

Tonbridge and Malling Borough Council

LOCAL DEVELOPMENT FRAMEWORK

DEVELOPMENT LAND ALLOCATIONS DPD

POSITION STATEMENT No DLA03

Other Employment Issues

Objectors

United Utilities Ltd. (059.02 and 059.03)
Croudace Strategic Ltd. (171.12 and 171.15)
Ringbest Ltd (180.14)
Ramac Holdings Ltd (182.03)
Veremead Ltd (258.02 and 258.03)
Royal British Legion Industries (265.03)
Associate British Foods plc (307.01)

Supporters

Blue Circle Industries (119.02 and 119.03)
Gallagher Properties (227.03)

TONBRIDGE & MALLING LOCAL DEVELOPMENT FRAMEWORK

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1 Introduction

- 1.1 This Position Statement deals with objections to the soundness of the Development Land Allocations DPD relating to Employment Issues other than those that specifically relate to Quarry Wood. These are addressed in Position Statement DLA02. This Position Statement, DLA03 deals with the following:
- Site-specific objections to the Council's employment land proposals
 - An objection seeking the reinstatement of an allocation from the Local Plan.
 - A representation seeking the protection of an existing business activity.

2 The Borough Council Position

- 2.1 The Employment Policies in the Development Land Allocations DPD set out in Policy E1 sites which are proposed to be safeguarded for employment development and in Policy E2 sites that may be suitable for redevelopment to other uses provided specific criteria are met. Policy E3 identifies vacant sites at the plan base date within these areas specifically allocated for employment development.
- 2.2 The approach to safeguarding employment sites was progressed through the production of the Employment Land Review (July 2005)¹ and was a matter discussed at the Core Strategy Examination. The aim of the Local Development Framework is to ensure the Borough maintains a suitable portfolio of appropriate employment sites to meet the current and future employment needs during the plan period. The overall findings of the Employment Land Review are set out in the Core Strategy Position Statement CS08 dealing with Employment Policy. The Employment Land Review was prepared in accordance with government guidance set out in 'Employment Land Reviews: Guidance Note' (December 2004)².

3 Response to Objections

- 3.1 United Utilities (059.02) have objected to the inclusion of this site in its entirety under Policy E1 and believe that the site should remain as two distinct allocations as per the Tonbridge & Malling Borough Local Plan (1998) under Policies P5/9(q) and P5/15(c), particularly as the sites are in separate ownership. United Utilities propose that the site is covered by a comprehensive policy to achieve redevelopment of the site that includes employment development within the areas facing onto Woodgate Way with residential development behind as illustrated in the map accompanying their representation. (See **Annex A**). The Employment Land Review identifies the need to upgrade the bridge on Five Oak Green Road to enable allocated employment sites to come forward for development. They contend that Policy P5/9(q) is more suited for residential purposes, acting as a buffer with

¹ RD 7.4 - Employment Land Review (Drivers Jonas) July 2005.

² RD 1.24 - Employment Land Reviews: Guidance Note (Dec 2004)

the existing residential. Such use would also bring forward a redevelopment of a redundant brownfield site without needing any improvement works to the bridge.

Response: *The Council's position remains the same as discussed at the Core Strategy Examination and set out in Position Statement CS08 and Rebuttal Statement CS08. See also para 3.2 of Position Statement DLA01. In the view of the Borough Council the site is in a prime, well-accessed location and should continue to be safeguarded for employment purposes.*

- 3.2 Croudace Strategic Ltd (171.12 and 171.15) seek the inclusion of their site at Barming Station under Policy E1 as a site that should be safeguarded for employment development. They object that the Council cannot guarantee that the sites listed in Policy E1 will not be developed for other uses, particularly residential, if they are located within or close to existing urban areas. Their view is that Policy E1 fails to recognise that other sites in the Borough may be suitable for employment development and the Policy does not provide the flexibility to deal with changing circumstances. Suggested word changes are made to include Land at Barming Railway Station, Aylesford as a Policy E1 site with the additional paragraph as follows:

Any new development or redevelopment in locations other than those specified above that are suitable for employment development will be considered provided it does not result in unacceptable impact on residential or rural amenity by virtue of noise, dust, smell, vibration or other emissions, or by visual intrusion, or the nature and scale of traffic generation.

