

# MAIDSTONE BOROUGH LOCAL PLAN EXAMINATION

<http://www.maidstone.gov.uk/residents/planning/local-plan/examination>

## SESSION 8 – EMPLOYMENT POLICIES AND ALLOCATIONS

### Inspector's Agenda with Matters, Issues, and Questions

**Hearing Statements:** Please refer to the Inspector's Procedural Guidance Notes for information on the provision of hearing statements.

**Deadline:** One electronic copy in pdf format and three hard copies to be sent to the PO by 6.00pm on 20th October.

#### 1. EMPLOYMENT NEEDS AND SUPPLY

*Issue (i) Whether employment needs and existing supply have been appropriately assessed*

- 1.1. Representation R19414 suggests that the Local Plan's Objectively Assessed Need for 18,560 dwellings implies 40-50,000 extra residents and a need for 30,000 jobs. However, as highlighted in the Session 1B agenda the Strategic Housing Market Assessment Update 2015 [HOU 003] is based on a projected population increase of only 33,811 people (Table 5).
- 1.2. MBC has issued an Employment and Retail Topic Paper 2016 [Document SUB 003] as supporting evidence for the Local Plan's employment policies. It explains that the Local Plan anticipates the creation of 14,400 jobs by 2031 in accordance with the aims of the Maidstone Economic Development Strategy (2011-2031) (EDS) [Document ORD 005].

**Qn8.1 How does the assessment of employment needs address the cross-border commuting flows into and out of Maidstone Borough and especially between the Borough and Tonbridge & Malling and Medway ?**

- 1.3. The jobs target represents a 21% increase on the 2014 total of 68,400 employee jobs in Maidstone (both figures exclude the self-employed). This figure is the same as in 2011 and follows a dip in employment during the

recession between those dates. The target is acknowledged to be ambitious. It is contingent both upon the full realisation of the Kent Institute of Medicine and Surgery (KIMS) and the Maidstone Medical Campus proposals at Jct 7 of the M20 (RMX1(1)) (19ha) and on sufficient suitable land coming forward through the planning process.

- 1.4. The identified gross employment land requirement includes 17.7ha of B class business land of which 2.7ha would be offices, 5.1ha industrial and 10ha warehousing (actually totals to 17.8ha). The B class land is expected to contribute 3,730 jobs towards the 14,400 requirement with the balance of 10,670 from non B class employment including the KIMS/MMC proposals, health, social care, education, retail and leisure.
- 1.5. The Topic Paper acknowledges that there are existing commitments, vacant land and premises and scope for intensification on existing sites such that the net quantitative requirement is arguably nil or negative.
- 1.6. MBC has proposed a modification to the table 4.4 at Paragraph 4.8 of the Local Plan which relates to the net requirement.

**Qn8.2 Would MBC please explain the proposed change to Table 4.4?**

- 1.7. Notwithstanding the quantitative supply, the Topic Paper claims that when many employment sites reach the end of their functional life during the plan period they are unlikely to be qualitatively suitable for new employment uses and will instead be redeveloped for residential and other purposes. This would include town centre offices redeveloped under permitted development rules as well as sites in some residential areas. A qualitative need for new floorspace in suitable and available locations is therefore identified.
- 1.8. The Local Plan acknowledges at paragraph 4.9 the restricted level of office demand and persistently high vacancy rates and unbuilt permissions in Maidstone and elsewhere in Kent. Representations R191985 and R19526 claim that there is significant potential for new employment at the former Aylesford Paper Mills site in Tonbridge and Malling and at the Sevington site in Ashford BC and asserts that this would be more than sufficient to cover needs for the next 15-20 years.

- 1.9. Representors have pointed out that sites allocated for office development adjacent to the M20 have subsequently been developed for retail and other purposes.

