

**1.0 Application Number – 2/2018/1437/FUL**

**Site address** - St Martins Queen Street Gillingham SP8 4DZ

**Proposal** - Erect extra care residential building comprising 55 No. residential units, shared communal areas and ancillary facilities. Modify vehicular accesses, form pedestrian accesses, parking, servicing, courtyard and landscaping, carry out associated works.

**Applicant name** – Magna Housing Association

**Case Officer** – Simon McFarlane

**Ward Members** – Cllr Val Potheary, Cllr Belinda Ridout, Cllr David Walsh

The Head of Service considers that under the provisions of Dorset Council's constitution this application should be determined by the Area Planning Committee.

**2.0 Summary of Recommendation:**

Delegate authority to Head of Planning to **GRANT** permission subject to a s.106 agreement to address:

- 25% affordable housing
- Community facilities
- Informal outdoor space

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

**3.0 Reason for the recommendation:**

- The proposal is located within the settlement boundary
- The proposal is for a type of housing in significant need
- The Council cannot demonstrate a five year housing land supply
- The proposal would contribute towards the Council's 5 year housing land supply
- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise. None have been identified
- The development would secure economic and social benefits
- 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 is considered to be acceptable in light of location within the settlement boundary.
Scale, design, impact on character and appearance	The current vacant site is detracting from the appearance of the area. The revised proposals are considered to be acceptable.
Affordable Housing and s.106 planning obligations	The scheme will deliver a 25% policy compliant level of affordable housing with a commitment from the applicant as a registered provider that the development will be delivered as a 100% affordable development and contribute to local community and informal open space infrastructure contributions.
Access	The proposed vehicular access points into the site are acceptable.
Transport	There will be no adverse impacts and parking provision is commensurate with the age profile of the intended residents.
Impact on Heritage	The site is adjacent to the Gillingham Conservation Area and several listed buildings. It is considered that there will be a degree of less than substantial harm. However this harm is outweighed by the public benefits.
Residential Amenity	The amenity of adjacent residents will be protected with adequate space, between proposed and existing properties.
Flooding/Drainage	<p>The site lies mostly within Flood Zone 1 (low risk), and a proportion in 2/3 (medium/high risk). However the development has been sequentially tested and built form located into the area of the site at lowest flood risk.</p> <p>Surface water drainage details can be adequately secured by condition.</p>
Ecology	Full surveys have been undertaken and

	impact upon protected species can be mitigated to avoid adverse effects.
Carbon emission reductions	The development will meet the requisite CO2 reduction targets set out in Part L of the building regulations through the provision of highly insulated floors, walls and roofs, excellent glazing thermal performance, improved building envelope air-tightness, and a centralised combined heat and power unit, which will provide heating, domestic hot water and electricity to be used on site.
Economic benefits	Benefits would come from the provision of jobs during construction and within the development, future residential expenditure in the town, and release of under occupied properties.
Social Benefits	There will be a significant social benefit through the provision of specialist/affordable accommodation which is in high demand and will result in health benefits to residents and savings to the NHS.

## 5.0

### Description of Site

The application site comprises land at St Martin's, Queens Square, Gillingham. The site is located to the north west of Gillingham town centre, within walking distance to its range of shops, services and facilities.

The application site extends to approximately 0.75 ha (1.8 acres) and is bordered by St Martin's Square/Queen Street to the west, a tributary of Shreen water to the east and residential properties to the north and south. The site slopes from west to east down to the watercourse.

The site is situated in a predominantly residential area and was previously occupied by a care facility and a separate residential building. The site is now cleared and can be classified as previously developed land.

The site lies outside but adjacent to the Gillingham Town centre Conservation Area and in close proximity to several listed buildings.

The site lies predominately within flood zone 1 (low risk) with the lower parts of the site closest to the watercourse falling within flood zones 2 (medium)/3 (high).

## **6.0 Description of Development**

The application seeks detailed planning permission for the development to form 55 extra-care units and communal facilities (including; owners lounge, wellbeing room, activity room, wardens office, kitchen/dining area, mobility scooter store, refuse store, and guest suite)(use class C3), landscaping, parking, and access.

Since the submission of the first iteration of the proposals in 2018, the plans have been significantly revised. The number of dwellings have been reduced from 59-55, the height, bulk and layout were all reduced and the design was completely revisited. These changes were all necessary to address concerns in relation to the initial proposals.

## **7.0 Relevant Planning History**

Ref - 2/2018/1170/DEM

Proposal:

Demolition of 1 - St Martins House - 2.5 storey brick building with accommodation in the roof space, dual pitched clay tile roof and brick chimneys; 2 - Former St Martins Residential Care Home - a two-storey, U shaped brick building with a pitched, clay tile roof, flat-roofed dormer section, brick chimneys and UPVC windows; 3 - Bungalow - single storey and brick built with a pitched, clay tile roof, wooden window frames and plastic guttering; 4 - Outbuilding - Single storey stone building with a pitched, clay tile roof, partially collapsed with tiles missing and covered in foliage, as a result access is limited; and 5 - Low wall under 1m constructed from 1960's artificial stone located on the western boundary of the application site.