Response: *The Council's position on sites in rural areas and in areas outside of the urban areas is set out in Position Statement CS08. Employment development elsewhere in the built-up areas is covered by Core Policy CP23.3 and in the countryside by Core Policy CP15. There is no case for the allocation of a greenfield site in the countryside for employment in this relatively remote location adjacent to Barming Station. The fact that there is an allocated site immediately to the north of the Station merely reflects the reality of the historical long-established use of this land. It does not set a precedent for the allocation of further land in this location within the Strategic Gap.*

- 3.3 Ringbest (180.14) suggests word changes to Policy E2 that seek to clarify that proposals which deliver development that meets a need in accordance with the terms of another relevant Core Strategy Policy will be allowed. The suggested amendment is as follows:

2. Proposals for uses other than General Industrial (B2), Business Use (B1) or Storage and Distribution Uses (B8) and proposals that deliver development that meets a need in accordance with the terms of a relevant Core Strategy policy will not be permitted unless all of the following requirements are met.

Response: *The Council does not consider that the suggested changes to wording add to the Policy and that the proposed changes are therefore unnecessary. The applicant for any development proposal on an E2 site will need to demonstrate how their proposals meet the criteria in this Policy as well as the requirements of any other Policy. The additional words are therefore superfluous to the meaning of the Policy. Policy E2 is sound without the suggested change.*

- 3.4 Ramac Holdings Ltd (182.03) objects to Policy E2(3)(q) and request that Roughway Mill be deleted from the list as it will perpetuate the employment use of the site, precluding the benefits that would occur if the site could be redeveloped for other purposes pursuant to Policy M1(j) and Core Strategy Policy CP15(f).

Response *Roughway Mill is a major developed site in the Green Belt originally used as a Mill. The Mill has ceased operations and is in a derelict condition. Subsequent development on the site includes large relatively modern buildings used for employment purposes. In terms of the Development Land Allocations DPD, Roughway Mill is subject to both Policy E2 and to Policy M1. Policy E2 reflects the existing use of the site as an employment use. Any new development and/or change of use will be subject to the specific requirements of the Policy as well as Policy M1. Policy M1 identifies major developed sites in the Green Belt suitable for infill or redevelopment, subject to conditions and particularly for environmentally beneficial uses. Other than a first presumption against housing redevelopment unless additional conditions can also be met, no specific restrictions are imposed on the redevelopment options, which will be considered on the merits of the case. The conditions contained in Policy M1 comply with the guidance contained in PPG2 and specifically Annex C of PPG2.*

Although the main conclusion of the Employment Land Review is that no significant new employment sites are required in the future, existing vacant and other identified employment sites should generally be retained. Furthermore, an adequate portfolio of land should be maintained to meet the diverse range of requirements for all employment sectors. Roughway Mill should therefore be retained as an employment site unless the criteria in Policy E2 can be met.

Any proposals for redevelopment or a change of use from employment of Roughway Mill will need to meet the criteria in Policy M1. In the interests of sustainability, the first presumption is against housing redevelopment, but subject to conditions and consideration of the merits of the case, the policy provides an opportunity for a range of redevelopment options to be considered. Through the imposition of relevant and appropriate conditions in considering any redevelopment options the benefits of the Green Belt, landscape, site remediation, amelioration of local flooding problems and improved traffic conditions and rural amenity could be achieved.

Based on the reasons given above, the policy proposals contained in Policy E2 and Policy M1 are in compliance with the Core Strategy and Government guidance, especially PPG2, Annex C. There is therefore no need to delete Roughway Mill from Policy E2(3)(q) and the Development Land Allocations DPD is sound without this change.

- 3.5 Veremead Ltd (258.02 and 258.03) object to the deletion of their site as an allocation for employment development. The site in question was originally an allocation in the Tonbridge & Malling Borough Local Plan (1998) under Policy P5/15(d). They also object to the inclusion of the site listed as E3(o) as this site is under construction and almost completed.

Response: *The site formerly allocated under Local Plan Policy P5/15(d), having an area of some 1,51ha. is a vacant triangular-shaped greenfield site enclosed by the Medway, the East Peckham Bypass (Boyle Way) and an existing well-*

established depot. Access to and from the Branbridges site is via a private right-of-way estate road sharing a junction on Branbridges Road but access to the triangular area of land would be via an access road from the site to the south allocated under Policy E3(o). As the Branbridges site is situated contiguous to the Medway it is subject to flooding.

