

9th January 2017

Dear Sir / Madam

For the reasons set out in submissions our clients PMG Regeneration do not consider that the proposed amendments to Policy DP6 Sustainable Residential Locations under MM10 of the schedule of Proposed Modifications go anywhere near far enough to address our concerns or indeed the matters raised by the Inspector at Examination.

Accordingly our clients maintain that Policy DP6 should be completely re-written as set out under para. 11 of our supplemental submission 'Proposed Changes to draft Policy DP6 Prepared on behalf of PMG Regeneration Ltd' as submitted to the Programme Officer on the 24 October 2016. The document is attached here for ease of reference.

Please do not hesitate to contact me with any queries.

Yours faithfully

David Phillips

David Phillips

Strutt & Parker LLP
13 Hill Street
London
W1J 5LQ

Direct Line 0207 318
4774



Matter 5: Housing in Dartford Dartford Development Policies Plan Examination

**Former Biffa Waste Landfill Site, Knockhall Chase,
Greenhithe DA9 9EN**

Proposed Changes to draft Policy DP6 Prepared on behalf of PMG Regeneration Limited

Date: 24 October 2016

Our ref. DP/194307

Introduction

- 1 This further submission is made on behalf of PMG Regeneration Ltd (PMG) in response to the Examination of the Dartford Borough Council Development Policies Plan.
- 2 PMG has the land interest referred to as Site No. 282 in the Dartford Council Strategic Housing Land Availability Assessment (2010) and have identified that it has capacity to deliver up to 500 homes. The site falls in the urban area to the north of the A2 within the Ebbsfleet to Stone Priority Area, identified by Policy CS4 of the adopted Core Strategy as a focus for substantial new housing promoted around a chain of distinctive and individual but linked communities.
- 3 This submission is made in connection with Matter 5 of the Inspector's Matters, Issues and Questions (MIQs) document dated 6 September 2016 ED/1/02 with regard to the first issue within Matter 5; namely:

“Sustainable Residential Locations – Whether Policy DP6 is justified, effective and in accordance with national policy”.

- 4 Matter 5 was considered at the Hearing Session on the 20 October 2016. The Inspector led the discussion and invited comments from officers representing the Council and David Phillips of Strutt & Parker who was representing the interests of PMG. At the end of the session the Inspector invited both parties to propose alterations to Policy DP6 in order to assist him in making Modifications to Policy DP6 in the event the Inspector concludes that modifications are necessary to make the policy justified, effective and in accordance with national policy.

Suggested Rewording of Policy DP6

- 5 Having presented evidence, drawing heavily from the 14 August 2015 allowed S78 appeal decision for residential development for 33 dwellings on a 'greenfield' site at Hedge Place Road, Stone, Dartford (appeal ref. APP/T2215/A/13/2195591) our clients are concerned that the Council do not have sufficient housing land to meet its objectively assessed housing need.
- 6 Furthermore, as drafted, DP6 effectively acts as a policy of housing constraint, particularly as it is seeking to place a moratorium on the development of "greenfield" sites and on sites that are not within easy walking distance of a range of community facilities, transport etc. This is contrary to the objectives of the National Planning Policy Framework which at its heart ***“... is a presumption in***

favour of sustainable development” (para. 14) with an underlying aim to “... ***boost significantly the supply of housing ...***” (para. 47).

7 It is also important to stress that irrespective of whether a Council has an up to date housing land supply which meets its objectively assessed it does not follow that additional housing sites should not come forward provided these sites are “***sustainable***” within the context of the Framework.

8 On this basis the appropriate tests for sustainable housing development, regardless of whether the site is “greenfield” or “brownfield”, should be whether proposals would be:

- Located on land in the right place e.g. well related to the existing settlement pattern;
- Supported by either existing or proposed infrastructure; and
- In a location which minimises the need to travel by car through means of existing or proposed alternative transport modes.

9 Finally we raised our client’s concern that the Council were seeking to rely on an evidence base that is now over 6 years old and which predates the National Planning Policy Framework by referring to its latest SHLAA and Housing Windfall SPD (both 2010 documents) publications in the main body of draft Policy DP6.

10 In view of the foregoing we consider that draft Policy DP6 is fundamentally flawed to the extent that it is unsound. Accordingly to make it sound we consider the existing text should be deleted in its entirety and redrafted.

11 We have given careful consideration to the wording of a new Policy DP6 and suggest the following:

Suggested alternative wording:

“Policy DP6: Sustainable Residential Locations

- 1. When considering residential development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework, the Core Strategy (where consistent with the Framework) and Policy DP1 of this Plan.***
- 2. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:***

- ***Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework and the Core Strategy including policies CS1 to CS6 and CS10 (where consistent with the Framework) taken as a whole;***
or
- ***Specific policies in the Framework, the Core Strategy and other policies within this Plan indicating that development should be restricted.***

3. Where appropriate to the proposed development, proposals should have regard to the:

- a. Compatibility and suitability of the proposal to its location;***
- b. Impact of the proposal on the surrounding environment, landscape, habitats and biodiversity, including the Green Belt;***
- c. Contribution to creating balanced communities;***
- d. Conservation and enhancement of the Boroughs cultural heritage;***
- e. Contribution to and impact on the Borough's economy; and***
- f. Impact on existing infrastructure and contribution to new supporting infrastructure.”***

12 In considering this revised wording we have undertaken a review of other recently adopted Development Plan documents to see how other local authorities have expressed similar policies in their plans. In the case of our proposed rewording of DP6 we have drawn from the Allocations and Development Management Plan which was adopted by Sevenoaks in April 2015 (see Policy SC1) as we believe it strikes the appropriate balance between the objectives of the National Planning Policy Framework whilst at the same time seeking to direct development to the right location within Dartford as set out under point 3.