



Northern Area Planning Committee

Date: Thursday, 29 July 2021
Time: 2.00 pm
Venue: Stour Hall - The Exchange, Old Market Hill,
Sturminster Newton, DT10 1FH

Membership: (Quorum 6)

Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, Matthew Hall, Brian Heatley, Carole Jones, Stella Jones, Emma Parker, Val Potheary and Belinda Ridout

Chief Executive: Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact George Dare - 01305 224185 - george.dare@dorsetcouncil.gov.uk



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AGENDA

Page No.

1 APOLOGIES

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

To disclose any pecuniary, other registrable or non-registrable interests as set out in the adopted Code of Conduct. In making their decision councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.

If required, further advice should be sought from the Monitoring Officer in advance of the meeting.

3 MINUTES

5 - 32

To confirm the minutes of the meetings held on 27 April, 25 May, and 29 June 2021.

4 PUBLIC PARTICIPATION

33 - 38

To receive questions or statements on the business of the committee from town and parish councils and members of the public.

There will be no opportunity for Members of the public to speak on a planning application unless proper notification is given to Democratic Services no later than two clear working days before the meeting in accordance with the [Guide to Public Speaking at Planning Committees](#).

The deadline for speaking at this meeting is 9.00am on Tuesday, 27 July 2021.

5 PLANNING APPLICATIONS

To consider the applications listed below for planning permission.

a **P/OUT/2020/00472 - Land North of Common Mead Lane, Gillingham**

39 - 74

Develop land by the erection of up to 80 No. dwellings, form vehicular access, associated open space and infrastructure. (Outline application to determine access).

- b P/OUT/2020/00495 - Land to The South East of Lodden Lakes, New Road, Gillingham 75 - 120**

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 only).

- c WD/D/20/003114 - Sandringham Sports Centre, Armada Way, Dorchester, DT1 2TN 121 - 132**

Erection of single storey dance school with mezzanine and pitched roof.

- d WD/D/20/003145 - 17 All Saints Road, Dorchester, DT1 1EL 133 - 140**

Replace existing garden wall with new wall and gates. Form permeable drive and carry out landscaping.

6 APPEAL DECISIONS 141 - 164

To inform Members of notified appeals and appeal decisions and to take them into account as a material consideration in the Planning Committee's future decisions.

7 URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972.

The reason for the urgency shall be recorded in the minutes.

8 EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph x of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the

item of business is considered.



NORTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 27 APRIL 2021

Present: Cllrs Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, Matthew Hall, Brian Heatley, Carole Jones, Emma Parker, Val Potheary and Belinda Ridout

Apologies: Cllrs David Taylor

Also present: Cllr David Walsh

Officers present (for all or part of the meeting):

Hannah Smith (Planning Area Manager), Lara Altree (Senior Lawyer - Regulatory), Steve Savage (Transport Development Manager), Gill Whitney (Technical Support Officer) and George Dare (Democratic Services Officer)

51. Apologies

An apology for absence was received from Cllr David Taylor.

52. Declarations of Interest

Cllr Potheary declared an interest in Item 5b. She would speak as the Chairman of the Council and withdraw from the debate and vote.

53. Minutes

The minutes of the meeting held on 23 March 2021 were confirmed and would be signed at a later date.

54. Public Participation

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

55. Planning Applications

Members considered written reports submitted on planning applications as set out below.

56. **2/2019/0680/FUL - Former A T S Euromaster Site, New Road, Shaftesbury, Dorset, SP7 8QH**

The Area Manager introduced the application for the erection of 18 No. dwellings, formation of vehicular access, car parking, and landscaping. The Committee were shown various plans of the proposed development as well as photographs of the surroundings. The Area Manager explained the history of the site and that a care home was originally proposed. She also explained that 30% affordable housing is not a possibility, however there would be other Section 106 contributions for other benefits.

The Transport Development Manager outlined the access to the site via King's Hill. There could be up to 10 traffic movements on the site per hour which would be an acceptable level. The Highway Authority would recommend approval.

The key planning matters were highlighted:

- Location of Development
- Affordable housing & other contributions
- Movement and access
- Character and appearance of the area
- Setting of heritage assets
- Amenity

A number of written representations were received, and they are attached as an annexure to these minutes.

Members' Questions and Comments

Members asked several questions relating to the application, including the proposed materials, the value of the site, and traffic accessing the site.

After questions, the Area Manager advised members that: The materials used to build the terrace would match other buildings in the area; The character of slopes would be protected; Bins would be kept at the back of the terrace and moved to the collection point; the terrace houses would meet the minimum space requirements and the minimum building regulations for energy; and the scheme would not be viable if the housing mix included affordable units.

