

**Tonbridge and Malling Borough Council**

**LOCAL DEVELOPMENT FRAMEWORK  
DEVELOPMENT LAND ALLOCATIONS DPD**

**RESPONSE STATEMENT No DLA02**

**Quarry Wood**

AXA Real Estate Investment Management (AXA) – Matter 02/312/1

Ringbest – Matter 02/180/1

Sainsbury's Supermarkets Ltd – Matter 02/298/1/WR

Royal British Legion Industries – Matter 02/265/01



# TONBRIDGE AND MALLING LOCAL DEVELOPMENT FRAMEWORK

## Response Statement DLA 02

### Quarry Wood

#### 1. Introduction

- 1.1 The Submission Statements submitted in response to this issue raise only two matters:
- Whether land should specifically be allocated for retail warehousing at Quarry Wood and if so which site [Ringbest and AXA];
  - Detailed matters concerning the nature of uses allocated to the site safeguarded under Policy E1(p) and allocated under Policy E3(h) to the rear of Hermitage Lane [RBLI].

#### 2. Retail Warehousing Allocation

- 2.1 In her report on the Core Strategy (para 9.13) the Inspector concludes that “the criteria-based approach adopted in Policy CP23 (now CP22) is the most appropriate solution to this issue”. The Borough Council agrees with this view and, for the reasons set out in Position Statement DLA02, does not consider it appropriate at the present time to allocate a firm site for further retail development at Quarry Wood.
- 2.2 In this respect, the Inspector needs to be aware of the timetable for the preparation of Maidstone Borough Council’s Core Strategy (see **Annex A**). For various reasons submission is not now programmed until January/ February 2009. It therefore seems unlikely that it will be adopted much before 2010. Maidstone Borough Council is not anticipating addressing the issue of allocating land for retail (if this is needed) or any other development until such time as it has the Inspector’s Report on the Core Strategy.
- 2.3 It will not be until the situation in Maidstone is resolved that a properly informed decision could be made about the need or otherwise for land to be released at Quarry Wood for retail purposes. It is accepted that, in principle, it would be better for the release of such land to be made through the development plan process rather than by the grant of planning permission. It may be, under the circumstances, that an allocation could be made in the context of the first review of the Development Land Allocations DPD which could be prepared in the light of the known position in Maidstone, but this will not be until 2010/11 at the very earliest.
- 2.4 The Council wishes to add nothing else to what it has said in Position Statement DLA02 in response to the submissions received from AXA and Ringbest.

### **3. Land to the rear of Hermitage Lane**

- 3.1 RBLI has changed its position in relation to the use of the land to the rear of the bungalows on the Hermitage lane frontage on a number of occasions.
- The original representation as submitted requested that the land be shown for employment/mixed-use
  - This was amended by letter dated 14 February 2007 to refer to a “mix of retail and residential use”
  - It is now their view that they do not object to the majority of the site being shown for Business B1 use but would prefer the northernmost part of the site to be shown for “Business (B1)/retail (A1) use”. It is not clear from the representation whether this is meant to imply a mix of such uses or that these are acceptable alternative uses.
- 3.2 The Borough Council’s position in relation to this site is explained in para 3.3 of Position Statement DLA02. Its preference, for the reasons given, is that the site should be allocated for Business (B1) development. It welcomes the fact that RBLI appear now to accept this in respect of the major part of the site. It is also pleased to see that RBLI support the inclusion of the specific reference to the access to this site being only from Hermitage Lane.
- 3.3 The Borough Council recognises the benefits of the site on the A20 frontage which has retail permission being accessed from Hermitage Lane, rather than from the permitted access directly off the A20 close to the A20/Hermitage Lane junction. It also recognises in principle the benefit of any new access on Hermitage Lane being located further away from the A20/Hermitage Lane junction in the general location indicated subject a detailed Transport Assessment and Safety Audit at the time of a planning application.
- 3.4 It also recognises that a junction in this location could, with the co-operation of all parties, potentially be linked via Burnt Ash Road to connect with Mills Road and thereby provide an alternative access, at least for buses and emergency vehicles, to serve the wider Quarry Wood area. The County Council as local Highway Authority is rightly concerned about any intensification of the use of the existing Mills Road access.
- 3.5 Whether the acceptance of all of these points necessitates any change to the land use allocation of this area is questionable. The Borough Council certainly does not favour the option of a mixed or alternative land use designation for the small parcel of land to the north of what is only a notional road alignment. If RBLI seek to promote B1 use on this site then this would be in full accordance with the plan. If it wishes to promote retail use on the site it would technically be a departure from the DLA DPD that would need to be considered in the context of:
- Policy E1 that seeks to safeguard the land for employment purposes;
  - Core Policy CP22.1(c) that identifies Quarry Wood as a suitable location for further comparison retail development subject to their being no suitable sites within the Maidstone urban area.
  - The benefits that might accrue from the provision of an alternative access to the frontage retail site.