Former North Dorset District Council confirmed by notice dated 28th September 2018 (LPA ref: 2/2018/1170/DEM) that the demolition of all existing buildings on the site did not require the Council's prior approval, subject to the works being undertaken in accordance with the submitted details. The buildings on site were subsequently demolished. The site is now vacant.

Ref - TPO/2021/0004

The following is the statement of the Council's reasons for making the Order (as required by REGULATION 5 of The Town and Country Planning (TREES) Regulations 2012), "in view of the proposed development submitted for consideration under 2/2018/1437/FUL; an assessment has been undertaken and it is the Council's view that the five trees identified for retention and detailed within the schedule, contribute positively to the amenity of the locality. Their long-term protection and retention is therefore sought to be secured by way of a provisional order.

## 8.0 List of Constraints

Ward Name – Gillingham Town Ward  
Flood Zones 2/3  
Adjacent to Gillingham Conservation Area

## 9.0 Consultations

### **Gillingham Town Council**

Consulted on the 24 September 2019, their comments dated 28 October 2020 were as follows;

Objection, for the following reasons,

- Although the design of the proposed front elevations has been improved, the size and scale of the rear is considered to be overbearing and too dominant which will result in a development that is harmful to the setting of the conservation area and will have a negative impact on the adjoining listed building;
- the design is considered to be too “angular” and needs to be “softened”, and
- the site of the proposed electrical sub-station, adjacent to Lime Tree House, is considered to be harmful to the setting of the listed building (please note that the wall is constructed of stone, not brick as indicated in the application).

### **Conservation Officer**

Consulted on the 24 September 2019, their comments dated 29 January 2021 were as follows;

No objection, subject to conditions.

### **Historic England**

Consulted on the 24 September 2019, their comments dated 07 October 2020 were as follows;

No objection, in recognition that the revisions and reductions to the scale of the proposed building were now less overbearing and more contextual. There was an agreement with the assessment of the Conservation Officer with regards to the need to condition high quality materials given the prominent and sensitive nature of the location.

### **Archaeologist**

Consulted on the 15 October 2018, their comments on the 11 January 2021 were as follows;

No objection, there is not a strong enough case to require archaeological evaluation and/or mitigation in relation to this proposed development.

**Transport Development Management**

Consulted on the 15 October 2018, their comments dated 08 January 2021 are as follows:

No objection, subject to conditions.

**Drainage Flood Risk Management**

Consulted on the 15 October 2018, their comments dated 18 January 2021 are as follows;

No objection, subject to conditions.

**Environment Agency**

Consulted on the 15 October 2018, their comments dated 04 September 2019 are as follows;

No objection, subject to conditions.

**Wessex Water**

Consulted on the 15 October 2018, their comments dated 06 September 2019 are as follows;

No objection, subject to the appropriate buffers or diversions of foul/surface water sewers.

**Tree Officer**

Consulted on the 20 November 2019, their comments dated 27 January 2021 are as follows;

No objections, subject to conditions.

**Dorset Education Authority**

Consulted on the 15 October 2018, their comments are as follows;

No objection, subject to the imposition of appropriate Conditions or other agreement to ensure occupancy is restricted.

**Environmental Health**

Consulted on the 20 November 2019, their comments dated 16 October 2018 are as follows;

No objections, subject to conditions.

**Landscape Architect**

Consulted on the 15 October 2018, there was no response from this consultee at the time of report preparation.

**Urban Design**

Consulted on the 15 October 2018, there was no response from this consultee at the time of report preparation.

**Dorset Police Architectural Liaison Officer**

Consulted on the 15 October 2018, there was no response from this consultee at the time of report preparation.

**Housing Enabling Team**

Consulted on the 15 October 2018, there was no response from this consultee at the time of report preparation.

**Planning Policy**

Consulted on the 15 October 2018, there was no response from this consultee at the time of report preparation.

**Principal Technical Officer**

Consulted on the 15 October 2018, there was no response from this consultee at the time of report preparation.

**Dorset Waste Partnership**

Consulted on the 15 October 2018, there was no response from this consultee at the time of report preparation.

**NHS Property Services**

Consulted on the 15 October 2018, there was no response from this consultee at the time of report preparation.

**Dorset Clinical Commissioning Group**

Consulted on the 15 October 2018, there was no response from this consultee at the time of report preparation.

**North Dorset Primary Care Trust**

Consulted on the 15 October 2018, there was no response from this consultee at the time of report preparation.

## 10.0 Representations

31 letters of representation were received, 31 objected to the proposal and 0 supported the proposal.