At the Preferred Options stage, the Branbridges site was deleted as a site suitable for Business Use as it is situated in a high risk flood area. This decision was informed by advice (not representations) from the Environment Agency that, as the site falls within Flood Zone 3b/ Flood Zone 3c (Functional Floodplain), it is highly vulnerable to flooding. According to guidance contained in PPS25, commercial development is generally not considered suitable at such locations. The Environment Agency therefore supported the Council's decision to delete this part of the Branbridges site as a site suitable for Business Use.

The decision to delete Branbridges as a site suitable for Business Use was also informed by the Employment Land Review. In the Employment Land Review the site is classified as an "Other Local" employment site as it performs relatively poorly under a qualitative assessment (constrained by flooding, difficult access, etc) and is therefore considered acceptable for transfer to other alternative uses where appropriate. However, it was also recognised that the site represents one of a few identified opportunities for new employment development in the Malling Rural area. Employment demand for its use is likely to come from smaller manufacturing and storage/distribution uses, similar to the scale of units already existing and recently built on the Branbridges Estate. The principal reason for deleting the site was therefore flooding.

Veremead's view is that as far as flooding is concerned the site has the same characteristics as the adjacent recently developed sites, that acceptable flood mitigation and flood protection measures can be implemented and therefore, that flooding alone cannot be a reason for not allocating the site for employment purposes.

A Flood Risk Assessment has been submitted to the Environment Agency by Halcrow in support of a planning application for commercial development on the site which addresses most of the issues raised by the Environment Agency. The major outstanding issue is the size and location of the "compensation pond" to ameliorate any flooding caused by the commercial development of the Branbridges site.

Halcrow still need to formally respond to the outstanding issues before the Environment Agency can give its full support to commercial development on this site but subject to compliance with the Environment Agency's requirements the Agency is not now likely to oppose commercial development here.

Based on the above information, the Council's principal reason for de-allocating the Branbridges site for Business Use is no longer valid or sustainable. The Council can therefore accept the representations from Veremead Ltd. and recommends that Policy E1(i) be amended to include this site as being safeguarded for employment purposes. As a result, the extent of Policy area E3(o) to which it forms an extension also needs to be amended.

The fact that the site currently listed under Policy E3(o) is under construction or now completed is not a reason for deleting it from the Policy which reflects the base date of the Plan as at 31 March 2006. The proposals contained under Policy E3 form the basis for monitoring. It is a fact that several of the listed sites are now under construction and this will be reflected in the Annual Monitoring Report.

- 3.6 Royal British Legion Industries (265.03) object to the wording of Policy E1 though their specific interests relate to Policy areas E1(p) and E3(h) and this is dealt within Position Statement DLA02. They consider that Policy E1 is not flexible enough to enable the DPD to deal with changing circumstances. They suggest that Policy E1 should be amended as follows:

Except where otherwise specified, proposals for non-employment uses... will generally not be permitted, unless justified by other policies embodied within the Plan.

***Response:** The Council's general response is set out in Position Statement CS08. The Council's view is that the Safeguarding Policy cannot afford to include any caveats that may allow the redevelopment of these sites for other purposes. The sites listed in Policy E1 are considered to be the best employment sites and should therefore, in line with Government Guidance, be safeguarded. Together, they provide the range of sites that make up the most appropriate employment land portfolio for the Borough. To introduce a caveat to allow the possible loss of a site to non-employment use would be unacceptable. The Employment Land Review has assisted the Council to decide where a more flexible approach is appropriate and these sites are set out in Policy E2. The change would make the plan unsound.*

- 3.7 Associated British Foods plc (307.01) object to Policy E2 as they consider that the business of an existing tenant must be safeguarded where required. Their needs should be specifically highlighted and protected.

