



Maidstone Local Plan Examination

Response to Inspector's Session 3b Questions: Alternative Strategic Development

Prepared on behalf of

Gallagher Properties

**September 2016
DHA/11108**

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- 1** **Urgent update report re: Woodcut Farm planning application**
- 2** **Proposed alternative strategic layout plan**

1 Introduction

1.1 Overview

- 1.1.1 This additional evidence is submitted on behalf of Gallagher Properties, which controls a number of development sites within the Maidstone Borough including Eclipse Park at M20 Junction 7 and the potential development site at Waterside Park to the south of M20 Junction 8.
- 1.1.2 Waterside Park has the potential to provide an important element of the Council's employment land supply.
- 1.1.3 Gallagher Properties will be appearing at Session 8 in relation to Employment issues in general and will be providing a further, more detailed Written Statement in relation to that session.
- 1.1.4 However, in his Agenda for Session 3B in relation to Alternative Strategic Development, the Inspector has raised a question in relation to the proposed employment allocation at Woodcut Farm which is relevant to Gallagher's interests. We therefore provide this Written Statement to expand upon the evidence previously submitted, specifically in response to the Inspector's Qn3.17 in order to assist the Examination.

1.2 Scope of Representations

- 1.2.1 Maidstone Borough Council (MBC) has submitted its Local Plan and associated documentation for Independent Examination. An Examination Programme has been published, which divides the hearings into various sections over six week long sessions. The first tranche of hearings will be held in October 2016 and will address issues of national policy consistency, housing land supply and other strategic borough-wide policy issues. The subsequent parts, to be heard in November and December 2016, will consider site-specific allocations and more generic planning issues, including the Council's Employment strategy.
- 1.2.2 This statement constitutes Gallagher Properties' formal response to Qn3.17 raised by the Inspector in regards to Session 3B in respect of alternative strategic development, and in particular the impact of the Council's recent decision to refuse planning permission for an employment development at allocation site EMP1(5). Gallagher's formal response to other Employment matters will be further expanded upon in due course within a Written Statement in relation to Session 8.

2 Response to the Inspector's Question 3.17

2.1 Response to Qn.3.17

- 2.1.1 The Inspector's Agenda for Session 3B refers at paragraph 1.23 the proposed strategic allocation of the Woodcut Farm employment site (Policy EMP1(5)). It notes the recent decision of the Planning Committee to refuse planning permission for application 15/503288 for 46,623 sqm of employment development at the allocation site and asks:

"What are the implications of this decision for the Local Plan allocation?"

Woodcut Farm

- 2.1.2 Whilst Gallaghers have not objected to the allocation of Woodcut Farm, they have raised concerns about soundness of the Local Plan by relying solely on Woodcut Farm as an allocation for employment development well-related to the motorway network. Those concerns have been heightened following the Planning Committee's decision at Woodcut Farm.

Woodcut Farm Planning Committee Decision

- 2.1.3 Draft Policy EMP1(5) proposes to allocate Woodcut Farm for up to 49,000m² of mixed employment floorspace. The policy places restrictions on the size and height of units in order to protect the AONB. The Committee Report considered that other than what was described as a minor conflict with criterion 6, the proposed scheme accorded with the draft allocation. Even that conflict was removed by the time of the Committee Meeting itself, with the heights of buildings within part of the development site reduced from 10m to 8m in accordance with the draft policy (see Urgent Update Report appended as **Appendix A**).
- 2.1.4 Despite the proposals according with the emerging draft policy and being in outline form with all matters other than access being reserved, the committee refused permission citing harm to the character and appearance of the countryside, Special Landscape Area, and the setting of the Kent Downs Area of Outstanding Natural Beauty, and that the scheme would cause less than substantial harm to the setting of the Grade II listed building 'Woodcut Farm' with any public benefits not being considered sufficient to outweigh this harm.
- 2.1.5 Since the proposal was in outline, and seeking permission for 46,623 m² rather than the full 49,000 m² allowed by the draft policy, it is clear that the Committee's decision is effectively an in-principle objection to the development promoted by the Council's draft Local Plan.
- 2.1.6 At the very least, the Planning Committee's decision has brought into very significant doubt the ability of the Council to deliver employment development at Woodcut Farm.
- 2.1.7 A further point arises from this. It is clear from their application that Roxhill (the Woodcut Farm promoters) would have wanted 10m high buildings because that is what the market wants. The policy requirement of 8m high buildings would not satisfy the needs of many operators and/or investors in industrial property. If the buildings are not suitable to meet

their needs, they will not get built and so jobs will not be created. Policies which set restrictions which would be unacceptable to the market are counter-productive and would make the plan unsound.

