** in line with **Annex A** to this Position Statement and revise subsection (g) to Policy E3 to read:

**(g) Priory Park, Quarry Wood (3.46 ha)**

- 5.3 Revise sub-section (p) of Policy E1 to read:

**(p) Land at Hermitage Lane to be accessed only from Hermitage Lane**

- 5.4 Revise criterion (1) of Policy E2 to read:

**(1) proposals must be able to demonstrate no significant adverse impact on the quality or quantity of employment land supply in the market area;**

5.5 Revise criterion (2) of Policy E2 to read:

- (2) applicants must be able to demonstrate that they have actively marketed the site for employment purposes on realistic terms and for a reasonable period, including consideration of sub-dividing a larger site.**

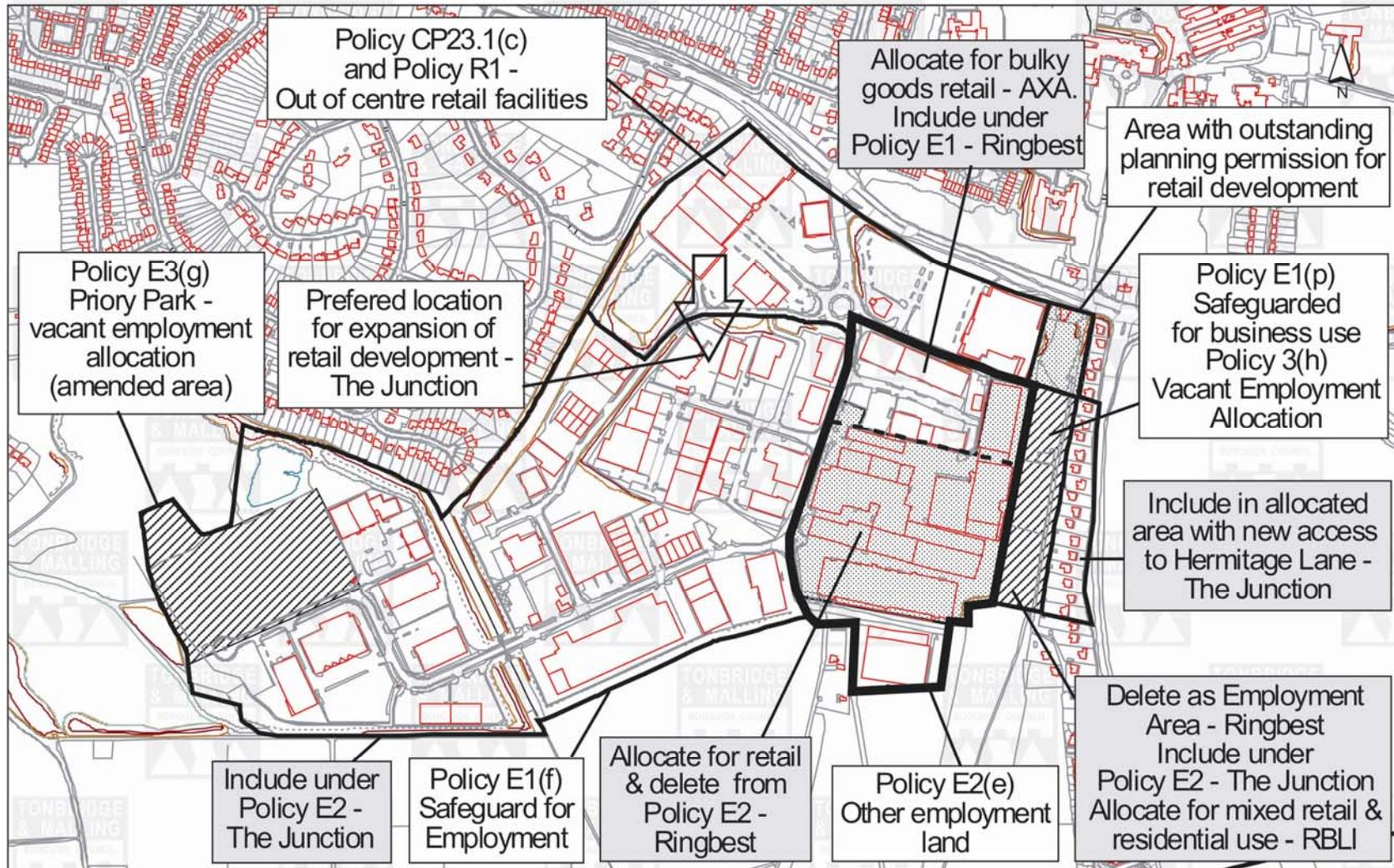
## **6 Conclusion**

- 6.1 The Development land Allocations DPD is considered to be sound in respect of the employment and retail policies as they apply to Quarry Wood. In terms of applying Core Policy CP23 it is not considered appropriate to firmly allocate land for additional retail development at this site. The need, and if there is a need, the scale of that need cannot be established at this time.
- 6.2 It is right that land to the west of Mills Road is safeguarded for employment use and that land to the east of Mills Road should be retained in employment use unless the criteria in Policy E2 are met. Whilst the vacant land to the rear of properties in Hermitage Lane could potentially be used for a number of purposes the Council's preference as expressed in the DPD is for it to be allocated for business use. The need or otherwise for a direct access to Hermitage Lane to serve developments within the Quarry Wood area has to be considered in the context of the existing and permitted uses in the area.

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Quarry Wood  
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Annex A