

1.0 Application Number – [P/FUL/2021/00063](#)

Site address - Land East of the B3092 South of the River Lodden, Gillingham, Dorset.

Proposal - Form a floodplain compensation area as part of land adjacent to Gillingham Principal Street

Applicant name – Dorset Council

Case Officer – Simon McFarlane

Ward Members - Val Pothecary, Belinda Rideout, David Walsh

2.0 Summary of Recommendation:

Recommendation: Delegate authority to Head of Planning to **GRANT** permission subject to the prior completion of a s.106 obligation address:

- Access to the land for monitoring and maintenance of the flood storage area

and the conditions (and their reasons) listed at the end of the report.

3.0 Reason for the recommendation:

- The site is allocated in the North Dorset Local Plan (Policy 21)
- The Principal Street has planning permission ref - 2/2020/0379/FUL
- There are no material considerations which would warrant refusal of this application

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The principle of development was agreed through the strategic local plan allocation (Policy 21), the outline application ref - 2/2018/0036/OUT which sought permission for the principal street access points off the B3081 & the B3092 and the detailed application for the Principal Street ref - 2/2020/0379/FUL.
Flood Risk	The floodplain compensation calculations show that any loss in

	floodplain capacity due to the principal street can be compensated for on a level for level basis.
Ecology	Full surveys have been undertaken and impact upon protected species can be mitigated to avoid significant effects.

5.0 Description of Site

The site comprises an area of approximately 0.54 hectares, which forms a small section of land within the Strategic Site Allocation – Gillingham Southern Extension (Policy 21). The land abuts the proposed Principal Street junction to the B3092 and is currently made up grassed farmland.

6.0 Description of Development

The proposal is to form a compensatory flood storage area. This is required in order to compensate for the volume of floodplain lost through the future construction of the Principal Street. The lowered area will have gentle side slopes to the new proposed levels which would be on average 0.6m lower than existing with a maximum depth of 1m. Access to form this area would be gained from the Principal Street site. Floodplain compensation calculations and design have been carried out to ensure that any raised areas within the 100 year, plus (85%) climate change, extent within the site are offset on a level for level basis. The post-development ground levels will provide a total net gain of 721.1m³ in 100 year, plus (85%) climate change, floodplain capacity across the site.

7.0 Relevant Planning History

Gillingham Strategic Site Allocation

2/2018/0483/REM - Erect 90 No. dwellings with garages, bin / cycle store, building to house electricity sub-station and associated infrastructure, including play areas and public open space. (Reserved Matters application to determine appearance, landscaping, layout and scale, following the grant of Outline Planning Permission No. 2/2014/0968/OUT). Land to the East of Lodden Lakes New Road Gillingham Dorset. Approved February 2019.

2/2018/0036/OUT - Develop land by construction of an urban extension to the south of Gillingham between Shaftesbury Road (B3081) and New Road (B3092). The urban extension would comprise up to 961 dwellings. Up to 2,642 sq. m. in a new local centre providing retail, community, health and leisure uses, new and enhanced pedestrian/cycle routes, open spaces, roads, car parking and vehicular access. To include all ancillary works and associated infrastructure (Outline application to determine access only). West of Shaftesbury Road at Land South of Gillingham, Shaftesbury Road, Gillingham, Dorset.

2/2018/0077/OUT Develop land by the erection of up to 634 dwellings (use class C3), a primary school (use class D1), sports pitches with floodlighting, public open space, play facilities, access and internal estate roads, internal footpaths and cycleways, sustainable drainage system with ponds, landscaping, utility connections and associated/infrastructure. (Outline application to determine access only). Land at Park Farm Kingsmead Business Park, Gillingham, Dorset

These outline applications were recommended for approval by officers and was subsequently delegated by members at the February 2019 North Dorset District Council Planning Committee and subsequently at the May 2020 Northern Area Committee, subject to no adverse comments from environmental health, conditions and completion of a Section 106 agreement.

P/OUT/2020/00495 - Develop land by the erection of up to 115 No. dwellings, form vehicular access from New Road and Lodden Lakes Phase 1, form public open space. (Outline application to determine access). Pending decision.

2/2020/0379/FUL - Construction of a Principal Street, associated access, landscaping and infrastructure works at land to the East of New Road (B3092), Gillingham. Approved November 2020.

