

1.0 Application Number – [P/FUL/2020/00282](#)

Site address - land at E 382085 N 125405 Shaftesbury road Gillingham, Dorset.

Proposal - Form a temporary access for the construction of the Gillingham Principal Street.

Applicant name – Dorset Council

Case Officer – Simon McFarlane

Ward Members - Val Potheary, Belinda Rideout, David Walsh

2.0 Summary of Recommendation:

Recommendation: **GRANT**, subject to 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.
Impact on Heritage	Extensive archaeological investigations have taken place to the satisfaction of the council's senior archaeologist and Historic England in relation to 2/2018/0036/OUT. Further work is to be secured by condition in relation to the construction of the principal street.

Ecology	Full surveys have been undertaken and impact upon protected species can be mitigated.
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5.0 **Description of Site**

The site comprises an area of approximately 0.075 hectares, which forms a small section of land within the Strategic Site Allocation – Gillingham Southern Extension (Policy 21). The land abuts the B3081 and is currently made up of scrub and ruderal vegetation.

6.0 **Description of Development**

The proposal is for a temporary access road/junction to be constructed to provide one way construction access during the construction of the principal street. Upon completion of the project, the temporary access would be stopped up, until initial phases were ready to commence, at which point the last remaining section of the principal street will be completed to join the B3081.

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/2021/00063 - Form a floodplain compensation area as part of land adjacent to 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.

Archaeological Officer

No objection.

Transport Development Management

No objection, subject to conditions.

Tree Officer

No objection, subject to conditions.

Natural Environment Team

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 5: The Historic 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
16. Conserving and enhancing the historic 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 B3081 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.

Construction Access

The highway authority has no objection to the temporary construction access, subject to conditions.

Impact on Heritage

The applicant in 2/2018/0036/OUT was required to carry out extensive archaeological trial trench surveying prior to the issue of outline planning permission. An archaeological evaluation was undertaken between July-September 2019. The investigations were undertaken in accordance with a Written Scheme of Investigation prepared and approved prior to commencement on site.

In respect of this application and particular parcel of land, the professional opinion of Peter Cox at AC Archaeology is that the area of possible medieval earthworks identified on the wider site do not extend into the application land. On this basis there is no harm to heritage assets and therefore no objection from the Councils Senior Archaeologist.

Ecology

Full Phase 1 and 2 ecological surveys have been undertaken across the site. Biodiversity mitigation measures, which include replacement hedgerows and wildflower grass seeding 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 temporary access for construction purposes combined with the facilitation of the wider development warrant approval of the application.

16.0 Conclusion

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

17.0 RECOMMENDATION

Recommendation: **GRANT**, subject to 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).

Access road construction

2. Before the temporary construction access hereby approved is utilised the geometric highway layout shown on Drawing Number HI1177/90/02/Orig must be constructed. Thereafter, this access must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site.

Closure of access

3. Upon the completion of the Principal Street the access hereby approved shall be removed, the vehicular crossing expunged and the area reinstated as shown on Dwg No HI1177/90/04/A.

Reason: To ensure the proper and appropriate reinstatement of the adjacent highway.

Ecology

4. The development shall be carried out in accordance with the mitigation and enhancement measures set out in the Danny Alder Ecological Report, Dated 09 September 2020.

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

INFORMATIVE NOTE: Dorset Highways

The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.