Since the development plan is not able to take away the access rights already permitted, this balanced judgement could only be made in the context of considering a planning application where a legal agreement could be secured to prevent the implementation of the originally permitted access. For the reasons given above in relation to Ringbest/AXA the Borough Council does not have the evidence to support any extension to the retail policy area, albeit in this case a very small one.

- 3.6 The Borough Council is satisfied that the Plan as submitted is sound and that no change needs to be made. The sort of refinements and flexibility that the RBLI seek are more readily negotiated through the development control process than through the formulation of planning policy which effectively provides the benchmark against which alternative planning proposals might be judged.

BRG/18/10/2007 14:17



## Annex A



David Petford  
Chief Executive  
Trevor Gasson  
Deputy Chief Executive  
David Edwards  
Director of Change & Support  
Services  
Alison Broom  
Director of Operations

13 Tonbridge Road  
Maidstone ME16 8HG  
t 01622 602000  
w [www.digitalmaidstone.co.uk](http://www.digitalmaidstone.co.uk)  
minicom 01622 602224

Mr Brian Gates  
Chief Planner (Policy)  
Tonbridge and Malling Borough Council  
Gibson Building, Gibson Drive  
Kings Hill  
West Malling  
Kent ME19 4LZ

BY EMAIL: [brian.gates@tmbc.gov.uk](mailto:brian.gates@tmbc.gov.uk)

My Ref: 604/Core Strategy

Date: 18 October 2007

Dear Brian

### **MAIDSTONE LDF PROGRAMME**

You asked for some clarification regarding our programme.

In August Cabinet agreed to adjust the LDF work programme from that published in the LDS March 2007. The principal reason for this was the legal advice from Senior Counsel and procedural advice from GOSE, that the Core Strategy process should consider the option for inclusion of a Strategic Road Freight Interchange (SRFI) in order to be "sound".

On this basis it is anticipated that submission of the Core Strategy will be delayed by at least a year from the published LDS programme, depending upon the outcome of considerations into the option that are now underway.

A planning application for a SRFI proposal at M20 junction 8 has now just been received and must be addressed in parallel. I anticipate Submission of the Core Strategy will now not be before January/February 2009.

It has always been Maidstone's LDS strategy to progress the Land Allocations DPD one step behind the Core Strategy; all being well we aim to Submit the Land Allocations DPD closely after we have the outcome of

the Core Strategy Examination. Given the above, Submission is likely to be in Spring 2010.

The position will be clearer in the New Year when we better understand the SRFI proposals, however I do not intend to publish a new LDS until March 2008. In the meantime we will provide latest information on our website [www.digitalmaidstone.co.uk](http://www.digitalmaidstone.co.uk).

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Thornton', with a stylized flourish at the end.

Michael Thornton  
Policy & Environment Manager  
t 01622 602768 f 01622 602444  
e [michaelthornton@maidstone.gov.uk](mailto:michaelthornton@maidstone.gov.uk)