

Tonbridge and Malling Borough Council

LOCAL DEVELOPMENT FRAMEWORK DEVELOPMENT LAND ALLOCATIONS DPD

POSITION STATEMENT No DLA01

Housing Sites

Objectors

Aylesford Parish Council (20.06)

Manortouch Ltd (24.02)

Mr Bryan Ebdon (53.02)

United Utilities (59.01/03)

Southern Water (65.07)

Highways Agency (69.37/38/39/40)

Croudace (72.08/09)

Hallam Land Management
(79.35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52)

Prof Judith Wilson (113.02/04)

Orpines Ltd (128.02)

Rydon Homes (134.06/07/08/09/10/11/12/13/14)

Trenport Investments (172.08)

CPRE (173.11)

KCC (Property) (174.01)

Jason Rutherford (176.02)

Network Rail (178.01)

GLN (Wrotham) Ltd (181.20/21/22)

Mrs Patricia Cooper (186/07/08/09/10)

Cemex (190.06/07)

Mr Cox (242.02)

Mr R Fuller (247.02)

Knole Securities (264.03)

RBLI nad Strategic Health Authority (265.02)

Barton Wilmore (293.07/08)

Mr K Haward (296.03/04)

Mrs Tessa Baker – 300.03/04

Mr Peter Townsend (304.02)

Supporters

Borough Green Parish Council (32.02)

Hildenborough Village Preservation Association (52.03)

Hansons (106.07)

Hornet Engineering (110.02)

Network Rail (178.03)

Sainsburys (298.02)

Tonbridge and Malling Local Development Framework

Position Statement No DL01

Housing Sites

1 Introduction

1.1 This Position Statement deals with objections to the soundness of the Development Land Allocations DPD relating to Housing Sites. It deals with the following:

- general objections to the Council's housing proposals.
- representations seeking additional allocations of land for housing.
- Representations objecting to some of the Council's proposed housing sites – namely Isles Quarry West (Policy H2) and Preston Hall (Policy H3).

It has been prepared prior to the receipt of the Inspector's Report on the Core Strategy. The Council accepts that its position in respect of some of the sites 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 Housing Sites General

2.1 Hallam Land Management objects generally to the yields and questions the deliverability of the majority of the Council's housing allocations. This matter is addressed in Position Statement CS01, in particular in Annex C. However, it would appear from their Response Statement to the Core Strategy Hearing [01/079] that, other than Isles Quarry, they no longer contest the housing figures.

3 New Housing Sites (Omission Sites)

3.1 The majority of these representations relate to sites outside the confines of settlements. The issue of changing the confines of settlements was dealt as part of the Core Strategy pursuant to Policies CP12,13 and 14. For the most part the Council's response to these representations is therefore set out in various Core Strategy Position Statements as indicated below.

Site	Respondent	Council's Response
Riding Lane, Hildenborough – allocate for a retirement village or general needs housing	<i>Prof. Judith Wilson (113.02)</i>	Position Statement CS03
Land between Snoll Hatch and East Peckham – allocate for retirement village or general needs housing	<i>Prof Judith Wilson (113.04)</i>	Position Statement CS03
Land at The Orpines, Wateringbury - allocate for housing	<i>Orpines Ltd– (128.02)</i>	Position Statement CS03 Rebuttal Statement CS03

Site	Respondent	Council's Response
Land to rear of Redhill, Watlington - allocate for affordable housing	<i>Knole Securities – (264.03)</i>	Position Statement CS03
South of Eccles - allocate for housing in association with improvements to community infrastructure as part of an overall “community development plan”	<i>Trenport Investments Ltd (172.08)</i>	Position Statement CS03 Rebuttal Statement CS03
Carpenters Lane, Hadlow - allocate for Housing (complementary to their objection to the loss of the Reserve Site)	<i>Rydon Homes (134.12/13/14)</i>	Position Statement CS02 Rebuttal Statement CS02C
Land north of A25 in Platt - allocate land for affordable housing (complementary to wider revisions to confines)	<i>Rydon Homes (134.06/07/08/09)</i>	Position Statement CS03 Rebuttal Statement CS04
Borough Green Sand Pit - allocate for housing	<i>Cemex (190.06)</i>	Position Statement CS03 Rebuttal Statement CS04
Land southwest of Offham – allocate for affordable housing	<i>Mr Bryan Ebdon (53.02)</i>	Position Statement CS03 Rebuttal Statement CS03
Land at Gracelands, Ightham - allocate for housing	<i>Mr K Haward – (296.03)</i>	Position Statement CS03 Rebuttal Statement CS04
Priory Works, Tudely Lane, Tonbridge – allocate for Housing	<i>United Utilities – (59.01/03)</i>	Position Statement CS08 Rebuttal Statement CS08 (see below)
Brickfields, West Malling – allocate for housing	<i>Manortouch Ltd (24.02)</i>	Position Statement CS03
Lower Haysden Lane, Tonbridge - formally allocate the area of Safeguarded for housing.	<i>Hallam Land Management – (079.38)</i>	Position Statement CS02 Rebuttal Statement CS02A