**Qn8.3 What account has been taken of employment land potential in neighbouring districts?**

**Qn8.4 Would such provision exceed the need to provide employment for residents of those districts?**

**Qn8.5 What implications may the history of office allocations adjacent to the M20 and current viability assessments have for any new office allocations?**

## **2. MOTE ROAD, MAIDSTONE – POLICY EMP1(1)**

*Issue(ii) Whether the Mote Road allocation is deliverable with or without a modification of the Policy.*

- 2.1. Policy EMP1(1) would allocate a site at Mote Road for up to 8,000 sq m of B1 office floorspace. The allocation is objected to by those who control the site. This is on the on the basis that:

- the SHEDLAA and the Qualitative Employment Site Assessment had concluded that the site was suitable for mixed use development,
- there is a confirmed supply of business space at locations such as Kings Hill and Eclipse Park and
- because paragraph 5.34 of the Local Plan states that 100% office development is unlikely to be viable in and would not proceed without a substantial pre-let (Representation R19590).

The Representor seeks a mixed use residential led-development. The Representor also considers that the affordable housing requirements in the Plan would be excessive and harmful to viability.

- 2.2. MBC has proposed a change to the policy (PC/46) which would allow an element of additional residential development as a secondary supporting use.

**Qn8.6 How much residential development would MBC accept on this site?**

**Qn8.7 How much residential development is needed for a viable mixed use development?**

**Qn8.8 What would be the implications for the amount of office floorspace?**

**Qn8.9 If office development would be dependent on cross-subsidy from residential development, would that justify a reduced affordable housing target for development on this site and, if so, what should that target be?**

**Qn8.10 Does the Policy require modification for it to be certain and effective and, if so, what wording would achieve that?**

### **3. EMP1(5) WOODCUT FARM**

*Issue (iii) Whether the proposed allocation is justified and consistent with national policy and whether it would be effective in terms of deliverability*

- 3.1. Policy EMP1(5) would allocate this site of 18.71ha by Junction 8 of the M20 on Ashford Road, Bearsted for up to 49,000sqm of mixed employment (B1a; B1c; B2; B8) and a possible 'element' of hi-tech and or research and development B1(b).
- 3.2. The site forms the eastern part of the much larger 113ha site previously proposed for the Kent International Gateway Rail Freight Interchange. On 5 August 2010, and after a 36 day public inquiry, the Secretary of State

accepted his Inspector's recommendation to dismiss an appeal against the refusal of planning permission by MBC for that development. A principle reason for dismissal concerned the harm that the larger KIG development would have caused to the countryside and its substantial harm to the setting of the Kent Downs AONB. The Secretary of State also identified that the scheme would not preserve the settings of Barty Barn and Woodcut (which are identified heritage assets) but only accorded limited weight to that harm which he considered to be modest [Document Ref ORD 029].

- 3.3. The Secretary of State concluded that the overall identified harm was not outweighed by a need for the KIG development given reservations about the functional suitability of the location as a strategic rail freight interchange serving London and the wider UK. That decision also predated the National Planning Policy Framework.
- 3.4. Roxhill Developments Ltd hold an option over the site and support the proposed allocation but seek an amendment to Criterion 6 to increase to 10m the maximum height of development on the field to the west of the stream. They also seek the removal of the site of existing farm buildings from an area proposed for landscaping. MBC has proposed a change to the policy (PC/47) whereby the site plan on the policies map would exclude existing farm buildings but has not agreed to the proposed height increase.
- 3.5. Many Representors oppose the proposed allocation, especially because of claimed adverse effects on the landscape and on the setting of the Kent Down AONB, the boundary of which is on the opposite side of the M20. There are also objections to greenfield development and the loss of agricultural land. Some also question the need for the development and its economic benefits. A number of additional issues are also raised.
- 3.6. Notwithstanding the proposed allocation and contrary to the recommendation of its officers the MBC Planning Committee recently resolved by 7 votes to 6 to refuse an application for planning permission for a similar development on the site [15/503288 - Outline application for a mixed commercial development comprising B1(a), B1(b), B1(c) and B8 units, maximum floor space 46,623 square metres (access being sought at this stage)]. The outline scheme did not require approval of details such as scale, layout, external appearance or landscaping.
- 3.7. The reason for refusal dated 6 July 2016 is:

*'The proposed development would be harmful to the character and appearance of the countryside, Special Landscape Area and the setting of the Kent Downs Area of Outstanding Natural Beauty and any benefits are not considered to outweigh this harm. It would also cause less than substantial harm to the setting of the Grade II listed building "Woodcut Farm" and any public benefits are not considered to outweigh this harm. The development would therefore be contrary to saved policies ENV21, ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000 and advice within the National Planning Policy Framework 2012'.*

- 3.8. In relation to the final line, the National Planning Policy Framework is not only advisory but is also national policy which is thus relevant to considerations of soundness should there be inconsistency with the Local Plan.
- 3.9. The 2000 Local Plan policies would be replaced by the submitted Local Plan on adoption and the site would then not be in a Special Landscape Area.
- 3.10. The Planning Committee did not include additional reasons or provide support for the many other issues raised by objectors to the proposal.
- 3.11. As the site allocation would be the principal strategic employment allocation in the Local Plan the following questions were included on the agenda for Hearing Session 3B - Alternative Strategic Development.

*"Qn3.17 What are the implications of this decision for the Local Plan allocation?"*

*Qn3.18 How does the Council propose to address those implications and would this involve any alternative proposals?"*

3.12. At the time of writing I have not been advised that MBC seeks to withdraw the allocation from the Local Plan and the agenda has been prepared on the basis that it is proposed to be retained.

3.13. Tables 4.3 and 4.4 of the Plan at page 17 identify a gross requirement in the Borough for 39,830sqm/2.7ha of office space (B1a), 20,290sqm/5.1ha of industrial space (B1(c)/B2) and 49,911sqm/10ha of warehousing space (B8). The net requirement is for 24,000sqm of office space, -15,600sqm of industrial floorspace and for 6,500sqm of warehousing. The Committee Report for the planning application and the Employment and Retail Topic Paper however rely heavily on a qualitative need for the employment site as justifying the allocation. They are supported by a Qualitative Employment Site Assessment [ECON 002].

3.14. The above Qualitative Assessment concluded that:

- Identified capacity provided by fit for purpose available floorspace, intensification opportunities and vacant land is insufficient to the expected scale of future demand.
- Specific property requirements, include:
  - Smaller office floorplates within purpose built multi-tenant stock;
  - Land for 'design and build', medium sized production/ industrial units; and
  - Local/sub-regional serving warehouse and distribution space.
- There is likely to be demand for new high quality, well serviced mixed use employment development area that accommodates small business orientated space, standalone industrial and manufacturing provision (albeit likely to be a design and build demand) and smaller scale distribution and ancillary workspace and office space
- The provision of capacity over and above the quantitative need will be also be important to provide the capacity or 'headroom' for the borough to ensure there is sufficient capacity should any sites identified not come forward. This will reduce the risk of land supply acting as a barrier to economic growth and ensure that an appropriate range and choice of locations is retained for occupiers in the strongest market areas.

- 3.15. The allocation proposes up to 49,000sqm of employment space without any breakdown into different use classes. The recent planning application was for 46,611sqm of B1(a), B1(b), B1(c) and B8 units. The Committee Report advised that this would potentially provide 5,350sqm of office floorspace, 18,004sqm of light industrial floorspace and 24,387sqm of B8 floorspace. The Report recommended that a condition be applied to require the provision of 5,360sqm of B1(a) and B1(b) space as a minimum. Numerous other conditions were recommended, many of which were directed at seeking a satisfactory appearance for the development.
- 3.16. A multi-storey office development would have a very different landscape and visual impact from an industrial or warehousing development of the same floorspace. Industrial and warehouse development also requires larger and flatter building platforms which is of particular relevance to a sloping site. Office development typically favours higher quality surroundings with more generous landscaping but more extensive car parking but reduced provision for heavy vehicles.
- 3.17. The National Planning Policy Framework provides amongst other things that: *'Every effort should be made objectively to identify and then meet the housing , business and other development needs of an area.'* [Paragraph 17] Also: *'Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'* [Paragraph 19]. Paragraph 161 expands on the need to assess and provide for the quantitative and qualitative needs for all foreseeable types of economic activity.
- 3.18. Paragraph 115 of the Framework provides amongst other things that great weight should be given to conserving AONBs. The Countryside and Rights of Way Act 2000 provides at Section 85 that: *'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'*. The reference to 'affect' is interpreted as including the effect of development within the setting of an AONB.
- 3.19. Land to the south of the proposed site on the opposite side of the A20 is proposed by Policy SP17 as part of the Len Valley Area of Local Landscape Value. Policy SP17(6) would require such landscapes to be 'conserved, maintained and enhanced'. Policy DM34 would require that development

does not result in 'harm' to such landscapes. Neither policy refers to the setting of such locally designated landscapes. Paragraph 113 of the Framework provides amongst other things that distinctions should be made between the hierarchy of international, national and locally designated landscape areas so that protection is commensurate with their status.