P/FUL/2020/00282 - Form a temporary access for the construction of the Gillingham Principal Street. Pending Decision.

8.0 List of Constraints

Parish Name - : Gillingham CP
Settlement Boundary - Gillingham
Ward - Gillingham

9.0 Consultations

All consultee responses can be viewed in full on the website.

Gillingham Town Council

No objection.

Natural Environment Team

No objection, subject to conditions.

Natural England

No objection.

Environment Agency

No objection, subject to conditions.

10.0 Representations

There were no representations received prior to the Committee.

11.0 Relevant Policies

Local Plan: The North Dorset Local Plan Part 1 (LPP1) was adopted by North Dorset District Council (NDDC) on 15 January 2016. It, along with policies retained from the 2003 North Dorset District-Wide Local Plan, 1 and the 'made' Gillingham Neighbourhood Plan, form the development plan for the North Dorset Area within Dorset Council. Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Relevant applicable policies in the adopted North Dorset Local Plan Part 1, January 2016 are as follows:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Core Spatial Strategy

Policy 4: The Natural Environment

Policy 17: Gillingham

Policy 21: Gillingham Strategic Site Allocation

Gillingham Neighbourhood Plan

The Gillingham Neighbourhood Plan was 'made' on 27 July, 2018 and forms part of the Development Plan for North Dorset.

National Planning Policy Framework (NPPF):

The NPPF has been updated with a revised version published February 2019. The following sections and paragraphs are relevant to this application:

1. Introduction
2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
9. Promoting sustainable transport
15. Conserving and enhancing the natural environment

The presumption in favour of sustainable development

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development. ...

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay...

12.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

13.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

14.0 Financial benefits

Benefit	Quantum
Construction Jobs	Lasting approximately 1 year

15.0 Planning Assessment

Principle of development

The principle of development for the ‘principal street’ and the access location from the B3092 has been established through the strategic local plan allocation (Policy 21), the outline application ref - 2/2018/0036/OUT which sought outline permission for the access points off the B3081 & the B3092, and the detailed Principal Street application ref - 2/2020/0379/FUL.

Flood Risk

A new raised embankment will be formed for the Principal Street development. As a result of some areas of the site being raised, the proposed floodplain compensatory storage area will need to be excavated upstream of the River Lodden Bridge to ensure there is no loss of flood storage and no increases in flood risk elsewhere as a result of the development. The floodplain compensation calculations show that any loss in floodplain capacity due to the scheme can be compensated for on a level for level basis.

Ecology

Full Phase 1 and 2 ecological surveys have been undertaken across the site. Biodiversity mitigation measures, which include tree/hedgerow protection measures, water vole habitat degradation/restoration, and bird boxes, will be secured through a planning condition.

Planning Balance;

When all the material planning issues are considered in the planning balance, your Officer's conclusion is that the benefits of the reduction in flood risk, combined with the facilitation of the wider development warrant approval of the application.

16.0 Conclusion

The proposed development will allow the construction of the Principal Street without increasing flood risk. Officer's recommend that the development should be approved without any further delay.

17.0 RECOMMENDATION

Recommendation: Delegate authority to Head of Planning to **GRANT** permission subject to the prior completion of a s.106 obligation address:

- Access to the land for monitoring and maintenance of the flood storage area

and the conditions (and their reasons) listed at the end of the report.

CONDITIONS

Time Limits

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - HI1177/82/01/Orig – Gillingham Principal Street Floodplain Compensation Area Location and Site Plan
 - HI1177/82/02/Orig – Gillingham Principal Street Floodplain Compensation Area Plan and Long Section
 - HI1177-81-02-Orig – Gillingham Principal Street Floodplain Compensation Area Swale Discharge

Reason: For the avoidance of doubt and in the interests of proper planning

Ecology

3. The development shall be carried out in accordance with the mitigation and enhancement measures set out in the Danny Alder Ecological Report, Dated 25 November 2020.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

INFORMATIVES NOTE: Environmental Permit

An Environmental Permit may be required from the EA, as relevant regulator for all works to a designated Main River that take place in, under or over, or as prescribed under relevant byelaws in accordance with section 109 of the Water Resources Act 1991. To clarify the Environment Agency's requirements, the applicant should contact the relevant department by emailing floodriskpermit@environment-agency.gov.uk