Objections;

- Impact upon the appearance of the area
- Overdevelopment
- Poor Design
- Impact upon heritage assets
- Pedestrian safety issues
- Flooding Issues
- Alternative provision could be provided in the Southern allocation (Policy 21)
- Proposed housing tenure should be mixed and provide housing for younger people/families
- Questions over the need for housing for the elderly
- St Martins should have been retained as a building of historic interest
- Impact upon important trees
- Substation noise impact

## 11.0 Relevant Policies

### North Dorset Local Plan Part 1 (January 2016):

On 1 April 2019, North Dorset District Council ceased to exist and became part of a new Unitary Authority known as Dorset Council. The development plan will remain in place until such time as the existing policies are revoked or replaced.

- Policy 1 – Presumption in Favour of Sustainable Development
- Policy 2 - Core Spatial Strategy
- Policy 3 - Climate Change
- Policy 4 - The Natural Environment
- Policy 6 – Housing Distribution
- Policy 7 - Delivering Homes
- Policy 8 - Affordable Housing
- Policy 13 - Grey Infrastructure
- Policy 14 - Social Infrastructure
- Policy 15 - Green Infrastructure
- Policy 17 - Gillingham
- Policy 23 - Parking
- Policy 24 – Design
- Policy 25 - Amenity



## **Gillingham Neighbourhood Plan 2016-2031 (adopted July 2018)**

- Policy 23 - The pattern and shape of development
- Policy 24 - Plots and buildings
- Policy 25 – Hard and soft landscaping
- Policy 27 - Protection of locally important heritage assets

### **Other Material Considerations:**

#### **Dorset Local Plan (Consultation version January 2021)**

Dorset Council have produced a draft Local Plan containing proposals for guiding future development over the whole of the Dorset Council area up to 2038. The initial consultation period runs until the 15 March 2021. Given its early stage of consultation the weight to be given to it is very limited.

- Section 28 – North Dorset Functional Area
- NORD1: Care Facilities within Northern Dorset
- Section 29 – Gillingham

### **National Planning Policy Framework:**

As far as this application is concerned the following sections of the NPPF are considered to be relevant

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

### **Listed Buildings and Conservation Areas**

Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed buildings or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.

Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development in a conservation area, the local planning authority must pay special attention to the

desirability of preserving or enhancing the character or appearance of the conservation area.

### **Gillingham Town Design Statement**

The Gillingham Town Design Statement (TDS) was adopted by Cabinet on 19 March 2012 and endorsed by Council on 30 March 2012, as an evidence base study. It does not include specific policies, but contains guidelines and recommendations in respect of the design of new development within the town. A key recommendation is that *“new development needs to be sympathetic with the town, rather than be a copy of a template used by a developer elsewhere”*.

## **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 s.106 obligations/Financial benefits**

<b>Benefit</b>	<b>Quantum</b>
Affordable housing	25% on site (with commitment to provide 100 social rented)
Community facilities	RiversMeet - £51,497.60 Additional Cemetery Provision – £45,025.75

	Libraries - £13,860.00
Informal outdoor space	Garden of Remembrance - £16,500.00
Construction Jobs	Provided for approximately 1-2 years
Council Tax Revenue	Generated by 55 dwellings

## 15.0 Planning Assessment

- Principle of development
- Housing need
- Design
- Heritage
- Residential amenity
- Transport
- Biodiversity
- Flooding and drainage
- Affordable Housing
- Infrastructure provision
- The planning balance

### Principle of Development

Policy 2 (Core Spatial Strategy) of NDDC local plan part 1 requires development to be located in accordance with the spatial strategy which directs development to the 4 main towns (and larger villages), which includes Gillingham. The town is recognised as one of the most sustainable locations, where homes, and facilities are easily accessible. The site is located within the settlement boundary of Gillingham just outside the Town Centre boundary and within walking distance to shops and services, which is particularly important for the residents of extra care housing.

Policy 17 (Gillingham) of the local plan states that the vast majority of growth will be delivered within Gillingham and that housing needs will be met through infilling and regeneration within the settlement.

The principle of development is therefore considered to be acceptable and in accordance with the spatial strategy.

### Housing Need

Studies show that the proportion of people over 60 is likely to increase significantly over the next 20 years.

The Eastern Dorset 2015 Strategic Housing Market Assessment (North Dorset District Summary) August 2015 defines the objectively assessed need (OAN) for different types of housing in the District, including market, affordable and specific

groups such as the elderly and those with disabilities.

Gillingham is located within the North Dorset Housing Market Area (HMA). In the North Dorset HMA, significant growth is forecast in the number of older persons (55 and over - 34%) and those with dementia or mobility problems (89% and 72% respectively). Paragraph 3.20 states that *“Given the ageing population and higher levels of disability and health problems amongst older people there is likely to be an increased requirement for specialist housing options...”* of 1,012 homes or 51 per annum. There is also an identified OAN for 146 affordable homes per annum with a significant demand for 1 and 2 bedroom social rented and intermediate homes.

