

## 1.0 Application Number – [P/VOC/2021/01567](#)

**Site address** - West of Shaftesbury Road at Land South of Gillingham, Shaftesbury Road, Gillingham, Dorset.

**Proposal** - Construction of a Principal Street, associated access, landscaping and infrastructure works at land to the East of New Road (B3092), Gillingham. (Variation of Condition No. 3 of Planning Permission No. 2/2020/0379/FUL to allow an alternative location for the site compound).

**Applicant name** – Dorset Council

**Case Officer** – Simon McFarlane

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

## 2.0 Summary of Recommendation:

Recommendation: **GRANT**, subject to the amended 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 to amend the site compound location

## 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.
Highways	The revised construction access is acceptable.
Impact on Heritage	The extent of archaeological investigations will be reduced as a

	result of the revised compound location.
Ecology and Hedgerows	Impact upon protected species and hedgerows can be mitigated to avoid significant effects.
EIA	An assessment has been undertaken in respect to the scoped areas of potential environmental concern. The opinion provided is that an EIA is not required in this instance.

## 5.0 Description of Site

The site comprises an area of approximately 30 hectares, which is wholly within the Strategic Site Allocation – Gillingham Southern Extension (Policy 21).

Gillingham is located to the north of the former North Dorset District Boundary, approximately 35km to the west of Salisbury. It is recognised as one of the main towns in North Dorset which serves a wide catchment of surrounding villages and settlements.

The application site is located to the south east of Gillingham town, to the immediate south of Ham. It comprises the land identified as Ham Farm and Newhouse Farm which is currently characterised by open fields, divided by a series of mature trees and hedgerows. The land is identified as 'Land to the South of Ham' in Policy 21 of the Local Plan Part 1 (2016). To the eastern boundary is the B3081 Shaftesbury Road and to the west is the B3092 New Road. To the south is Cole Street Lane, with open fields beyond.

The majority of the site is open land which is used for agricultural purposes. There are no existing buildings within the application site boundary.

## 6.0 Description of Development

The application is for the variation of condition No. 3 of planning permission ref - 2/2020/0379/FUL to facilitate an alternative location for the site compound. The amended location is considered by the landowner to be less disruptive to his farming operations than the previously proposed location, approved under the application for the Principal Street application ref - 2/2020/0379/FUL.

## 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.

In all applications above there is provision in the s.106 legal agreements to repay the Principle Street infrastructure costs through the provision of a roof tax. This will eventually repay the £6.8 million HIF funding.

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. Approved April 2021.

P/FUL/2021/00063 - Form a floodplain compensation area as part of land adjacent to Gillingham Principal Street. Resolution to approve, subject to legal agreement. Pending Decision.

## **8.0 List of Constraints**

Agricultural Land Grade - Grade: GRADE 4  
Agricultural Land Grade - Grade: GRADE 3

Flood Zone 2 - Floodzone Type: Flood Zone 2  
Flood Zone 3 - Floodzone Type: Flood Zone 3

HSE Hazardous Installations: Brickfields Business Park, New Road, Gillingham, Dorset  
HSE Hazardous Installations: Brickfields Business Park, New Road, Gillingham, Dorset

Parish Name - : Gillingham CP  
Parish Name - : East Stour CP

Public Rights of Way - Route Code: N64/35  
Path Type: Footpath  
Public Rights of Way - Route Code: N64/78  
Path Type: Footpath  
Public Rights of Way - Route Code: N62/1  
Path Type: Footpath  
Public Rights of Way - Route Code: N64/33  
Path Type: Footpath  
Public Rights of Way - Route Code: N64/34  
Path Type: Footpath

Settlement Boundary - Name: Gillingham

TPO's - 12 individual trees including 9 Ash, 2 Oak & 2 Field Maple TPO 20/25/05  
Land south and south east of Higher Ham roundabout, Gillingham.

Ward Name - Gillingham Rural Ward  
Ward Name - Ward Name: Gillingham Town Ward  
Ward Name - Ward Name: Motcombe & Bourton Ward  
Ward Name - Ward Name: The Stours & Marnhull Ward

## 9.0

### **Consultations**

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

#### **Gillingham Town Council**

There was no response at the time of report preparation.

#### **Natural Environment Team**

No objection.

#### **Natural England**

No objection.

#### **Archaeological Officer**

No objection, subject to conditions.

#### **Transport Development Management**

No objection, subject to conditions.

#### **Drainage (Flood Risk Management) – Dorset Council**

No objection, subject to conditions and informatives

#### **Rights of Way Officer**

There was no response from this consultee at the time of report preparation.