The Transport Development Manager responded to the Members' questions and advised that: Access to the site was satisfactory, with low speeds and visibility which met the requirements; Emergency service vehicles would not cause issues for access to the site; Refuse vehicles could adequately access, turn, and leave the site; and that the flats would have a bin store.

There were concerns from members that access to the site could be removed from residents because the site was only accessible by a private road. In addition, there were concerns about the high value of the land at the site, the lack of affordable housing, and the density of the proposed development. Officers responded to the concerns.

Proposed by Cllr Cook and seconded by Cllr Ridout that the application be refused.

Decision

That the application be refused.

Reasons for refusal:

The proposal, by reason of the design having an excessive scale, employing inappropriate materials of construction, and employing an unacceptable appearance, and its prominent location at the entrance to the old town, would be harmful to the character and appearance of the Conservation Area, and the setting of several listed buildings, bringing with it less than substantial harm which would not be outweighed by public benefit. Therefore, the proposal would be contrary to North Dorset Local Plan Part 1 (2011-2031) policies 1, 2, 5, 7 and 24, emerging Shaftesbury Neighbourhood Plan policies SFDH1, SFDH2, SFDH3, SFDH4, SFDH6 and SFDH7 and the National Planning Policy Framework.

At 11.42am the meeting was adjourned until 11.50am for a short comfort break. Upon reconvening, there was a roll call to ensure all members were present.

57. **WD/D/20/002457 - County Hall, Colliton Park, Dorchester, DT1 1XJ**

The Area Manager introduced the application for various flags to be flown at certain times of the year on three existing flag poles on the roof of County Hall. The Area Manager showed several photographs, plans of the site, and the list of proposed flags.

The key planning matters were highlighted:

- Amenity
- Public Safety
- The Impact on the character and appearance of the Conservation Area

The Chairman of the Council explained that it was discovered that planning permission would be needed for the Council to fly other flags on County Hall in the future. She asked that the Committee consider allowing permission for any flag to be flown that the Chairman of the Council deems appropriate.

There were no written representations received from members of the public.

Members' Questions and Comments

In response to a question from a member and the comment from the Chairman of the Council, the Area Manager advised that:

- There could not be a blanket allowance for any flag the Chairman deems appropriate, but an allowance had been made for emergency service and NHS flags.
- It would not be possible to extend this planning permission for all Dorset residents, if the application was granted.

Proposed by Cllr Andrews and seconded by Cllr Jones that the application be approved, subject to conditions.

Decision

That the application be approved, subject to conditions.

58. Urgent items

There were no urgent items of business.

59. Exempt Business

There was no exempt business.

Duration of meeting: 10.00 am - 12.01 pm

Chairman

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Northern Area Planning Committee

27 April 2021

Decisions List

APPLICATION NUMBER: 2/2019/0680/FUL

APPLICATION SITE: Former A T S Euromaster Site, New Road, Shaftesbury, Dorset, SP7 8QH

PROPOSAL: Erect 18 No. dwellings, form vehicular access, car parking and landscaping.

DECISION: That the application be refused.

Reasons for decision:

The proposal, by reason of the design having an excessive scale, employing inappropriate materials of construction, and employing an unacceptable appearance, and its prominent location at the entrance to the old town, would be harmful to the character and appearance of the Conservation Area, and the setting of several listed buildings, bringing with it less than substantial harm which would not be outweighed by public benefit. Therefore, the proposal would be contrary to North Dorset Local Plan Part 1 (2011-2031) policies 1, 2, 5, 7 and 24, emerging Shaftesbury Neighbourhood Plan policies SFDH1, SFDH2, SFDH3, SFDH4, SFDH6 and SFDH7 and the National Planning Policy Framework.

APPLICATION NUMBER: WD/D/20/002457

APPLICATION SITE: County Hall, Colliton Park, Dorchester, DT1 1XJ

PROPOSAL: Various Flags at certain times of the year to be flown on 3 existing flag poles (6m x2 and 7.5m) on the roof of County Hall. This is an ongoing activity, there is no end date as such.

DECISION: Grant, subject to conditions.

CONDITIONS:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan - Drawing Number 01 received on 06/11/2020

Site Plan - Drawing Number 02 received on 06/11/2020

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

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: As is required by Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. No advertisement shall be sited or displayed so as to:

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purposes of security or surveillance or for measuring the speed of any vehicle.