This application for 55 dwellings (45 x 1 bedrooms and 10 x 2 bedrooms) with 25% secured as ‘social rented’ will help meet the OAN for accommodation for elderly persons with a range of other specialist needs. It should be noted that the applicant has requested that provision is made for a maximum of 3 flats which could accommodate persons below the age of 55 that are in need of care. Given that the number is proportionally small in comparison to the overall number of dwellings it is considered that this would not materially alter the considerations of the proposed development.

Policy 7 (Delivering Homes) states that the Council will support the provision of both additional elderly persons’ accommodation and other specialist forms of housing, to meet this growing need.

The NPPF requires local authorities to identify and update annually a five year supply of specific deliverable housing sites. Currently Dorset Council is unable to demonstrate a five year housing land. In the area that was North Dorset DC has only 3.3 year housing land supply.

Accordingly, Footnote 7 of the NPPF confirms that the relevant housing policies of the development plan should be considered out of date. Paragraph 11d) states that where the relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

The Framework seeks to encourage residential development in sustainable locations. The proposed dwellings would be located within close proximity to facilities and services, and contribute towards housing supply and choice.

### **Design/Layout**

The initial proposals submitted for the redevelopment to form 59 units failed to relate to the character and appearance of the area. The proposed design would have neither preserved or enhanced local distinctiveness. The plans illustrated

an overly dominant and imposing development that would have been completely out of context with its setting.

During the application process the plans were revised significantly in consultation with the council's planning officers and in particular the conservation officer. The revised proposals have resulted in a reduction to 55 units and have now been designed to better reflect the surrounding context and setting.

The latest proposals have been reduced in height, site coverage and stepped further away from both the north and south boundaries. The front wings of the building have been reduced to two storeys in height with the building then stepping up to 2 ½ and 3 storey in height further back into the site. The inclusion of feature gables, variation in eaves and ridge heights, recesses, a mixture of high quality materials including grey slate and red plain roof tiles, and red brick with detailing, will create a well-articulated development which respects and responds positively to the surrounding context.

The proposed development will provide a mix of 1 & 2 bedroom flats complete with 'Communal Hub', providing facilities for the residents at ground floor. The principal entrance is accessed from the communal parking court to the South of the building. This section of the building has been recessed and the use of a double height atrium creates legibility and a focal point. A discreet secondary entrance is proposed from the central square.

The building will form a 'H-Plan' with a focal courtyard fronting the public highway with a retained cherry tree as a focal feature, and a further communal courtyard with seating facing towards the river to the East. The building will be set within professionally landscaped grounds which will be maintained in perpetuity by a management company.

The apartments are laid out either side of a central corridor on all floors providing level access and a range of different outlooks for residents. There will be two lifts providing access to all floors. The majority of the apartments are served by private balconies or ground floor terraced areas allowing residents access to private amenity areas as well as the communal gardens.

The density of the development is 73 dwellings per hectare which is considered to be appropriate for a development located within close proximity to a town centre. There is a clear requirement set out in National Planning Policy that planning decisions should promote an effective use of land in meeting the need for homes and substantial weight should be given to the value of using suitable brownfield land within settlements for homes, and support appropriate opportunities to remediate derelict land.

Furthermore the density is appropriate in the context of the proposed use as an extra care development. These types of developments are made up of smaller

dwelling units arranged in an efficient layout and are required to be contained within a single building which has convenient secure access to communal facilities. The provision of adequate car parking, landscaped areas, distance to neighbouring boundaries all indicate that the proposed density is within an acceptable range.

Overall it is considered that the development has been designed to respect the character and quality of the area within which it is located.

### **Heritage**

The site lies outside but adjacent to the Gillingham Conservation Area and within close proximity to the Grade I listed St Marys Church. In addition to St. Mary's Church, there are four Grade II Listed Buildings adjacent to the southern end of the Site, which fall within the boundary of the Conservation Area. The north elevation of one of these buildings, Lime Tree House (NHLE: 1110305) borders the southern edge of the Site. On the opposite side of the road, there are numbers 1 and 2 St. Martin's Square, which are listed as one entry (NHLE: 1110301). Broadhayes Cottage (NHLE: 1305025) and Broadhayes (NHLE: 1172579) are farther to the north, on the opposite side of St. Martin's Square to St. Martin's House.

Through the submission of supporting heritage documentation submitted with the application, the significance of heritage assets and the impact of the proposed development has been assessed and special regard has been given to the preservation of those assets in the balancing exercise.

Through the submission of revised plans (as described above) efforts have been made to integrate the development into the street scene by reducing the scale of the built elements to each side of the main façade and the setting back of the building behind landscaped frontage gardens. This is considered to be contribute positively to the setting of heritage assets.