Priory Works, Tonbridge

- 3.2 In the case of Priory Works [59.01/03] Position and Rebuttal Statements CS08 deal with the need to retain and safeguard the land for employment. This matter is also addressed in Position Statement DLA03 dealing with “Other Employment Issues”.

Position Statement CS01 deals with the issue of housing land supply. The conclusion is that there is no need for housing that is so great that it should over-ride the need to safeguard the land for employment purposes. The site is not well located for residential development. It looks away from the town and has poor public transport connections to the centre. With an employment use it will be easier to apply an effective Travel Plan aimed at encouraging sustainable transport to the site.

West Malling Magistrates Court

- 3.3 Barton Wilmore [293.07/08] made representations that land at West Malling Magistrates Court should be allocated for housing.

***Response:** The Magistrates Court is surplus to requirements and is available for development. It lies within the confines of West Malling Village and is surrounded by existing and proposed new housing. It is therefore acceptable in principle as a housing site. Since the time of the original submission a planning application for residential development has been submitted and is likely to be determined by the time of the Public Examination. Under the circumstances, there is no need for the site to be allocated. If permitted, it will count as windfall development within the five year supply. If refused, this will not be on the principle of development.*

Casteldene Transport and Pickfords Removals, Mill Hall, Aylesford

- 3.4 Network Rail [178.01] agree that the area at Casteldene Transport and Pickfords Removals allocated for housing under Policy H1(d) should be extended to include land adjacent to the railway in its ownership (see **Annex A**).

***Response:** There is no objection in principle to making this change but in practice it is unlikely to have a material effect on the developable area because of the need to protect the setting of the listed building. Since making the representation a planning application has been received for residential development on the allocated part of the site and is likely to be determined by the time of the Public Examination. The layout is such that there is little realistic opportunity for further development of the Network Rail Land. Under the circumstances the Borough Council would have no objection to the change being made but it will have little practical effect.*

Former Mill Stream School in East Malling

- 3.5 KCC (Property) [174.01] has requested that the site of the former Mill Stream School in East Malling should be allocated for housing (see **Annex B**).

***Response:** This former school site lies outside, but immediately adjacent to, the confines of East Malling Village. The school buildings have been demolished. The Borough Council's view expressed at the time of the Preferred Options Reg 26 consultation was that the site should not be allocated and that any proposals for the redevelopment of this previously developed windfall site in the countryside should be considered on their merits. Since that time planning permission has been granted for housing development on part of the site and a planning application is anticipated for development on the remainder but with the built cover respecting the previous extent of buildings on the site. Planning permission may have been granted by the time of the Public Examination. Once permitted, this will be regarded as windfall development that will contribute to the five year supply. Whilst it would not be necessary to allocate the site, it would be logical to*

include the extent of the permitted residential development within the confines of the built up area of East Malling Village.

The Freehold, Carpenters Lane, Hadlow

- 3.6 Mr Philip Hurling on behalf of his client Mr Jason Rutherford has effectively made representations that part of the open land at the Freehold, Carpenters Lane, Hadlow should be allocated for housing (see **Annex C**) but does so by objecting to an LDF proposal that does not yet exist.