Reason: As is required by Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: As is required by Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: As is required by Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: As is required by Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7. The flags hereby permitted by this permission are:

- LGBT Pride Flag
- International Nurses Day Flag
- Wessex Flag
- Srebrenica Flag
- Roma Holocaust Flag
- 999 Emergency Services Day Flag
- Black History Month Flag
- St Margaret's Day (Scottish Flag)
- NHS Thank you Flag
- Dorset Flag
- South Sudan Flag
- Union Flag
- St Georges Flag
- St David's Day Flag
- Dorset County Council Flag
- Commonwealth Flag
- United Nations Flag
- European Union Flag
- Remembrance Day (Poppy) Flag
- Armed Forces Day Flag
- French Tricolour
- La Manche (Twinned) Flag
- Merchant Navy Flag

Additional flags:

- Any present or future NHS and emergency services flags.

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

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NORTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 25 MAY 2021

Present: Cllrs Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, Matthew Hall, Brian Heatley, Carole Jones, Emma Parker and Val Potheary

Apologies: Cllr Belinda Ridout

Also present: Cllr David Walsh

Officers present (for all or part of the meeting):

Lara Atree (Senior Lawyer - Regulatory), Anna Lee (Service Manager for Development Management and Enforcement), Hannah Smith (Planning Area Manager), Guy Tetley (Engineer (Development Liaison)), Gill Whitney (Technical Support Officer), Cass Worman (Planning Officer) and Fiona King (Senior Democratic Services Officer)

1. **Apologies**

An apology for absence was received from Belinda Ridout.

2. **Declarations of Interest**

No declarations of disclosable pecuniary interests were made at the meeting.

3. **Public Participation**

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

4. **Planning Applications**

Members considered written reports submitted on planning applications as set out below.

The Chairman reminded members that at the Annual Meeting of Council on 4 May 2021 it was agreed that all council meetings that were not executive in nature, would continue to be held virtually from 7 May 2021 until such time as social distancing requirements were removed (currently scheduled to be lifted on 21 June 2021). Where a decision was required, committee members would express a 'minded to' decision in respect of recommendations set out in officer reports, with decisions being taken under officer delegated authority in the light of 'minded to' decisions expressed by members in the virtual meetings.

5. **WD/D/20/002080 - Sherborne House, Newland, Sherborne, DT9 3JG**

The Planning Officer introduced the application to re-use Sherborne House as an exhibition, events, function, restaurant and office space, with associated repair and extension.

The first application members considered was in respect of the planning permission whilst the second application was in respect of the listed building consent.

As both applications were concerned with the same property, officers were asked to give just the one presentation for both applications.

Officers highlighted the history of the site to members although recognised that members had visited the property in the past.

The Business Plan for the Sherborne House Trust was highlighted to members.

A number of written responses were received and are attached as an annexure to these minutes.

Members comments and questions

Cllr Fry was concerned that the issue of renewables was not covered. The Planning Officer advised that the applicants were working with a company that had sustainability at the centre of their ethos. However, they recognised some of the limitations of the building but offered other environmental designs.

Cllr Andrews considered whether a condition could be put in place to implement a highways suggestion regarding pedestrianisation. The Planning Officer advised that it would not be necessary to add a condition as it was for the applicant to measure and manage their flow of visitors.

Cllr Hall asked for an update in respect of Historic England's letter regarding not wanting to see any alteration in certain rooms. The Planning Officer advised that the updated Plan reflected the concerns raised and the principle had now been agreed.

Cllr Hall sought clarification about a possible condition for car parking, and whether something in literature could be included for visitors to use specific car parks. The Planning Officer advised this was outside the realms of planning control but applicants could be asked to put this in their literature.

Cllr Hall requested that he and Cllr Andrews be included in discussions on the traffic management plan. The Planning Officer undertook to advise the members when the documentation was ready.

Cllr Hall expressed concern regarding noise in an area which was surrounded by residential areas and considered if something could be included regarding the monitoring of noise. The Planning Officer drew members' attention to the

conditions for noise and noted that Environmental Health had not raised any concerns in this area. It was noted that Licensing would cover music and alcohol issues in respect of times.

Cllr Penfold asked for clarification of a landscape plan in respect of the loss of trees. The Planning Officer advised that the Tree Officer was satisfied there was a fair assessment of the trees on the site. She confirmed there would be no loss of any significant healthy trees. There was a landscaping plan for both the rear and front of the Plan with a 15 year maintenance condition included.

Cllr Cook asked if the foraging bats had been assessed in light of some of the trees being removed and considered if this would have an impact on bio-diversity. The Planning Officer advised that a hedgerow was proposed to go along the front row elevation to maintain the foraging bats. She also highlighted the proposed bio-diversity condition.

Following a comment from Cllr Cook about the flat roof of the proposed extension of the back wall, the Chairman advised that members could only consider the application as it was proposed and this would be a matter for building control to manage.

Cllr Pothecary felt this was a wonderful and exciting project for the use of this exceptional building and was content to recommend approval.