However, whilst these changes have been considered as a positive the overall scale of the building and in particular rear wings will create an intrusion into the setting of the neighbouring listed building Lime Tree House and therefore there is some harm to heritage assets identified which needs to be carefully considered. This level of harm is considered to be classified as 'less than substantial harm' and should be afforded great weight in the decision making process. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should then be balanced against the public benefits of the proposal.

Officers consider that there are significant public benefits derived from this proposed development which would include the following;

- The regeneration of a derelict site

- Delivery of extra care and affordable housing, which are both in significant need
- Savings to the NHS through specialist housing that better suits older people needs
- Improvements to the wellbeing of residents lives through companionship, and the safety and security of purpose built/managed accommodation
- Release of under occupied properties in the locality
- Reduction in the need to travel by car through the sites sustainable location within walking distance of shops and services
- The increased spending and support of the local shops and services within the town through regular visits by residents
- Temporary construction jobs
- Permanent and temporary jobs created within the development

As such, it is considered that in this case the level of harm is clearly outweighed by the significant public benefits of the development and accordingly there is no heritage policy reason for refusing the proposed development. Therefore the tilted balance and the presumption in favour of sustainable development remains engaged.

### **Residential Amenity**

There will be an inevitable change to the nature of the site from its current vacant state with the proposed built form and increased vehicular movement, domestic noise and activity. However this is unlikely to adversely impact adjacent neighbours to the extent that would warrant the refusal of this application.

The most affected residents will be the properties adjoining immediately to the south and to the north of site. To the south of the site is Lime Tree House, a domestic dwelling house with a large rear private garden. The side to side distance from the foremost part of the two-storey wing of the proposed building will be 21m with a communal parking area and proposed tree and boundary planting in between. Moving further back into the site the proposed three storey wing will be 27m from the corner of the neighbouring property and 11m from the side boundary.

These distances, together with the intervening access road, and the position of the large outbuilding within the rear garden all serve to mitigate the impact and adequately protect the amenity of the neighbouring residents.

There is a public comment from the neighbours of Lime Tree House and the Town Council regarding the location of the proposed substation close to the boundary wall. The applicant has provided sufficient justification to demonstrate that this is the only realistic location for the structure to be located. The location has been derived through the need to avoid the constraints of surface and foul water sewer easements, flood zones, and ecology buffers. Notwithstanding the submitted plans, there will be a condition which will require the applicant to

submit details of the substation enclosure, which shall be enclosed in brick and with a slate roof. This will ensure that there are no harmful noise impacts and that the appearance of the substation is commensurate with the location adjacent to a conservation area, listed building and boundary wall.

To the north lies Portland Bungalow and Nos 1-3 Portland Cottages which have private gardens to the rear. The distance from the proposed three storey wing to the side boundary of Portland Bungalow is in excess of 12m and 19m to the corner of Portland Cottage. These distances, the intervening access road, and the boundary tree planting all serve to adequately protect the amenity of the neighbouring residents.

Whilst there will be a significant degree of change in comparison to the existing vacant site, in the context of a town centre location and an urban area this change is considered to be appropriate and overall it is considered that the amenity of adjacent residents will be sufficiently protected.

### **Transport**

The submitted Transport Statement confirms that the existing access points serving the site will be utilised for the proposed development. The northern access from Queen Street will be used by service vehicles and provide access to the refuse storage area. The southern access from St Martin's Square will provide access to staff, resident and visitor parking. 31 car parking spaces are proposed for visitors, staff and residents, along with an internal secure storage area for mobility scooters. It is considered that this provision is satisfactory bearing in mind the site's town centre location and the average age profile of the intended residents (which is likely to be 79+years old). Projected trip generation in both the morning and evening peaks is low and will not have an unacceptable impact on the adjoining highway network. The Highway Authority has no objection, subject to conditions requiring details for construction management, travel plans, cycle parking, mobility scooter storage, and electric vehicle charging points.

### **Biodiversity**

Phase 1 and Phase 2 ecology surveys have taken place and a report submitted with the application. The Dorset natural environment team have been consulted and the application is accompanied by a biodiversity mitigation & enhancement plan and an approved and signed biodiversity mitigation plan certificate. This will ensure that the following mitigation measures take place;

- Maintenance of a dark corridor for bats on the eastern edge of the site
- Bat boxes, access tiles/tubes
- Bee brick
- Bird box
- Exclusion and translocation for reptiles
- Enhancement and receptor site for reptiles



- River buffer zone
- Use of native shrubs/trees in the planting proposals

In light of these mitigation and enhancement measures biodiversity and protected species will be adequately safeguarded.

### **Flooding and drainage**

The site lies partly within flood zone 1 (low risk) and flood zones 2/3 (medium/high risk). A Flood Risk Assessment (FRA) and Sequential Test have been submitted with the application.