- 2.1.8 It is however recognised that there are environmental considerations at Junction 8 and so the right balance must be reached. If the mass is to be reduced, and 10m heights are to be maintained to suit market needs, then more weight needs to be given to reducing the overall footprint in order to reduce the overall mass. This is a point we will return to from paragraph 2.1.14 below.

Economic Development Strategy

- 2.1.9 As set out in detail in paragraphs 3.3.1 to 3.3.13 of Gallagher’s response to the Regulation 19 Local Plan, Maidstone Borough Council’s own *Economic Development Strategy* has recognised the qualitative need for employment development sites with good access to the M20. In particular, it identified that Maidstone currently lacks any available employment in the locations where both existing and new businesses looking to relocate either within or to Maidstone would want to be.
- 2.1.10 As set out in paragraphs 3.3.14 to 3.3.24, the draft Local Plan was subsequently amended to include the Woodcut Farm allocation in order to remedy the deficiencies identified in the *Economic Development Strategy*. Within the paragraphs referred to here, Gallagher’s previously submitted representations raised concerns that allocating only a single site for B2/B8 uses close to the motorway network was a high risk approach, especially when there was no certainty that the site would be deliverable.
- 2.1.11 The Council is already reliant on the Kent Medical Campus (Policy RMX1(1)) to deliver a significant proportion of its planned employment growth on a single site linked to a specific employment sector. Whilst that development appears to be coming forward, no Local Plan can predict what will happen to the economy over the plan period, particularly in relation to specific market sectors or individual companies. For that reason, it is important that Local Plans spread risk by allocating a range of sites in order to spread the risk. This has happened to a large extent with the smaller, rural employment allocations which have a part to play.
- 2.1.12 However, the *Economic Development Strategy* is clear that there is a need for B2/B8 development at Junction 8, indeed describing this as “critical to ensuring that the principal aim of the Strategy is achieved”.¹ In our view it is too great a risk to concentrate provision for this important aspect of the Council’s employment strategy on a single development site controlled by a single operator, especially when there are uncertainties about its deliverability and indeed the timing of any such delivery. Furthermore, as required by the NPPF, the Plan must be sufficiently flexible to meet future business needs which may not necessarily be identified at the time of making the plan.
- 2.1.13 The Planning Committee’s decision to refuse planning permission at Woodcut Farm, which followed after the submission of Gallagher’s representations referred to above, only heightens these concerns that a major plank of the Council’s employment strategy may not be deliverable. Gallaghers consider that allocating Waterside Park in addition to Woodcut

¹ *Economic Development Strategy*, para 6.22

Farm, would provide better flexibility and greater certainty that the strategy will be properly delivered.

Whether alternative provision is needed?

- 2.1.14 As is clearly set out in section 7 of Gallagher’s previous representations, it is our strong view that alternative provision is required in order to meet the clearly identified qualitative need for good quality employment development close to the motorway network. It would be unsound for the plan to rely wholly on Woodcut Farm coming forward given the potential uncertainty that development at Woodcut Farm is deliverable within an appropriate timescale.
- 2.1.15 The case for an employment allocation at Waterside Park has been set out in detail in Gallagher’s response to the Regulation 19 Local Plan. We do not propose to repeat that commentary here, other than to highlight the previous conclusion that a reduced scale proposal would overcome and address previously raised concerns and contribute to delivering employment development that would meet the evidenced needs of local businesses, contributing positively to the Borough’s employment offer and the local economy.
- 2.1.16 Since the Planning Committee’s decision in relation to Woodcut Farm, Gallaghers have given further consideration to the potential for an alternative strategy whereby a reduced scale Waterside Park could work alongside a reduced scale Woodcut Farm, in order to address concerns about impacts on the AONB and heritage assets. The plan appended at **Appendix 2** to this Statement demonstrates how around 27,870 sqm (300,000 sq ft) of employment development could be laid out on each of the two sites, giving an overall total of 55,740 sqm. This would reduce the mass of each individual development at Junction 8 whilst still delivering the quantum of development required but through a choice of sites, increasing flexibility and deliverability. Two smaller developments could help to dilute the overall effects, for example by spreading the traffic generated.
- 2.1.17 Having more than one development site option also provides competition which assists affordability and therefore delivery. It also stops the Council’s economic strategy being frustrated by a lack of choice.
- 2.1.18 Gallaghers consider that Waterside Park should be allocated in the Local Plan, alongside other appropriate sites, to ensure that a suitable portfolio of sites are provided to properly meet identified needs, to provide the necessary flexibility and to attract future demand.
- 2.1.19 If the Inspector is not persuaded that Waterside Park is required as an additional allocated site, but the Inspector agrees with us that the Local Plan is unsound in respect of the employment strategy, we request that land at Waterside Park should be designated as a “reserve site” for economic development in the Local Plan, alongside the existing allocations. This would provide the necessary flexibility and ensure that good quality, deliverable sites can be brought forward to meet needs which would not otherwise be met by the current draft allocations.