Local Member for Sherborne

Cllr Andrews thanked everyone involved with the application. He felt it was time the building was revamped and re-used and the economy would benefit with an increase in footfall.

Members were pleased to see that renewables and the sustainability of the building had been considered by the applicants and would hope that they would do everything they could to make this building as an exemplar of how a building could be converted. It was suggested that as Wessex Water were on site it might be opportune for the applicant to speak with them about the possibility of installing ground source heating.

Proposed: Cllr Pothecary

Seconded: Cllr Andrews

The Committee were 'minded to' allow the application. The Service Manager for Development Management and Enforcement declared she had listened to the debate and concurred with the members' 'minded to' view to approve the application.

Decision

That the application be approved subject to the conditions outlined in the appendix attached to these minutes.

6. **WD/D/20/002081 - Sherborne House, Newland, Sherborne, DT9 3JG**

The Area Lead Planning Officer introduced the application to re-use Sherborne House as an exhibition, events, function, restaurant and office space, with associated repair and extension.

This application was in respect of listed building consent.

Members were advised of the issues concerned around the listed building consent. There were no concerns around any loss with any historic fabric. Most of the concerns raised by Historic England had now been agreed.

Local Member for Sherborne

Cllr Andrews proposed the recommendation and was pleased to note that everything had been done in line with Historic England.

Proposed: Cllr Andrews

Seconded: Cllr Fry

The Committee were 'minded to' allow the application. The Service Manager for Development Management and Enforcement declared she had listened to the debate and concurred with the members' 'minded to' view to approve the application.

Decision

That the application be approved subject to the conditions outlined in the appendix attached to these minutes.

7. **Urgent items**

There were no urgent items of business.

8. **Exempt Business**

There was no exempt business.

Duration of meeting: 10.00 - 10.56 am

Chairman

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Northern Area Planning Committee

25 May 2021

Decisions List

APPLICATION NUMBER: WD/D/20/002080

APPLICATION SITE: Sherborne House, Newland, Sherborne, DT9 3JG

PROPOSAL: Re-use of Sherborne House as exhibition, events, function, restaurant and office space, with associated repair and extension

DECISION: Granted, subject to conditions.

CONDITIONS:

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).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan S-1282-01A
Existing Site Plan (Topo) S-1282-02
Existing Site Section AA S-1282-04
Existing Basement Plan S-1282-05B
Existing Ground Floor Plan S-1282-06B
Existing First Floor Plan S-1282-07B
Existing Second Floor Plan S-1282-08B
Existing Roof Plan S-1282-09A
Elevation and Section Key S_1282-10
Existing South and North 2 Elev S-1282-11
Existing South 2 and West Elev S-1282-12
Existing East Elev S-1282-13A
Existing West 2, North, East 2 Elev S-1282-14
Existing Wall Elevation 1 & 2 S-1282-15
Existing Newland Boundary Wall Elev S-1282-16A
Existing Section A-A & B-B S-1282-17
Existing Section C-C, D-D & E-E S-1282-18
Proposed Masterplan PL-1282-101B
Proposed New & Existing Extents PL-1282-102
Previous Planning Approvals PL-1282-103
Proposed Site Plan PL-1282-104B
Proposed Basement Plan PL-1282-105
Proposed Ground Floor Plan PL-1282-106B
Proposed First Floor Plan PL-1282-107E
Proposed Second Floor Plan PL-1282-108F
Proposed Roof Plan PL-1282-109
Proposed South Elevation PL-1282-201A

Proposed West Elevation PL-1282-202A
Proposed East Elevation PL-1282-203A
Proposed North Elevation PL-1282-204A
Proposed North Weathered Elevation PL-1282-205A
Proposed West Wall Elevation PL-1282-206
Proposed Site Sections PL-1282-301A
Proposed Arts Entrance & West Sections PL-1282-302A
Proposed North Section PL-1282-303A
Proposed Courtyard & East Sections PL-1282-304A
Proposed Green Roof Details PL-1282-401A
Proposed Glazing Details PL-1282-402A
Proposed Copper Roof Details PL-1282-403A
Proposed Basement Stair Wall Detail PL-1282-404

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

3. The development hereby approved shall proceed in strict accordance with the details set out in the Arboricultural Impact Assessment & Method Statement ref GH1921 dated 08/09/2020 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.

4. Before the development hereby approved is first occupied or utilised, the turning and parking shown on the approved plan PL-1282-101B must have been constructed. Thereafter, these areas must be permanently 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.

5. Prior to first use or occupation of the development hereby approved, a scheme showing details of the proposed cycle parking facilities shall be submitted to and agreed in writing by the Local Planning Authority, thereafter the approved scheme shall be fully implemented and available for use prior to first use or occupation of the development, and the cycle provision shall be maintained, kept free from obstruction and available for the purposes specified in perpetuity.