Response: *The land in question forms part of an open area surrounded by mainly Victorian houses, in Carpenters Lane, Hadlow. Part is, or has been, used for cultivation as allotments and an area in the corner is used as a car park for the public house. There is also parking on the margins and it has a generally unkempt appearance. Historically it was allotment gardens associated with some of the original houses that front on to the open area, but many of the plots have subsequently been sold. The area is now in several ownerships including the objector's and Hadlow Parish Council but some plots are still owned by frontagers. Despite its appearance, it forms an important part of the urban fabric of the village and the Borough Council believes it is important that it should remain as open land.*

At the Issues Report stage Mr Rutherford argued that part of the open land should be allocated for Housing. The Council response at the time was that:

*"The Freehold makes an important contribution to the character of this part of Hadlow and also has historical associations with the area. It should therefore be defined as an Important Green Space in the Local Development Framework for historic and environmental reasons. It should not therefore be identified for housing. Its actual use for open space can be considered further in the Open Space Strategy for the Borough required by PPG17."*¹

It is the suggestion that the land should be a protected open space that Mr Rutherford objects to. He did so at the Reg 26 Preferred Options stage, but at this stage the Council also received considerable support for its proposal to reject housing on the site with 34 representations in support of the Council's position².

Since that time Mr Rutherford has submitted a planning application for housing on the site. It was recommended for refusal on the grounds, inter alia, that the proposed development of an area of existing undeveloped land would be detrimental to the character and appearance of The Freehold and the immediate vicinity and as such would be detrimental to the visual amenities of the area. The application was withdrawn before it was determined.

An application by the Freeholder Association that part of the land at the Freehold, including the objection site, should be registered as a Town or Village Green was rejected by the Secretary of State following a Public Inquiry, principally because most of the area was, or had been, used for cultivation as

¹ RD 5.10 - Response to Issues Report Consultation – Part 2 page 3of 40 – ref 015

² RD 5.11 - Response to Consultations under Regs 25 and 26 – Yellow pages - page 227 et seq.

allotments which meant that it could not have been used for “sports and pastimes” which is a necessary requirement of Village Green registration.³

An application by the Freeholders Association for a Lawful Development Certificate of existing use as allotment gardens and amenity space was granted by the Borough Council on 26 January 2007.

The issue as to whether the land should be defined as an Important Green Space will be taken forward in the Managing Development and the Environment DPD and cannot be objected to at this stage since, whilst the Council’s intention is clear, there is, as yet, no such proposal. However, to accept the allocation for housing of an irregular area of land virtually in the middle of the site would clearly be prejudicial to this intention. Mr Rutherford will have an opportunity to challenge the Council’s proposal to define the area as an Important Green Space at the appropriate time.

In the meantime, the proposed housing allocation should be rejected. Regardless of whether the site is formally defined as an Important Green Space, residential development on this site would be detrimental to the amenities of residents and the particular character of the built environment of the Freehold where houses traditionally surround and relate to a central open area.

4 Isles Quarry West

- 4.1 Policy H2 allocates this site for housing pursuant to Core Policy CP19 which identifies it as a strategic location for development. Most objections to this proposal relate to the principle of development which was discussed at the Public Examination into the Core Strategy. The representations received in relation to the Development Land Allocations DPD do not raise any new issues in relation to the principle of development. The Borough Council’s response to these representations is therefore set out in Position Statement CS04 and Rebuttal Statement CS04.
- 4.2 The only new issue to be raised, specific to the allocation of the site, is a representation from Southern Water [665.07] expressing concern that there is no reference to the need for enhancement to the sewerage capacity connecting to the site.

Response *Core Policy CP26 makes it clear that all development proposals must either incorporate the infrastructure required as a result of the scheme or make provision for financial contributions to secure such infrastructure provision at the time it is needed. This policy is cross-referred to in Policy H2 (but with a typographic error referring to Policy CP27 which needs to be corrected). In the case of sewerage, the Water Authorities have their own powers under the Water Industries Act 1991 to levy an infrastructure connection charge to cover the cost of enhancements. The Council would not therefore expect itself to require a development to make such provision by means of condition or legal agreement. In the view of the Council, it is therefore not necessary to be specific in the Policy about the need for improvements to the sewerage system, but if the Inspector thinks it would be helpful to flag up the issue in the policy, then the Council would have no objection to the addition of another clause to the policy as follows:*

³ RD 7.34 - Inspector’s Report relating to an application for the land at the Freehold Hadlow to registered as a Town or Village Green.