- 3.20. The site has been subject to Sustainability Appraisal with the conclusions set out in Document ORD 006(B).

**Qn8.11 Does MBC remain of the view that the development is necessary to meet an objectively assessed need for employment and, if not, why not?**

**Qn8.12 What mix of floorspace in each use class is anticipated by MBC and the landowner and how much site area would each use be likely occupy?**

**Qn8.13 Should the policy further define the type of development proposed in order to better assess its likely landscape and visual impact and the scope for mitigation?**

**Qn8.14 How viable would each class of development be at this location?**

**Qn8. Has the (town centre first) sequential test in national policy need to be satisfied in respect of the office component of the development?**

**Qn8.15 Why is B1(b) research and development proposed to be limited to 'an element'?**

- **How much development would that represent?**
- **Does the wording require modification for clarity and certainty as to what may be permitted?**

**Qn8.16 What use class would 'hi-tech' development fall within and why does it also require separate treatment?**

**Qn8.17 Having regard to the conclusions of the Secretary of State in relation to the heritage impacts of the larger KIG proposal and to the Planning Committee's conclusion of a less than substantial adverse impact on the setting of one Grade II listed building, would heritage impacts alone be capable of being outweighed by the public benefits of the development?**

**Qn8.18 Would there be scope for mitigation in the scale, design or mix of the development to reduce its landscape and visual or heritage impacts to an acceptable degree when weighed with the economic or other public benefits of the scheme?**

**Qn8.19 What reasonable alternatives for a development of similar strategic scale may have a less adverse landscape or visual impact, including in their effect on the AONB and its setting?**

**Qn8.20 In the alternative could equivalent floorspace be achieved by dividing provision between 2 or more smaller sites and would that have less impact?**

#### **4. WATERSIDE PARK – ADDITIONAL OR ALTERNATIVE SITE PROPOSAL**

*Issue (iv) Whether this requested allocation of strategic scale would be a more appropriate or less appropriate strategy than the proposed EMP1(5) Woodcut Farm strategic allocation having regard to its own impacts on the landscape or setting and significance of heritage assets and any benefits*

- 4.1. This matter is included for discussion only. As with other alternative site proposals, in the event that the Inspector were to conclude that additional employment allocations were needed for the Plan to be sound, (including as potential replacements for other site allocations if they were considered unsound) he would refer the matter back to the Council to consider where they might best be located. Any proposed modification in this regard would

be subject to public consultation before the Inspector's Final Report was submitted with recommendations.

- 4.2. The promoters of Waterside Park propose it as an additional allocation which could provide approximately 25,000sqm of B class floorspace (Representation R19225). The strategic scale of the proposal and its location adjacent to Junction 8 of the M20 also mark it out as a potential alternative to Woodcut Farm if that allocation were not to be confirmed. The sloping greenfield site extends to 16.91ha of arable land.
- 4.3. On 23 July 2015, and after a 10 day public inquiry, appeals were dismissed in respect of the refusal by MBC of 2 hybrid (part detailed/part outline) planning applications for the development of either 56,000sqm or 45,528sqm of B1, B2 and B8 business space including a detailed proposal for a warehouse with associated offices. The Inspector identified the main issues as landscape character and visual amenity including the setting of the Kent Downs AONB and the setting of nearby heritage assets [Documents ORD 11 & ORD11A].
- 4.4. The Inspector found that there would be a moderate adverse detrimental impact on the setting of the AONB, in part due to the need to create large development platforms on the sloping site and their effect on landscape character. Significant visual harm was also identified, including to walkers using public rights of way within the AONB. Some less than substantial harm to the setting of designated and undesignated heritage assets was also identified to be weighed with the public benefits of the proposals although the effect on their heritage significance was not clearly stated. The Inspector concluded that the environmental harm was greater than the identified economic advantages and that the adverse impacts would demonstrably outweigh the benefits such that this would not be sustainable development. There was mention of the possibility of alternative locations both within and outside the Borough where alternative provision might be made.
- 4.5. In the Regulation 19 submissions the development footprint would be smaller than that previously proposed in the planning applications for this site and would be focused at the lower eastern part of the site, thus requiring less land reshaping. It is argued that the revised design addresses the appeal Inspector's concerns and that the additional allocation would provide necessary additional flexibility, particularly if other sites do not come