Reason: To ensure provision of adequate cycle parking to support sustainable transport; in the interests of highway safety and residential amenity.

6. No external lighting shall be installed until details of the lighting scheme have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the lighting scheme shall be installed, operated and maintained in accordance with the agreed details, and no other external lighting shall be installed.

Reason: To protect visual amenities and avoid nuisance to adjoining properties.

7. Prior to first use or occupation of the development, and prior to the installation of any extraction plant and associated ductwork, a written Noise & Odour Report(s) regarding the operating odour risk management and noise levels of specific equipment to be installed shall be submitted to the Local Planning Authority, along with the calculated effect upon nearby properties. The Report(s) should predict the likely external noise

impact on sensitive receptors in the area and provide mitigation to prevent loss of amenity from noise and odours, and measures to prevent creeping noise & odour impacts following completion of the development (for example installation of timers to control hours of plant operation, and maintenance of baffles and filters).

The noise report should contain details of background sound measurements of when the plant is likely to be in operation, against the operational plant sound level as it would impact upon local receptors. The ventilation system should be designed to minimise emissions using Guidance on the Control of Odour and the document titled Noise from Commercial Kitchen Exhaust Systems, produced by DEFRA. The required Report(s) shall be submitted to, and agreed in writing by, the Local Planning Authority, prior to the commencement of any work on the installation of the equipment; and shall then be installed fully in accordance with the agreed details prior to the development hereby approved being first occupied or brought into use, and subject thereafter to routine maintenance and cleansing in accordance with manufacturers' instructions.

Reason: In order to protect the living conditions of surrounding residential properties.

8. The works shall proceed in strict accordance with the Biodiversity Plan prepared by KP Ecology Ltd, dated 27 August 2020, and the biodiversity mitigation and enhancement measures described therein shall be implemented in full in accordance with the specified timetable(s) in the approved Biodiversity Plans, and maintained in the condition described in perpetuity.

Reason: To minimise impacts on biodiversity.

9. Prior to commencement of the works to the Main Georgian House and Tudor and Digby Wings, the Council's Conservation Officer and the Applicant shall agree a Schedule of dates/points of progress, for the inspection of the progress of the works, by the Council's Conservation Officer. This Schedule shall include an agreed set of repair phases at which point the progress of the works shall be inspected. Thereafter, works must proceed in accordance with agreed Inspection Schedule, and the Council's Conservation Officer shall be made aware of progress when works at each of these agreed phases is reached, to allow inspection by the Council's Conservation Officer. The works must be completed, prior to first use or occupation of any part of the site.

Reason: To ensure the restoration of the historic core of the building proceeds in conjunction with the new build elements, to allow progress by the Council's Conservation Officer to be monitored, in the interests of safeguarding the historic building at risk

10. Works to the Main Georgian House and Tudor and Digby Wings, are to commence no later than the commencement of the development above damp course level, of the extensions shown in beige on the approved plan PL-1282-101B (masterplan).

All works to the Main Georgian House and Tudor and Digby Wings shall proceed in strict accordance with a Room by Room Schedule of Works and Phasing Plan, which must be submitted to and agreed in writing by the Local Planning Authority, prior to the commencement of any works above damp course level. Thereafter, the works must be completed in accordance with the details as agreed for each room in the Room by Room Schedule of Works and Phasing Plan, and each room must be completed, prior to first use or occupation of any part of the site. The Room by Room Schedule and Phasing Plan shall include a detailed schedule and drawings of all of the works that are proposed for each room, and a phasing plan which shall detail when the identified works to each room will be carried out in full.

Reason: To ensure the restoration of the historic core of the building proceeds in conjunction with the new build elements, in the interests of safeguarding the historic building at risk.

11. Prior to the erection of new walls as shown on approved plans PL-1282-203A and, PL-1282-202, sample panels measuring at least 1 metre by 1 metre, demonstrating the proposed materials, showing colour, texture, coursing, mortar mix and pointing detail, shall be constructed on site for the inspection and approval in writing of the Local Planning Authority.

Prior to installation of the new superstructure roof, samples of materials for the roof coverings, shall be made available on site for the inspection and approval in writing of the Local Planning Authority.

Construction of the new walls and roofs shall not commence until the samples have been approved in writing by the Local Planning Authority, and thereafter development shall proceed in accordance with the approved details.

Reason: To safeguard the character of the locality in the interests of the appearance of the development, and in the interests of the heritage asset.