The FRA has assessed the existing flood risk to the site from all relevant sources. The majority of the site and all of the proposed built footprint is located within the area of low risk (Flood Zone 1). The area of the site located within flood zones 2/3 is towards the lower part of the site adjacent to the river. This area is mainly proposed as soft landscaping and a very minimal amount of car parking area. Planning conditions are imposed to ensure that finished floor levels remain above 73.20 AOD and that there shall be no structures, ground-raising or other encroachment into the floodplain on existing land below the level of 72.06mAOD. The Environment Agency have raised no objections subject to these conditions.

The sequential test is a requirement set out in national planning policy. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. The applicant has submitted sufficient evidence to demonstrate that there are no other available alternative sites that are at lower risk of flooding within the Gillingham area for this specific use.

A detailed drainage assessment and layout has been submitted with the planning application. This has been scrutinised by the Councils drainage engineer and no subsequent objections have been raised. Further details will be secured by planning condition.

### **Affordable Housing**

The scheme will deliver a 25% policy compliant level of affordable housing. The dwellings will all be 'social rented'. It should be noted that the applicant is a registered housing provider and its commitment to the Council is to deliver the development as 100% social rented housing. The reason that 100% provision will not be secured in the s.106 legal agreement is twofold;

1. Adopted planning policy only seeks 25% affordable housing provision in Gillingham and therefore it is not considered 'necessary' 'fair' or 'reasonable' to seek more than this. A higher percentage would fail to meet the tests for planning obligations set out in the Community Infrastructure Regulations, paragraph 122.

2. The applicant benefits from additional subsidy through the 'conversion' of the remaining 75% from market housing to affordable housing, which in turn allows the 100% provision.

The 25% affordable element would be secured in perpetuity by a s.106 agreement and should weigh favourably in the planning balance. The decision maker should be mindful of the commitment to provide 100%, however this additional quantum should not be considered in the planning balance.

### **Infrastructure provision**

The applicant has also agreed to make all of the requested contributions (set out in section 14 above). These will be secured by s.106 legal agreement and are considered necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

## **16.0**

### **Conclusion**

The development of 55 extra care dwellings, including the provision of 25% affordable housing (with a clear commitment to provide 100%), would increase housing choice for the elderly, make a contribution towards the current shortfall in housing supply and would provide significant public benefits.

The authority cannot demonstrate a five year housing land supply and so the presumption in favour of sustainable development applies. In accordance with paragraph 11 d) of the Framework, as directed by Footnote 7, policies which are most important for determining the application are considered out-of-date, and subsequently planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Given this shortage of housing land supply the 'tilted balance' would apply. This is where the need to boost housing land supply is prioritised when weighing up the planning balance for proposals.

There will be significant social and economic benefits weighing in favour of the proposal;

- The regeneration of a derelict site
- Delivery of extra care and affordable housing in a sustainable location
- Savings to the NHS through specialist housing that better suits older people needs
- Improvements to the wellbeing of residents lives through companionship, and the safety and security of purpose built/managed accommodation
- Release of under occupied properties in the locality
- Reduction in the need to travel by car through the sites sustainable location within walking distance of shops and services

- The increased spending and support of the local shops and services within the town through regular visits by residents
- Temporary construction jobs
- Permanent and temporary jobs created within the completed development

It is important to note that there are no adverse impacts which would significantly and demonstrably outweigh these benefits. There are no fundamental concerns with regard to the following topics;

- The character of the area
- Design
- Residential amenity
- Highways
- Flood risk/Drainage
- Trees/Hedgerows
- Ecology/protected species

In the case of the heritage consideration, special regard and attention has been given to the desirability of preserving the setting of listed buildings and the character and appearance of the Conservation area. An element of less than substantial harm has been identified. However it is considered that the public benefits outweigh this harm.

Therefore in this case the proposed development is in accordance with the development plan and there are no considerations of specific policies in the NPPF that weigh against the balance towards housing provision and the application should be approved without further delay.

## 17.0

### **RECOMMENDATION**

Recommendation A: Delegate authority to Head of Planning to **GRANT** permission subject to a s.106 agreement to address:

- 25% affordable housing
- Community facilities
- Informal outdoor space

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

Recommendation B; Refuse permission for failing to secure the obligations above if the agreement is not completed by (23 September 2021) or such extended time as agreed by the Head of Planning.

## **CONDITIONS**

### **Time Limit**

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).

### **Age Restriction**

2. The residential accommodation hereby approved shall only be occupied as extra care accommodation and such occupation shall be limited to persons over 55 years old (with the exception of three flats, which can be occupied by persons under 55 who are in need of care).

Reason: to ensure that the proposals are retained as extra care dwellings and so that the impacts of the proposal are acceptable in highway terms and planning obligations.