#### **Tree Officer**

There was no response from this consultee at the time of report preparation.

## 10.0

### **Representations**

No letters of representation were 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 3: Climate Change

Policy 4: The Natural Environment

Policy 5: The Historic Environment  
Policy 6: Housing Distribution  
Policy 13: Grey Infrastructure  
Policy 17: Gillingham  
Policy 21: Gillingham Strategic Site Allocation  
Policy 24: Design  
Policy 25: Amenity

Relevant saved policies from the **North Dorset District Wide Local Plan (1<sup>st</sup> Revision)** Adopted 2002, are as follows:

Policy 1.20 - Contaminated Land

### **Gillingham Neighbourhood Plan**

The Gillingham Neighbourhood Plan was 'made' on 27 July, 2018 and forms part of the Development Plan for North Dorset. Relevant policies applicable to this applications are:

Policy 12. Pedestrian and cycle links  
Policy 13. Road designs in new development  
Policy 25. Hard and soft landscaping

### **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 outline application:

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
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

### *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**

(same as those considered under application ref - 2/2020/0379/FUL)

<b>Benefit</b>	<b>Quantum</b>
Construction Jobs	Lasting approximately 1 year
Facilitation of the delivery of development across the Gillingham Strategic Site Allocation.	Approximately 1,800 dwellings eventually resulting in the repayment of the HIF funding £6.31 million, a local centre, sports pitches, primary school, off site highway improvements, s.106 contributions, and new homes bonus payments.

## **15.0 Planning Assessment**

The application seeks consent for the variation of condition 03 of planning permission ref - 2/2020/0379/FUL to facilitate an alternative location for the site construction compound. This results in the necessary amendment to the Construction Environmental Management Plan (CEMP) illustrating the change in location of the compound (Appendix E). The compound is the area where the construction hub will be located during the construction of the Principal Street. The access will be taken from Cole Street Lane from an existing farm access. Once construction is finalised, the land will be reinstated to its original state, until eventually forming part of the wider housing development.

The relocated compound will now fall outside of the red line boundary of the site. Therefore, it will be created using permitted development rights under Class A, Part 4 (Temporary buildings and uses) of the General Permitted Development Order 2015. This right allows the provision on land of buildings, works, plant or machinery required temporarily in connection with an approved development. The right requires the land to be reinstated to its condition before the development was carried out.

### **Highways**

The principle of an access onto Cole Street Lane for construction traffic has already been considered in the application for the Principal Street (2/2020/0379/FUL) and the temporary construction access application (ref - P/FUL/2020/00282). The revised access location utilises an existing farm access and adequate visibility splays can be achieved. Therefore, there is no objection from the highway authority.

### **Archaeology**

The omission of the original compound area from the proposed development means that there is no longer a requirement for the LPA to carry out any investigative works in that location. Therefore, the Written Scheme of Investigation for an archaeological excavation has also been amended and Condition 10 has been reworded to reflect the reference to an updated report.

### **Ecology and Hedgerows**

The CEMP includes measures to ensure protected species are safeguarded during construction by highlighting other approved documents which the contractors will need to give consideration to at all times which include the Ecological Impact Assessment, the Landscape and Ecological Management plan, and the Arboricultural Impact Assessment. The existing and translocated hedgerows are protected with a 5m buffer zone to the compound area.



### **Environmental Impact Assessment**

Due to the proposed change to the 'project' a further screening opinion was issued and concluded that an EIA is not required in this case as the development is not likely to have significant effects on the environment.

### **16.0 Conclusion**

The proposed change to the site compound location is considered to be acceptable in all regards. Officer's recommend that the variation of conditions should be approved without any further delay.

### **17.0 RECOMMENDATION**

**GRANT**, SUBJECT TO CONDITIONS (and their reasons).

### **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:

Location Plan/Red Line Plan, Ref – HI1177/50/2/A  
Engineering General Layout Plan, Ref - HI1177/54/1/Orig  
Road 1 – Cross Sections (Sheet 1 of 4), Ref – HI1177/56/01/Orig  
Road 1 – Cross Sections (Sheet 2 of 4), Ref – HI1177/56/02/Orig  
Road 1 – Cross Sections (Sheet 3 of 4), Ref – HI1177/56/03/Orig  
Road 1 – Cross Sections (Sheet 4 of 4), Ref - HI1177/56/04/Orig  
Road 1 – Vertical Alignment Longitudinal Section (Sheet 1 of 2), Ref – HI1177/55/01/Orig  
Road 1 – Vertical Alignment Longitudinal Section (Sheet 2 of 2), Ref – HI1177/55/02/Orig  
Street Lighting Proposals, Ref - HI1177/53/1/B

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

### **Construction**

3. The development hereby permitted shall be carried out in accordance with the approved Construction Environmental Management Plan (CEMP) dated 28 April 2021.