12. The soft landscaping shall proceed in accordance with the agreed details as shown on approved plans Tree and Shrub Planting Front Garden SH0978, Tree and Shrub Planting Rear Garden SH0979, and in accordance with the Plants list and Maintenance Programme prepared by Marshall James Garden Development Ltd. The approved landscaping scheme shall be implemented in the first planting season November – March immediately following the substantial completion of the development.

If within a period of 15 years from the date of substantial completion of the development, any tree/plant, or any tree/plant planted in replacement for it, is removed, uprooted, destroyed, dies, becomes seriously damaged or defective, another tree/plant of the same species and size as that originally planted shall be replanted.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality and in the interests of the setting of the heritage asset.

13. Prior to commencement of the development hereby approved, excluding the sewer diversion and tree felling works, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include vehicular routes, anticipated deliveries, timings of deliveries & delivery hours, contractors' arrangements (compound, storage, parking, turning, surfacing, drainage facilities), a scheme of appropriate signing of vehicle routes to the site, route plan for contractors and suppliers, temporary traffic management arrangements.

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

Reason: In the interests of road safety 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.

14. Prior to the installation or construction of any 'artists pods', a scheme accompanied by scale drawings showing the design, construction details, materials, colour, finish shall

be submitted to and approved in writing by the Local Planning Authority. Thereafter these structures shall be installed in accordance with the agreed details.

Reason: In the interests of the appearance of the development and the setting of the heritage asset.

15. Prior to the construction of the compounds for the refuse and recycling store, and substation, as shown on approved plan PL - 1282 – 101B a scheme accompanied by scale drawings showing the design, construction details, materials, colour, finish shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these structures shall be installed in accordance with the agreed details prior to first use or occupation of the development hereby approved.

Reason: In the interests of the appearance of the development and the setting of the heritage asset.

16. No development above damp proof course shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the Local Planning Authority. 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 & associated nuisance, to improve and protect water quality, and to improve habitat and amenity.

17. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175.

Should any contamination be found requiring remediation, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved remediation scheme shall be carried out to a timescale to be first agreed with the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

18. Prior to the installation or erection of all new and replacement gates, a scheme accompanied by scale drawings showing the design, construction details, materials, colour, finish shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these structures shall be installed in accordance with the agreed details prior to first use or occupation of the development hereby approved.

Reason: In the interests of the appearance of the development and the setting of the heritage asset.

APPLICATION NUMBER: WD/D/20/002081

APPLICATION SITE: Sherborne House, Newland, Sherborne, DT9 3JG

PROPOSAL: Re-use of Sherborne House as exhibition, events, function, restaurant and office space, with associated repair and extension

DECISION: Granted, subject to conditions.

CONDITIONS:

1. The work to which this listed building consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan S-1282-01A
Existing Site Plan (Topo) S-1282-02
Existing Site Section AA S-1282-04
Existing Basement Plan S-1282-05B
Existing Ground Floor Plan S-1282-06B
Existing First Floor Plan S-1282-07B
Existing Second Floor Plan S-1282-08B
Existing Roof Plan S-1282-09A
Elevation and Section Key S_1282-10
Existing South and North 2 Elev S-1282-11
Existing South 2 and West Elev S-1282-12
Existing East Elev S-1282-13A
Existing West 2, North, East 2 Elev S-1282-14
Existing Wall Elevation 1 & 2 S-1282-15
Existing Newland Boundary Wall Elev S-1282-16A
Existing Section A-A & B-B S-1282-17
Existing Section C-C, D-D & E-E S-1282-18

Proposed Masterplan PL-1282-101B
Proposed New & Existing Extents PL-1282-102
Previous Planning Approvals PL-1282-103
Proposed Site Plan PL-1282-104B
Proposed Basement Plan PL-1282-105
Proposed Ground Floor Plan PL-1282-106B
Proposed First Floor Plan PL-1282-107E
Proposed Second Floor Plan PL-1282-108F
Proposed Roof Plan PL-1282-109B

Proposed South Elevation PL-1282-201A
Proposed West Elevation PL-1282-202A
Proposed East Elevation PL-1282-203A
Proposed North Elevation PL-1282-204A
Proposed North Weathered Elevation PL-1282-205A
Proposed West Wall Elevation PL-1282-206

Proposed Site Sections PL-1282-301A
Proposed Arts Entrance & West Sections PL-1282-302A
Proposed North Section PL-1282-303A
Proposed Courtyard & East Sections PL-1282-304A

Proposed Green Roof Details PL-1282-401A
Proposed Glazing Details PL-1282-402A
Proposed Copper Roof Details PL-1282-403A
Proposed Basement Stair Wall Detail PL-1282-404

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

3. Works to the Main Georgian House and Tudor and Digby Wings, are to commence no later than the commencement of the superstructure works above damp course level to the extensions shown in beige on the approved plan PL-1282-101B (masterplan).