### **Approved Plans**

3. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details:

- Location Plan; S001 Rev B, Dated 03/10/18
- Site Plan; 1182 PD002, Rev G, Dated 15/01/21
- Ground Floor Plan, 1182 PD100, Rev G, Dated 23/06/20
- First Floor Plan, 1182 PD101, Rev G, Dated 23/06/20
- Second Floor Plan, 1182 PD102 Rev G, Dated 23/06/20
- Roof Plan, 1182 PD103, Rev D, Dated 15/01/21
- West Elevation, 1182 PD301, Rev F, Dated 15/01/21
- East Elevation, 1182 PD303, Rev D, Dated 26/06/20
- North Elevation, 1182 PD302, Rev F, Dated 15/01/21
- South Elevation, 1182 PD304, Rev E, Dated 15/01/21
- Courtyard Elevations, 1182 PD305, Rev F, Dated 15/01/21

Reason: For the avoidance of doubt and to clarify the permission.

### **Material Samples**

4. Prior to development above damp proof course, samples of materials to be used in the construction and finish of all brick types, roof tiles, hips and ridges, slates, stone and cappings; shall be made available on site and retained in that location thereafter for the inspection and approval of the Local Planning Authority. Any such samples shall require approval to be obtained in writing from the Local Planning Authority prior to any

development above damp proof course and the development shall thereafter accord with the approved materials.

Reason: To safeguard the character of the locality.

### **Sample Panels**

5. Prior to development above damp proof course, a sample panel measuring at least 1 metre by 2 metres, using the approved stone and /or brick and demonstrating the proposed coursing, mortar mix and pointing detail, shall be constructed on site. Construction of the development hereby permitted shall not commence above damp proof course until a sample panel of the stonework has been approved in writing by the Local Planning Authority, thereafter, the stone panel shall remain on site until the external walls of the dwelling have been constructed to eaves height.

Reason: To safeguard the character of the locality.

### **Dormers and South Elevations Foyer Entrance**

6. Prior to development above damp course level, details of all dormers and the south side foyer entrance to include detailed annotated drawings (at a scale of not less than 1:20 elevations and 1:5 cross-sections) showing the design, materials, finish, construction specifications, profiles, eaves overhangs shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter accord with the approved scheme.

Reason: To safeguard the character of the locality.

### **Chimneys, Balconies, balustrading, Railings**

7. Prior to development above damp course level, details of all chimneys, balconies, balustrading, railings, to include detailed annotated drawings (at a scale of not less than 1:20 elevations and 1:5 cross-sections) showing the design, materials, finish, construction specifications, profiles shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter accord with the approved scheme.

Reason: To safeguard the character of the locality.

### **Windows and Doors**

8. Prior to development above damp course level, detailed annotated drawings (at a scale of not less than 1:20 elevations and 1:5 cross-sections) showing the design, materials, finish, construction specifications, and depth of reveal of external doors and windows shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter accord with the approved scheme.

Reason: To safeguard the character of the locality.

### **Window Reveals**

9. Notwithstanding the details shown on the submitted plans, all windows shall be installed with their frames inset not less than 75mm from the outer face of the wall.

Reason: To safeguard the character of the locality.

### **Brick detailing and profiles**

10. Prior to development above damp course level, details showing the brick detailing for window heads and aperture surrounds; quoins; string courses; plinths; sills shall be submitted to the Local Planning Authority. Any such scheme shall require approval to be obtained in writing from the Local Planning Authority and the development shall thereafter accord with the approved details.

Reason: To safeguard the character of the locality.

### **All rooflights or patent glazing**

11. All new and replacement rooflights and patent glazing shall be conservation style with vertical glazing bar(s) and fitted flush to the roof plane.

Reason: To safeguard the character of the locality.

### **Vents and flues**

12. Prior to development above damp course level, details of all extractor vents, soil vent pipes (including any means of alleviating and/or filtering fumes and odours) shall be submitted to and approved in writing by the Local planning Authority. The approved scheme shall be implemented before the development is occupied and shall be permanently maintained thereafter.

Reason: To safeguard the character of the locality.

### **Boundary walls, Substation and Bin stores:**

13. Prior to development above damp course level, details of all boundary walls and enclosures, substation and bin stores, to include detailed annotated drawings (at a scale of not less than 1:20 elevations and 1:5 cross-sections) showing the design, materials, finishes, construction and acoustic soundproofing or mitigation specifications, profiles shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter accord with the approved scheme.

Reason: To safeguard the character of the locality.

### **Soft Landscaping**

14. Prior to the commencement of any development hereby approved, above damp course level, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

Reason: In the interest of visual amenity.

### **Hard Landscaping**

15. Prior to the commencement of any development hereby approved, above damp course level, full details of hard landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

### **Tree Protection**

16. The development hereby approved shall proceed only in accordance with the details set out in the Kingfisher Ecology Ltd Arboricultural Method Statement dated July 2019 setting out how the existing trees are to be protected and managed before, during and after development.