Reason: In the interest of the amenities of neighbouring residents and the interest of highway safety.

### **Trees/Landscaping**

4. The development hereby permitted shall be carried out in accordance with the following approved Street Trees and Planting details;

Street Trees and Planting Plan, Ref – L-001-104 C, dated 13/07/20  
Street Trees and Planting Plan, Ref – L-002-104 C, dated 13/07/20  
Street Trees and Planting Plan, Ref – L-003-104 C, dated 13/07/20  
Street Trees and Planting Plan, Ref – L-004-104 C, dated 13/07/20  
Planting Plan, Planting Schedule & Details, Ref – L-001-107 D, dated 14/07/20  
Gillingham Principal Street Seed schedule by areas, Rev B.

Reason: In the interest of the amenities of neighbouring residents and the interest of highway safety.

5. The proposal shall be carried out in accordance with approved Arboricultural Impact Appraisal, dated 17 April 2020 and the plan entitled 'Protection measures to trees affected by the works' reference no. HI1177/20/2/Orig dated 16th April 2020.

Reason: In the interest of protecting the trees retained on site.

6. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the completion of the principal street and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed with the Local Planning Authority.

Reason: In the interest of the amenity and appearance of the location.

### **Flooding/Drainage**

7. Prior to the commencement of any development, a scheme for the provision of compensatory flood storage shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding.

8. Prior to commencement of the development, a detailed surface water management scheme and design for the site must be submitted and approved in writing by the local planning authority. The scheme shall clarify how surface water is to be managed during construction, consider the hydrological and hydrogeological context of the development (including ground water levels during a winter period), topographic & urban design constraints (including Health & Safety) and accord with the following submissions:

- Gillingham Principal Street Drainage Strategy, Rev B, dated 23/06/20.

The surface water scheme shall be fully implemented, in accordance with the submitted details, before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity and to ensure correct functioning of drainage for the development.

9. Prior to the commencement of development details of maintenance and management of the surface water sustainable drainage scheme shall be 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.

### **Heritage**

10. The development hereby permitted shall be carried out in accordance with the approved 'Access Road, Gillingham SSA, Gillingham, Dorset: Written Scheme of Investigation for an archaeological excavation', Dated May 2021.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

### **Contamination**

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be submitted to and approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised.

### **Ecology**

12. The development hereby permitted shall be carried out in accordance with the approved Landscape and Ecological Management Plan (LEMP), dated 18 June 2020, Version 4.

Reason: To ensure that the development conserves and enhances the landscape and biodiversity.

13. The development hereby permitted shall be carried out in accordance with the approved Great Crested Newt Information and Mitigation Strategy, dated July 2020.

Reason: To ensure that the development conserves and enhances the landscape and biodiversity.

14. Prior to the commencement of any development a scheme for Great Crested Newt financial compensation and the creation of offsite compensation ponds shall be submitted to and approved in writing by the Local Planning Authority. The payment and scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: To ensure that the development conserves and enhances the landscape and biodiversity.

## **Informatives**

### **INFORMATIVE NOTE: Rights of Way**

Temporary ROW closures must be completed and returned at least 13 weeks before the intended closure date. There is a fee applicable.

The self-closing pedestrian gates to be installed are to be to the current British Standard BS5709:2018)

Where N64/33 will pass through an agricultural gateway South of the proposed Road) a self-closing gate is to be added to the side to allow the landowner to lock the field gate for security purposes if required.

### **INFORMATIVE NOTE: Section 278**

The highway works referred to in the recommended condition above must be carried out to the specification and satisfaction of the Highway Authority in consultation with the Planning Authority and it may be necessary to enter into an agreement, under Section 278 of the Highways Act 1980, with the Highway Authority, before any works commence on the site.

### **INFORMATIVES NOTE: Land Drainage Consent (LDC)**

We note that a Land Drainage Consent (LDC) application has been submitted in respect of the proposed culverts. It is proposed that the final culvert designs and installation methodology will be finalised through this regulatory process, rather than planning. The proposed culverts will need to comply with the JBA technical report.

### **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](mailto:floodriskpermit@environment-agency.gov.uk)