All works shall proceed in strict accordance with a Room by Room Schedule of Works, which must be provided to and agreed in writing by the Local Planning Authority, prior to the commencement of works to each room. Thereafter, the works must be completed in accordance with details as agreed in each Room by Room Schedule of Works, and each room must be completed to the satisfaction of the Local Planning Authority, prior to first use or occupation of any part of the site.

Reason: To ensure the restoration of the historic core of the building proceeds in conjunction with the new build elements, in the interests of safeguarding the historic building at risk.

4. Prior to commencement of the works to the Main Georgian House and Tudor and Digby Wings, the Council's Conservation Officer and the Applicant shall agree to a Schedule of agreed dates/points of progress, for the inspection of the progress of the works, by the Council's Conservation Officer. This Schedule shall include an agreed set of repair phases at which point the progress of the works shall be inspected. Thereafter, works must proceed in accordance with agreed Inspection Schedule, and the Council's Conservation Officer shall be made aware of progress when works each of these agreed phases is reached, to allow inspection by the Council's Conservation Officer. The works must be completed to the satisfaction of the Local Planning Authority, prior to first use or occupation of any part of the site.

Reason: To ensure the restoration of the historic core of the building proceeds in conjunction with the new build elements, to allow progress by the Council's Conservation Officer to be monitored, in the interests of safeguarding the historic building at risk.

5. Prior to the erection of new walls as shown on approved plans PL-1282-203A and, PL-1282-202, sample panels measuring at least 1 metre by 1 metres, demonstrating the proposed materials, showing colour, texture, coursing, mortar mix and pointing detail, shall be constructed on site for the inspection and approval in writing of the Local Planning Authority.

Prior to installation of the new superstructure roof, samples of materials for the roof coverings, shall be made available in site for the inspection and approval in writing of the Local Planning Authority.

Construction of the new walls and roofs shall not commence until the samples have been approved in writing by the Local Planning Authority, and thereafter development shall proceed in accordance with the approved details.

Reason: To safeguard the character of the locality in the interests of the appearance of the development, and in the interests of the heritage asset.

6. Prior to all repointing or repair to the front roadside wall, and prior to the widening of the eastern entrance, a sample area of wall, measuring at least 1 metre by 1 metres, demonstrating the proposed pointing detail, mortar mix, and replacement brick materials, shall be completed on site for the inspection and approval in writing of the Local Planning Authority. Thereafter, repairs of the wall, and widening of the eastern entrance shall proceed in strict accordance with the approved details.

Reason: To safeguard the character of the locality in the interests of the appearance of the development, and in the interests of the heritage asset.

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 29 JUNE 2021

Present: Cllrs Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Tim Cook, Les Fry, Matthew Hall, Brian Heatley, Carole Jones, Stella Jones, Val Potheary and Belinda Ridout

Apologies: Cllrs Jon Andrews and Emma Parker

Also present: Cllr David Walsh

Officers present (for all or part of the meeting):

Robert Lennis (Area Lead (Major Projects) Eastern), Hannah Smith (Planning Area Manager), Philip Crowther (Legal Business Partner - Regulatory), Mike Garrity (Head of Planning), Steve Savage (Transport Development Manager), Simon McFarlane (Area Lead Planning Officer, Gillingham), George Dare (Democratic Services Officer) and Megan Rochester (Democratic Services Officer Apprentice)

9. Apologies

Apologies for absence were received from Cllr Andrews and Cllr Parker.

10. Declarations of Interest

No declarations of disclosable interests were made at the meeting.

11. Public Participation

There were no representations by the public to the Committee on the individual planning application below. There were also no questions, petitions or deputations received on other items on this occasion.

12. Planning Applications

Members considered the written report submitted on the planning application as set out below.

13. P/VOC/2021/01567 - West of Shaftesbury Road at Land South of Gillingham, Shaftesbury Road, Gillingham

The Area Lead (Gillingham) introduced the proposal for the 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 for an alternative location for the site compound). The Committee was shown various plans and

photographs of the proposed alternative location for the compound. The alternative location would mean that no existing hedgerow needed to be removed and an existing access further to the East with the requisite visibility splays could be utilised. Archaeological works would no longer be necessary, at this point in time, which was reflected in a change to Condition 10. There were no material considerations which could warrant refusal of the application.

The Transport Development Manager outlined the access to the site, including that it would be right turns only when exiting the site onto Cole Street Lane. There was some vegetation near the access which would be cut to improve visibility. The Highway Authority was supportive of the application.

There were no written representations received for this application.

