Brent, Joyce Green, Heath, Newtown, Princes, Town and West Hill

1. **Summary**

1.1 This is a Key Decision as it is significant in terms of its effects on communities living or working in an area of the Borough comprising two or more wards.

1.2 The Dartford Town Centre Area Action Plan, which forms part of the Local Development Framework, is a long-term strategy and implementation plan for regeneration of the town centre. It will provide the planning framework for the town centre and guide future planning applications.

1.3 This report seeks Members’ approval to formally submit the Area Action Plan to the Secretary of State for Communities and Local Government. The Submission Plan (Appendix A) will represent the Council’s final statement on the Plan in advance of its consideration at a public examination by an independent Inspector.

2. **RECOMMENDATIONS**

Cabinet:

2.1 That subject to any changes agreed by Cabinet the content of the Dartford Town Centre Area Action Plan Submission Document (Appendix A) be referred to the General Assembly of Council for approval for submission to the Secretary of State for Communities and Local Government for independent examination and that the necessary public consultation be undertaken following submission in accordance with the Town and Country Planning (Local Development)(England) Regulations 2004.

General Assembly of the Council:

2.2 That subject to any changes agreed by the General Assembly of Council the content of the Dartford Town Centre Area Action Plan Submission Document (Appendix A) be formally submitted to the Secretary of State for Communities and Local Government for independent examination and that the necessary public consultation be undertaken following submission in accordance with the Town and Country Planning (Local Development)(England) Regulations 2004.

2.3 That the Submission Document (Appendix A) be adopted as a material consideration for Development Control purposes in accordance with its status as a submitted Development Plan Document.
2.4 That the Regeneration Director be authorised to make any minor amendments that are necessary to improve the final content and presentation of the Submission Document.

2.5 That the Regeneration Director be authorised to prepare and publish all necessary supporting documents to accompany the Submission Plan.

2.6 That the charges for documents to be published as part of the Dartford Town Centre Area Action Plan submission be approved, as set out in paragraph 3.9.

2.7 That authority be granted in principle for the promotion of a Compulsory Purchase Order in respect of land at Lowfield Street identified in Policy 34 of the Submission Document, and that the Regeneration Director, in consultation with the Leader of the Council, be authorised to determine the extent of the Compulsory Purchase Order boundary.

2.8 That the Regeneration Director be authorised to serve the requisition notice on all those interests affected by the promotion of the Compulsory Purchase Order.

3. **Background and Discussion**

3.1. The Area Action Plan sets out a vision and implementation strategy for the regeneration of the town centre to 2026. Whilst this is a long-term plan, some of the changes proposed are already happening and many are programmed to come forward in a much shorter time-scale. Five themes for change that are necessary for the future success of the town are identified:

- Strengthening the quality and quantity of the shopping offer
- Extending the range of uses, to include more leisure, homes and jobs in the town centre
- Emphasising and improving Dartford’s unique assets including the historic environment, the markets, Central Park, River Darent and the Orchard Theatre
- Improving the town centre environment; and
- Making getting to the town centre easy and convenient

3.2 The Plan identifies the means of achieving these changes through opportunity sites. The major sites identified that will enable the Council to implement its strategy include the Northern Gateway (incorporating the Glaxo Smith Kline East site and the Mill Pond area, the Rochester Bridge land and land to the west of the River Darent being assembled by SEEDA); the Lowfield Street site; the former Co-op site; the Acacia Hall Complex; the Orchards Shopping Centre, the Station Approach site and the Overy Street site (currently Wickes). Policies in the proposed Plan
specify the nature of development required on these sites in order to realise the vision and objectives.

3.3 At its meeting on 26 July 2007 Cabinet approved the Dartford Town Centre Area Action Plan – Preferred Options Document for formal public consultation. The Area Action Plan underwent public consultation for a period of six weeks from 13 September to 24 October 2007. The consultation programme included two public exhibitions attended by over 1100 people, one in a shop unit at the Orchards Shopping Centre and the other at the Civic Centre. A summary of the key points and a short questionnaire was delivered to homes in the Borough, by way of a wrap-around to the Dartford and Swanley News Shopper. Some 360 formal comments were received from 42 organisations and members of the public. 108 questionnaires were returned.