2.2 Concluding comments

- 2.2.1 The Council's evidence makes it clear that there is a proven need for employment land close to the motorway network – indeed, that it is critical to the employment strategy. There is no sensible alternative to Junction 8 as a general location – the proposals being suggested adjacent to Detling Showground would represent a major development in the heart of an Area of Outstanding Natural Beauty which cannot be acceptable. Both options at Junction 8 have now been refused by Planning Committee, against Officer recommendations in both cases.
- 2.2.2 One alternative might be to lessen the extent of development at both Woodcut Farm and Waterside Park by spreading development over both sites. This could result in schemes with increased screening, reduced mass and reduced effects on landform whilst still delivering a significant quantum of development to specifications and in a location proven to be required by the market for employment development, thus increasing competition and deliverability. This strategy would also deal with the main reasons for refusal of both previous schemes.
- 2.2.3 If the Inspector agrees with Gallaghers that the current Local Plan employment strategy is unsound, we urge both the Inspector and Maidstone Borough Council to give consideration to an alternative strategy along the lines of that set out in this paper, which would reduce adverse effects whilst being more deliverable and thereby making the Plan sound.

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APPENDIX

Amendment to Heads of Terms (amendments in bold)

I propose the following change to ensure the significant landscaped buffer zone to the west and northwest of the development comes forward with the first phase of any development. This is to ensure the landscaping is in place from the start of the development in order to provide early mitigation and an appropriate landscape setting. (Boundary landscaping around the remainder of the site would also be brought forward under the first phase under condition 6)

1. *The creation of buffer zone and landscaping using land within the application boundary and land west of the application boundary **to be implemented under the first phase of any development:***
 - a) *Approximately 2.5ha of land at the west edge of site (within the red outline on the site location plan) being conveyed to a Parish Council, Trust, Maidstone Borough Council or Management Company to be maintained in perpetuity as woodland. Future maintenance including the provision of a commuted sum will be submitted to the Council for approval and conveyance of the land subject to the approved maintenance details.*
 - b) *Approximately 6.6ha of land (within the land outlined in blue on the site location plan) to the northwest of the site not to be used for any purpose other than agriculture, horticulture or forestry in perpetuity including submission of a management plan to the Council for approval, with the plan to include provision for additional tree planting to create an area of wooded pasture and long term management of the land as wooded pasture.*

Amendment to Condition 3: Building Heights (amendments in bold)

Condition 3 incorrectly refers to slab levels as opposed to the building heights. It is proposed to simply refer to the height of buildings in line with the draft policy. The applicant has agreed to building heights not exceeding 8m on the west part of the site (as opposed to 10m) and so the height of buildings now fully comply with the draft policy for the site being no higher than 8m on the west part of the site (as opposed to 10m originally proposed) and no higher than 12m on the east part of the site.

3. *The details of scale submitted pursuant to condition 1 shall show no buildings over a **ridge height of 8m** on the western part of the site (west of the existing stream) and no buildings over a **ridge height of 12m** on the eastern part of the site (east of the existing stream).*

Reason: To ensure a satisfactory appearance to the development.

Clarification to Conditions 4 and 6 (amendments in bold)

Amendments to conditions 4 and 6 below are to provide clarity on the use of ragstone and green roofs/walls.