- (m) contributions towards the improvement of off-site sewerage capacity.

5 Preston Hall

- 5.1 Preston Hall comprises hospital and administrative buildings belonging to the Strategic Health Authority and land and buildings owned by the Royal British Legion. The Strategic Health Authority has indicated its intention to declare the site surplus to its requirements within the plan period and will progressively close and decant existing uses from the site. The RBLI has indicated its willingness to work in partnership with the Strategic Health Authority to bring forward a comprehensive scheme for the development of some of the open areas and the redevelopment of the former Health Authority buildings with the exception of Preston Hall itself which is a Grade II listed building. The ownership split of the site is complicated and it is only if there is a comprehensive scheme that the full potential of the site will be realised. It is for this reason that Policy H3 proposes that a Master Plan should be prepared for the whole site, including developed areas to remain, to demonstrate how new buildings can be properly integrated with the old and, in particular, how the setting of the Listed Building is to be preserved.
- 5.2 Aylesford Parish Council [20/06] wish development to be restricted to the western part of the site and “be minimal” because they perceive that the remainder of the site comprises part of the strategic gap.

Response: *The defined extent of the Strategic Gap lies outside the Preston Hall site boundaries and so, by definition, the open areas within the site do not lie within or otherwise contribute towards the open area separating Maidstone from the Medway Gap. No representations were made by Aylesford Parish Council in the context of the Core Strategy that the extent of the Strategic Gap should be changed in this location. To restrict the potential development area to the western part of the site (ie to the west of the central access road) would severely restrict the development potential of the site and would not have regard to the significant amount of built form that already exists on the eastern part of the site. Draft master plans submitted in support of the representations made by the RBLI and the Health Authority at the time of the Preferred Options Report confirmed to the Borough Council that there is significant development potential within the overall site that can be realised without compromising the all-important setting of the Listed Building. Not all of the open area to the east of the access road needs to remain open in order to achieve this objective. Development within this area will be well screened from the surrounding area including the Strategic Gap. One of the benefits of the comprehensive approach is that Council aims to secure positive management of the open areas within the control of the Health Authority within the Strategic Gap (see sub-section (g) of the Policy).*

- 5.3 The Highways Agency [69.39/40] suggest that they would not want to see development on this site unless supported by a strong package of sustainable transport measures.

Response: *All development will have to comply with Core Policy CP2 which requires the provision of Travel Plans, improvements to public transport, cycling and walking and any necessary enhancements to the safety of the highway network and the capacity of transport infrastructure. Preston Hall is an existing developed site which has the potential as a hospital and office complex to generate a significant volume of traffic. It can only reasonably be the net change in traffic generated by a residential*

redevelopment that can be taken into account in assessing traffic impacts. The site is indicated as having a notional capacity of 180 dwellings. The net impact of the traffic generated by 180 dwellings is unlikely to be significant compared with what could be generated by the lawful and permitted uses on the site.