3.4 A number of changes have been made to the Area Action Plan in response to the comments received and ongoing consultation with interested stakeholders. The document has also been significantly edited to strengthen the Plan objectives and clarify how these will be implemented. Specific changes have been introduced in response to comments received including:

- A stronger focus on safety and security in the town centre and a policy specifying how this will be achieved (Policy 19)
- Proposals to improve access and facilities for all groups of people (Policy 17)
- More emphasis on heritage issues, including proposals for heritage interpretation and a stronger requirement for a development on Lowfield Street to respect the historic context
- A greater commitment to biodiversity along the River and in the park
- Quantification of the amount of homes, jobs and retail space to be provided
- Identification of secondary shopping frontages to increase the protection of these to change of inappropriate uses (Policy 4)
- The Priory Shopping Centre has been identified as a priority for enhancement.
- A more integrated transport strategy, clarifying the improvements proposed in and around the town centre
- Reference in Policies 1 ‘New Shopping Floorspace’ and 34 ‘Lowfield Street (including Fairfield Pool) that where necessary the Council will use Compulsory Purchase Powers to assemble development sites to strengthen the shopping offer.
Phasing of the redevelopment of Lowfield Street, including Fairfield Pool, has been strengthened including the need for the replacement swimming pool to be operational in advance of redevelopment of the existing pool.

Site specific policies have also been added for:

- The Holy Trinity Church Setting (Policy 38)
- Instone Road, seeking a more active and pedestrian friendly frontage (Policy 39)
- The Former Police Station, Instone Road, where a residential development is proposed (Policy 40)

3.5 The Submission Plan has been informed by a flood risk assessment of the town centre. Officers have taken the recommendations of the assessment into account in finalising proposed uses on each of the sites. The proposed use for each of the sites is suitable taking into account the level of risk and mitigation measures that will be required as part of development. In particular, the location of housing, which is the most vulnerable of the uses proposed, has been carefully considered to ensure that the level of risk is acceptable and can be mitigated.

Sustainability Appraisal

3.6 The Regulations require Development Plan Documents, such as the Area Action Plan, to be subject to a Sustainability Appraisal (SA). The SA has been a continuous process during the course of the Plan preparation. At this stage new policies added since the Preferred Options stage and changes to preferred approaches have been appraised. This found that the Town Centre Area Action Plan Submission Document has incorporated the majority of recommendations made throughout the SA process and that the Area Action Plan will make a significant contribution to sustainability in the Borough. The full Sustainability Appraisal is to be published alongside the Area Action Plan Submission Document. A draft of the SA report will be available in the Members’ Room. A non-technical summary of the SA report is provided at Appendix B.

Charges for Documents

3.7 In line with the Statement of Community Involvement, all of the Local Development documents are available on the Council’s website and downloadable free of charge. Reference copies are also available at the Council Offices, all libraries within the Borough and from the Borough’s town and parish councils. The lengthier documents may be made available on CDs.

3.8 A charge to provide printed copies on request is nevertheless appropriate to recoup production costs. The proposed charges are:
3.9 Request for other supporting documents which form part of the evidence base will be charged at the Council’s standard rate per page for photocopying.

Next Steps

3.10 Subject to any changes Members may wish to make to its content, the Submission Document will be submitted to the Secretary of State for Communities and Local Government on 28 August 2008 and concurrently published for a six week period of public consultation. The Council is required to submit a number of documents alongside the Area Action Plan that support it. These include the Sustainability Appraisal; details of the consultation carried out and how the Plan has responded to these; and other technical documents prepared to support the Plan.

3.11 Submission of the Plan brings to an end the part of the process in which the Council consults local people and stakeholders and uses the responses to influence the vision for change for the area. This document is now submitted for scrutiny through a public examination process, whereby any representations on the Submission Plan are considered by an independent Inspector.

3.12 At this formal stage of the process, it is proposed that consultation is carried out in line with statutory requirements. This will include notification of all individuals and organisations on the LDF database, notices in the local press, documents placed in all the borough libraries and in the Civic Offices and information presented on the Council’s website. Submission and the start of consultation will need to be before the end of August if the document is to be considered under the existing regulations. If submission is delayed, the document will be subject to the new regulations that come into force on 1 September 2008. This introduces an additional stage in the process and delays adoption of the Plan.

3.13 The independent examination of the submission plan is expected to take place in February/March 2009. If the Inspector finds the plan to be sound, a report proposing recommendations for any amendments will be published. These recommendations will be binding on the Council and will have to be incorporated by the Council within its document for adoption.

Putting the Plan into effect

3.14 Although the Dartford Town Centre Area Action Plan Submission Document will not acquire statutory force until it is adopted following Examination in Public, it represents the Council’s most up-to-date expression of policy intention for Dartford Town Centre, it is based on the
most up-to-date and extensive evidence base available, it incorporates the most recent Government policy advice, and it has been exposed to extensive public consultation and community involvement. For these reasons the Council considers that considerable weight can now be afforded to its policies and proposals.