forward and/or the demand for business floorspace is greater than anticipated by the Council's economic evidence. The Representor also claims that the development could deliver the first part of any future Leeds Langley/South east Maidstone bypass linking the M20 at Jct 8 with the A274. If the land is not allocated now it is recommended for consideration as a reserve site. A draft layout accompanies the representation.

- 4.6. The site has been subject to Sustainability Appraisal with the conclusions set out in Document ORD 006(B).

**Qn8.21 Do participants agree or disagree with the SA assessment and how might the reduced scale of the development now proposed by the Representor affect those conclusions?**

**Qn8.22 How might the suggested relief road be incorporated and where might it continue to the south?**

**Qn8.23 Where would the proposed development take access from the A20?**

**Qn8.24 If the relief road were not incorporated would the access to the proposal site compromise any future connection of the relief road to the M20 and junction 8 at this roundabout?**

**Qn8.25 What account has been taken of the appeal Inspector's conclusions concerning heritage impacts and how have these been addressed?**

**Qn8.26 Has MBC's opposition to the allocation of this site been affected by the Planning Committee's decision concerning Woodcut Farm?**

## **5. RURAL BUSINESS DEVELOPMENT – POLICIES DM20 AND DM41**

*Issue (v) Whether the policies for rural business development are justified and would be effective and consistent with national policy*

- 5.1. The National Planning Policy Framework at paragraph 28 provides amongst other things that planning policies should support economic growth in rural areas including through the conversion of existing buildings and well-designed new buildings.
- 5.2. National permitted development rules now allow the conversion of many rural buildings to commercial or residential purposes subject to criteria.
- 5.3. Policy DM20(vii) would provide that (where planning permission is needed) commercial re-use of existing rural buildings should be prioritised over conversion to residential use.
- 5.4. Representation R19258 maintains that this approach is inconsistent with national policy in the National Planning Policy Framework because the latter lacks a similar provision and also maintains that there is no sound reason for the policy.

**Qn8.27 What is the reason for the Policy?**

**Qn8.28 If national policy is silent on the matter can the policy be regarded as inconsistent with national policy?**

**Qn8.29 What does 'priority' mean in this context and is the policy wording clear enough to be effective?**

- 5.5. Policy DM41 provides in summary that where there would be significant adverse impacts on the rural environment and amenity from the expansion of rural businesses they should instead relocate to a designated Economic Development Area or to within the Maidstone Urban Area or a Rural Service Centre. However it goes on to provide that where there are no significant adverse impacts or relocation 'cannot be achieved' then expansion will be permitted subject to stated criteria.

- 5.6. Representation R19258 considers that Policy DM41 is over-restrictive and an unnecessary obstacle to the growth of small businesses in rural areas. Modified wording is suggested for the criteria.
- 5.7. Policy DM29(viii) provides different and potentially conflicting criteria for the expansion of rural businesses.

**Qn8.30 How would it be determined that relocation 'cannot be achieved' and should additional criteria be included in the policy?**

**Qn8.31 What would be the 'significant adverse impacts' that are not addressed in any event by the policy criteria?**

**Qn8.32 Is the policy as worded consistent with national policy?**

**Qn8.33 What are MBC's comments on the suggested R19258 modification?**

**Qn8.34 Does Policy DM29(viii) require modification for consistency with Policy DM41, including with any modifications to the latter policy?**