***Response:** This is not a matter that can be addressed through the planning system.*

4 Proposed Changes

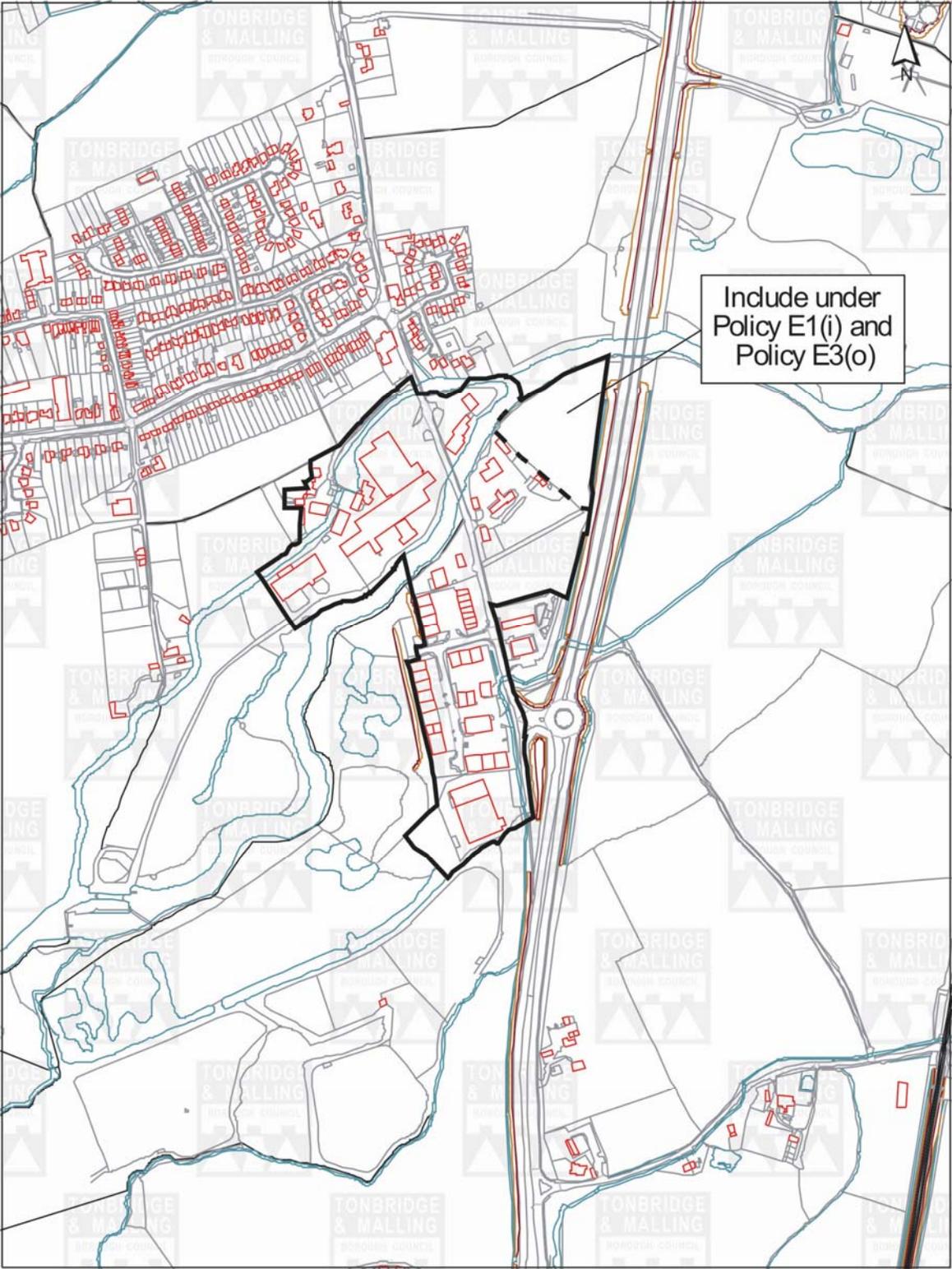
- 4.1 It is proposed that the area covered by Policy E1(i) is amended to include the site identified by Veremead in their objection as per the allocation in the TMBLP (1998) under Policy P5/15(d) (see map at **Annex B**). This same area should also be identified as part of the Policy E3(o) site and the area should be amended from 0.76 ha to 2.27 ha.

5 Conclusions

- 5.1 Policies E1, E2 and E3 are based on meeting the needs of the Borough as set out in the Employment Land Review. The Policies identify those sites that should be safeguarded and those that could be redeveloped to other uses provided certain strict criteria are met. Overall, these policies provide an employment land portfolio that the Council considers best meets the needs of the Borough, providing certainty and flexibility where needed.

5.2 The only proposed change reflects the reality of the Environment Agency's position in relation to current negotiations over a planning application.

ANNEX B
Policy E1(i) Branbridges, East Peckham



Scale 1: 5000

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