4. *The details of appearance submitted pursuant to condition 1 shall follow the principles of the Design & Access Statement and include:*

- *Curved roof forms.*
- *Glazed building frontages to buildings and active frontages addressing both the A20 and M20.*
- *The use of vernacular materials **such as ragstone as feature elements on the office** buildings and in boundary treatments.*
- *High quality surfacing materials.*

Reason: To ensure a satisfactory appearance to the development.

6. *The details of landscaping submitted pursuant to condition 1 shall be designed in accordance with the principles of the Council's landscape character guidance. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a programme of implementation and maintenance and a 10 year management plan. The programme of implementation shall include boundary planting being established under the first phase of any development. The landscape scheme shall follow closely the principles of the illustrative landscape proposals plan (Drawing no. 2080 DR 003 Rev G) and Design & Access Statement and specifically address the need to provide:*

- *Dense woodland planting along the Ashford Road frontage at the south western edge of the site in excess of 20m width including a planted bund.*
- *A 20m native woodland belt with understorey shrubs and grasses along the western edge of the site to help protect the setting of Woodcut Farm.*
- *Planted landscape buffer zones to the west north and east of Chestnuts and White Heath adjacent to the site to help protect the amenity of these properties.*
- *An area of heavily treed native woodland planting in the north west corner of the site of approximately 2.5ha.*
- *Retention of the protected trees along Musket Lane and augmented with hedgerows and additional tree planting to the south east corner of the site.*
- *Creation of a circa 38m-70m landscape buffer between any development and the M20 which includes the gas pipe easement.*
- *A woodland shaw along the northern boundary and the M20 of at least between 10-24m width.*
- *A circa 8m wide planting belt of native trees and understorey between the gas pipe easement and any development.*
- *The gas pipe easement corridor managed as long grass with indigenous wild flora.*
- *An avenue of tree planting along the access road.*
- *An area of wooded pasture of approximately 6.6ha within the land outlined in blue to the northwest of the application site.*
- *An area of tree planting within the land outlined in blue to the west of the application site.*
- *Swales and balancing ponds including the provision of shallow areas, and deeper, cooler areas, as well as the planting regimes.*
- *Planted 'green' roofs to **smaller office** buildings.*

- *Planted 'green' walling as feature elements on the office buildings.*
- *Areas of structural landscaping extending into the development areas.*

Reason: No such details have been submitted and to ensure a satisfactory appearance and landscape setting to the development and satisfactory implementation, maintenance and management of the landscaped areas.

Additional Condition (to secure specific noise mitigation (acoustic fencing))

The details submitted pursuant to condition 1 shall include noise mitigation measures following the principles of the mitigation outlined in the Environmental Statement Addendum (January 2016) 'Noise & Vibration' section. The approved mitigation shall be fully installed prior to the occupation or use of any premises and thereafter maintained.

Reason: In the interests of residential amenity.

Helen Whately MP

Has raised serious concerns regarding this application being decided in advance of the examination in public of the submitted Maidstone Local Plan.

Officer Response

It is considered that it would be wholly unreasonable for the Council to refuse to determine this application on the basis of waiting for the Local Plan to be examined. Nor is there considered to be grounds for the application to be refused on the basis of a decision being 'premature' in advance of the examination. Following NPPG advice on the matter, the site is allocated within the submitted Local Plan and is an integral part of the Plan. As such, this application would not undermine the plan-making process from the Local Planning Authority's perspective.

Neighbour Representation

One representation has been received objecting on the basis of traffic. This matter has been considered in the main report.

Correction to Report

Paragraph 1.06 of the report refers to a 'local nature reserve' lying to the north of the railway line. This is in fact a 'Local Wildlife Site' (a non-statutory designation).

RECOMMENDATION

My recommendation remains unchanged subject to the amendment to the Heads of Terms and conditions, and the additional condition as outlined above.

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to a legal agreement and conditions.

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APPENDIX



rev	reason	date	
client			
GALLAGHER PROPERTIES			
project			
MAIDSTONE LOCAL PLAN REPS			
title			
M20 J8 SITES ILLUSTRATIVE AERIAL OVERLAY			
drwg	rev	scale	date
DHA/11108/SK03	-	NTS	JULY 2016



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