3.15 It is proposed that the policies in the Submission Document be adopted as material considerations for development control purposes. This means that when the Council is assessing planning applications it will refer to the policies and proposals in the Submission Document as well as the statutory Development Plan before making a decision.

3.16 The Submission Document will also provide the framework within which the Council brings forward projects to regenerate the town centre. These include environmental improvement projects which fit with the Submission Plan, transport proposals, and development projects where these require enabling work to be undertaken by the Council.

3.17 In particular, the Council as acquiring authority will, where appropriate, use its Compulsory Purchase Powers to implement proposals in the Submission Document where such use meets the statutory requirements for exercising these powers. In the case of Lowfield Street (Submission Document Policy 34), where land assembly is required in order to bring a development project forward which is essential to meet the objectives of the Submission Document, and where there is a compelling case in the public interest to proceed with the development project, authorisation is sought in principle for the promotion of a Compulsory Purchase Order, with authority delegated to the Regeneration Director in consultation with the Leader of the Council to determine the exact boundaries of the CPO land when a suitable scheme has been identified.

4 Relationship to the Corporate Plan

Regeneration - to restore the vitality and viability of Dartford Town Centre.

5 Financial, legal, staffing and other administrative implications and risk assessments

<table>
<thead>
<tr>
<th>Financial Implications</th>
<th>1) In 2008/09 and subsequent years, the Council is entitled to receive Housing and Planning Delivery Grant. The level of grant awarded is partially dependent on performance in meeting a timetable for the production of LDF documents.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2) Money has been carried over from last years Planning and Delivery Grant to cover the costs of printing, distribution and consultation of the Plan.</td>
</tr>
<tr>
<td></td>
<td>3) Funds have been set aside in the Identified Initiatives Reserve to cover the cost of all the</td>
</tr>
</tbody>
</table>
LDF Public Examinations. For this Area Action Plan this includes the costs of an Independent Inspector (estimated at £90,000), a Programme Officer to assist the Inspector (estimated at £20,000) and potentially, legal advice to advise the Council in the presentation of its case at Examination (estimated at £30,000). Accurate costs cannot be calculated in advance since the nature of representations and the length of the Examination are unknown at this stage.

4) The Compulsory Purchase Order process will necessitate significant costs being incurred, both for preparation of and making the order and for the payment of compensation to affected parties etc. Prior to the making of a Compulsory Purchase Order, it will be necessary for the Council to secure an Indemnity Agreement in respect of these costs from the developer of the land. Discussions are in hand with St. James's Investments, who own significant parts of the Lowfield Street development site, to secure such an agreement.

<table>
<thead>
<tr>
<th>Legal Implications</th>
<th>Members are asked to agree that the Submission Document is adopted as a material consideration for Development Control purposes in advance of adoption. At this stage, the Plan does not have the full force of a Development Plan. Nonetheless, the weight of evidence in producing the Plan supports its use as a material consideration. In advance of adoption, the weight attaching to individual policies will vary depending on the representations that have been made and the strength of supporting evidence. Once adopted the Area Action Plan will form part of the statutory Development Plan for the Borough. The Council as acquiring authority, will be required in due course, to pass a resolution making the Compulsory Purchase Order.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staffing Implications</td>
<td>None specific</td>
</tr>
<tr>
<td>Risk Assessment</td>
<td>Whilst every effort has been made to ensure that the plan has followed the tests of soundness, there is the potential risk that the Inspector could find the plan unsound. In this instance, the Council will not be able to proceed to adoption</td>
</tr>
</tbody>
</table>
6. **Details of Exempt Information Category**

Not applicable

7. **Appendices**

Appendix A – Dartford Town Centre Area Action Plan Submission Document

**BACKGROUND PAPERS**

<table>
<thead>
<tr>
<th>Documents consulted</th>
<th>Date / File Ref</th>
<th>Report Author</th>
<th>Section and Directorate</th>
<th>Exempt Information Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dartford’s Local development Scheme</td>
<td>2007</td>
<td>Teresa Ryszkowska</td>
<td>Planning Policy,</td>
<td>N/A</td>
</tr>
<tr>
<td>Dartford Town Centre Area Action Plan –Preferred Options Document</td>
<td>2007</td>
<td>Paul Buckley</td>
<td>Regeneration</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(01322) 343631</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(01322) 34202</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>