6 Proposed Changes

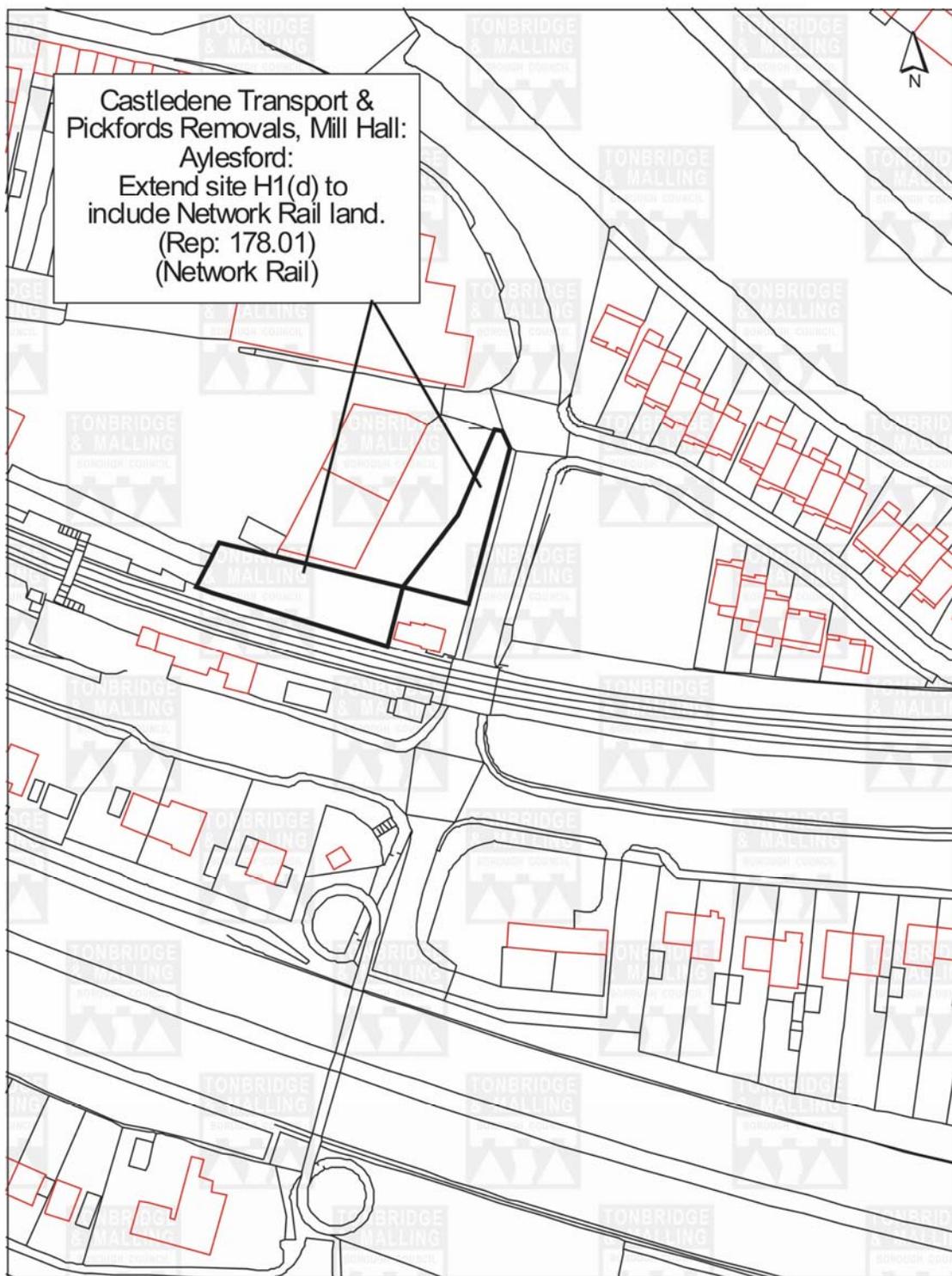
- 6.1 In the light of the above the following proposed changes could be made. These minor technical changes do not materially affect the soundness of the plan and would not require further consultation or sustainability appraisal.
- 6.2 Revise the extent of Policy H1(d) Castledene Transport and Pickfords Removals, Mill Hall, Aylesford as shown on **Annex A**, though this will have little practical effect.
- 6.3 Revise the confines of East Malling Village to include the built up limits of housing development on the Mill Stream School site once permitted.
- 6.4 Although not considered essential, the following clause could be added to Policy H2

(m) contributions towards the improvement of off-site sewerage capacity.

7 Conclusion

- 7.1 The Development Land Allocations DPD is considered to be sound in respect of the Housing Policies. The principle of development on most of the sites identified for housing though the consultation process involves the release of greenfield land, mainly in the Green Belt, and the inclusion of the sites within the confines of settlements. The principle of releasing such sites will be established through the Core Strategy and the Inspector's Report on the Core Strategy will determine the position in respect of these sites.
- 7.2 Omission sites lying within the built up area are acceptable in principle for development for housing unless there is a sound planning reason why not. In the case of Priory Works it is the Council's view that the land should be safeguarded for Employment use. In the case of the land at the Freehold this forms part of an important area that should remain open. In the case of the Millstream School site the future of this area is likely to be determined by a planning application the decision on which should simply be reflected by a change to the Proposals Map.
- 7.3 There is only one technical objection of detail relating to the Isles Quarry proposal and this can, if the Inspector thinks it would be helpful, be addressed by an additional clause to the Policy. All of the other objections to Isles Quarry relate to the principle of development which is addressed through objections to the Core Strategy. The Council's proposals for Preston hall are considered to be sound.