Reason: To ensure thorough consideration of the impacts of development on the existing trees

### **Foul Drainage**

17. Prior to the commencement of development details of foul drainage for the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to the completion of the development.

Reason: To ensure adequate facilities are provided in the interests of flooding and pollution.

### **Surface Water Drainage**

18. Prior to commencement of development details of the surface water drainage works, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction shall be submitted to and approved in writing by the Local Planning Authority and the approved drainage scheme shall be completed before occupation of the development.

Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk. Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk.

### **Surface Water Drainage Maintenance**

19. No development shall take place until details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.



### **Flood Risk**

20. The development permitted by this planning permission shall only be carried out in accordance with the following measures:

1. Finished floor levels must be set no lower than 73.20m above Ordnance Datum (AOD).
2. There shall be no structures, ground-raising or other encroachment into the floodplain on existing land below the level of 72.06mAOD. Any ground raising or encroachment on land below this level must be fully compensated for on a level-for-level basis within the site.

REASON: To reduce the risk of flooding and prevent flooding elsewhere.

### **Manoeuvring, parking and loading areas**

21. Before the development is occupied or utilised the areas shown on Drawing Number 1182 PD002 Rev G for the manoeuvring, parking, loading and unloading of vehicles have been surfaced, marked out and made available for these purposes. Thereafter, these areas must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

### **Mobility scooter parking/storage**

22. Before the development is occupied or utilised the mobility scooter storage/parking facilities shown on Drawing Number 1182PD100 Rev G must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper construction of the storage/parking facilities.

### **Cycle parking details**

23. The development hereby permitted must not be occupied until a scheme showing precise details of the proposed cycle parking facilities is submitted to and approved by the Planning Authority. The approved scheme must be constructed before the development is occupied and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To encourage the use of sustainable transport modes.

### **Electric vehicle charging scheme to be submitted**

24. Prior to the construction of any part of the development above damp proof course a scheme showing full details of the necessary underlying infrastructure for 16 car parking spaces to enable the installation and activation of electric vehicle charge points at a future date shall be submitted and approved by the Local Planning Authority. The approved scheme must be constructed before the development is occupied and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure that adequate future provision is made to enable occupiers of development to be able to charge their plug-in and ultra-low emission vehicles.

### **No gates**

25. There must be no gates hung so as to form obstruction to the vehicular access serving the site.

Reason: To ensure the free and easy movement of vehicles through the access and to prevent any likely interruption to the free flow of traffic on the adjacent public highway.

### **Construction traffic management plan to be submitted**

26. Prior to the commencement of development a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Local Planning Authority. The CTMP must include:

- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction works and anticipated deliveries
- timings of deliveries so as to avoid, where possible, peak traffic periods (also accommodating local schools' commencement and finishing times)
- a framework for managing abnormal loads
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities
- vehicle cleaning facilities
- a scheme of appropriate signing of vehicle route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary

The development must be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: to minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

### **Travel Plan**

27. Before the development hereby approved is occupied or utilised, the submitted WYG Travel Plan Ref - A11424, dated July 2019, must be implemented and operational.

Reason: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

### **Ecology**

28. The biodiversity mitigation and enhancement measures set out in the Biodiversity Plan approved by the Natural Environment Team on 16/07/2019, shall be implemented in full, in strict accordance with the timetable set out in the report, or in the absence of a specific timetable, prior to the development hereby approved being first brought into use. The site shall thereafter be maintained in accordance with the approved mitigation and enhancement proposals.

Reason: In the interests of protecting species protected by law

29. No development shall take place until a scheme for the provision and management of a 10 metre wide buffer zone alongside the Shreen tributary shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include: - plans showing the extent and layout of the buffer zone. - details of any proposed planting scheme (for example, native species). - details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan. - details of any proposed footpaths, fencing, & lighting.

REASON. In order to conserve and enhance the natural and local environment by minimizing impacts on biodiversity and providing net gains in biodiversity.

## **Contamination**

30. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

## **INFORMATIVES**

All works offering an obstruction to flow within a channel with the status of Ordinary Watercourse are likely to require prior Land Drainage Consent from Dorset Council, as relevant Lead Local Flood Authority, in accordance with s23 of the Land Drainage Act 1991.

All works in, under, over or within (Byelaw) distance of the adjacent Main River Shreen, may require an Environmental Permit from the Environment Agency, in accordance with the Water Resources Act.

## **INFORMATIVE**

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

## **INFORMATIVE**

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>

## **INFORMATIVE**

Water efficiency measures should be incorporated into this scheme. This conserves water for the natural environment and allows cost savings for future occupants. The development should include water efficient systems and fittings such as: dual-flush toilets; water-saving taps; water butts; showers and baths. Greywater recycling and rainwater harvesting should also be considered.