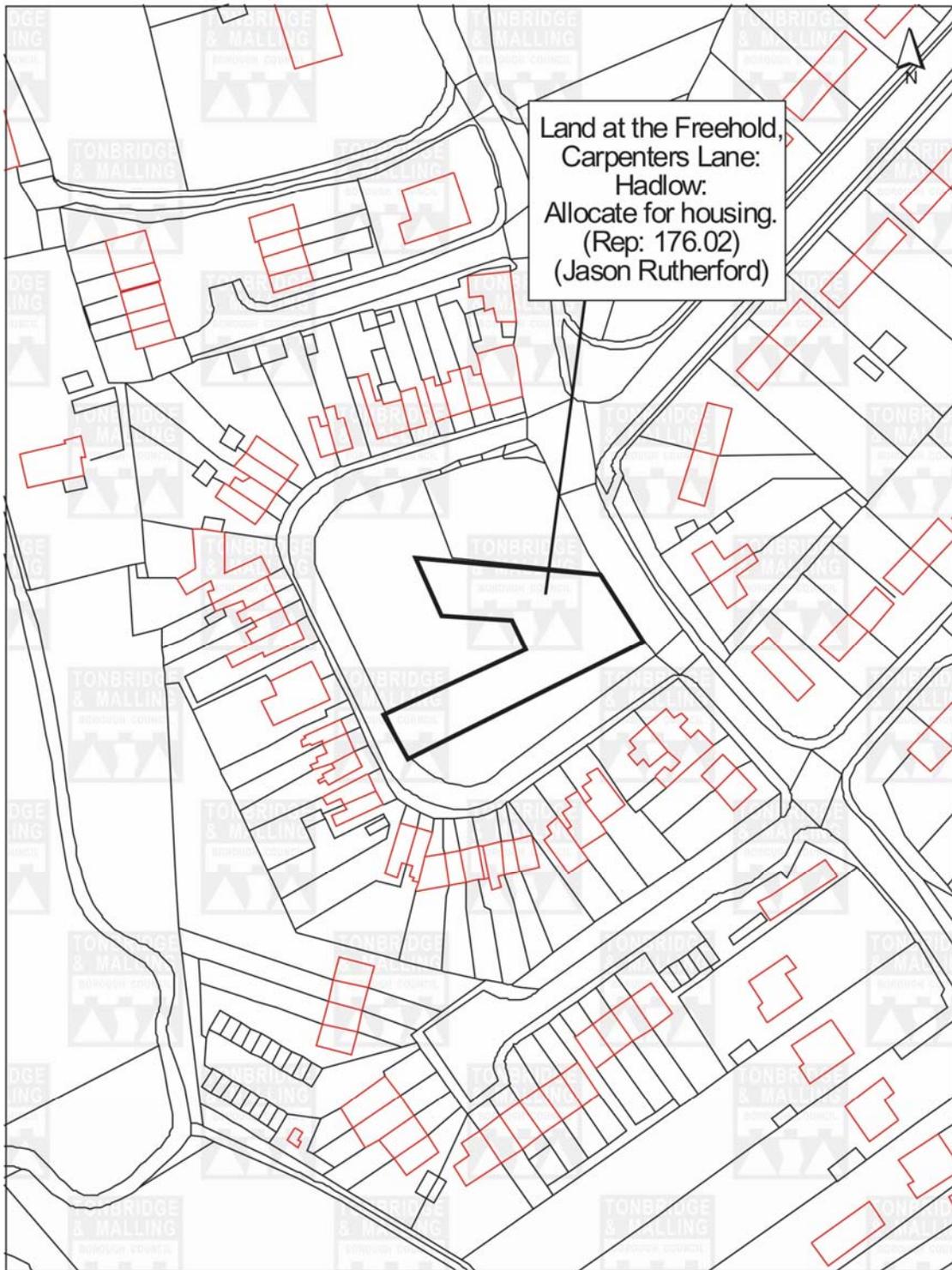
Annex A



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Annex C



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