Cllr David Walsh, Ward Member for Gillingham

Cllr Walsh was supportive of the application. He said that the extension for Gillingham has been worked on for 10 years and it was good that the community could see that the development was being delivered. The Principal Street had previously been granted permission and there are no material considerations for this application to be refused.

Members' Questions and Comments

Cllr Cook asked if the access would be one way and if this would cause traffic management issues. The Transport Development Manager confirmed that construction traffic would enter the Principal Street site from the B3081, and it would exit via the access next to the proposed site compound onto Cole Street Lane.

Proposed by Cllr Ridout, seconded by Cllr Potheary.

The Committee were 'minded to' allow the application. The Head of Planning declared that he had listened to the debate and concurred with the member's 'minded to' view to approve the application.

Decision: That the application be approved, subject to the conditions outlined in the appendix attached to these minutes.

14. **Urgent items**

There were no urgent items.

15. **Exempt Business**

There was no exempt business.

Duration of meeting: 10.00 - 10.19 am

Chairman

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Northern Area Planning Committee

29 June 2021

Decisions List

APPLICATION NUMBER: P/VOC/2021/01567

APPLICATION SITE: 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).

DECISION: Granted, subject to the amended conditions.

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:

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.

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.

Land Drainage Consent

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.

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



A Guide to Public Speaking at Planning Committee

All members of the public are welcome to attend formal meetings of the Planning Committee to listen to the debate and the decisions being taken.

If you have written to the council during the consultation period about an application that is to be considered by the committee, any relevant planning or rights of way issues raised in your letter will be appraised by the case officer and summarised within the committee report. You will also receive a letter informing you of the committee date and inviting you to attend the meeting.

The agenda for the meeting is normally published 5 working days before the committee date and is available to view on the council's website at <https://modern.gov.dorsetcouncil.gov.uk/mgListCommittees.aspx?bcr=1> or via the Modern.gov app which is free to download .

You can also track progress of a planning application by visiting the council's website at <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning/planning-application-search-and-comment.aspx>.

Alternatively you can contact a member of the Democratic Services Team on 01305 251010 or email david.northover@dorsetcouncil.gov.uk for Eastern Area Planning Committee, George.dare@dorsetcc.gov.uk for Northern Area Planning Committee and denise.hunt@dorsetcouncil.gov.uk for Western and Southern Area Planning Committee. They will be able to advise you on whether an application will be considered by a committee meeting.

Formal meetings are open to the press and the public and during the meeting you may come and go as you wish. Members of the press and public will normally only be asked to leave the meeting if confidential/exempt items are to be considered by the committee.

Members of the committee and the public have access to individual representation letters received in respect of planning applications and rights of way matters in advance of the meeting. It is important to note that any comments received from the public cannot be treated as confidential.

How do I register to speak?

If you wish to address the committee at the planning meeting it is essential that you contact the Democratic Services **Page 33** 01305 251010 or email addresses set out above at least 2 clear working days before the meeting. If you do not

register to speak, you will not normally be invited to address the committee. When contacting the Democratic Services Team you should advise which application you wish to speak on, whether you are objecting or supporting the application and provide your name and contact details.

The Member who chairs Planning Committee

Ultimately the Chairman of the Planning Committee retains the power to determine how best to conduct a meeting. The processes identified below are therefore always subject to the discretion of the Chairman.

What will happen at the meeting and how long can I speak for?

The Chairman will invite those people who have registered to speak to address the committee. Each speaker is usually able to have up to **3** minutes each to address the committee.

When addressing the committee members of the public should:

- keep observations brief and relevant;
- speak slowly and clearly;
- for rights of way matters, limit views to those relevant to the legal tests under consideration;
- for planning matters limit views to relevant planning issues such as:
 - the impact of the development on the character of the area;
 - external design, appearance and layout;
 - impact of the development on neighbouring properties;
 - highway safety;
 - planning policy and government guidance.

- avoid referring to issues such as safety, maintenance and suitability for rights of way definitive map modification matters, as they cannot be taken into account;
- avoid referring to matters, which are not relevant to planning considerations, such as:
 - trade objections from potential competitors;
 - personal comments about the applicant;
 - the developer's motives;
 - moral arguments;
 - matters covered by other areas of law;

- boundary disputes or other private property rights (including restrictive covenants).
- remember you are making a statement in public: please be sure that what you say is not slanderous, defamatory or abusive in any way.

Can I provide handouts or use visual aids?

No. Letters and photographs must not be distributed at the meeting. These must be provided with your written representations during the consultation period in order to allow time to assess the validity, or otherwise, of the points being raised. To ensure fairness to all parties, everyone needs to have the opportunity to consider any such information in advance to ensure that any decision is reasonably taken and to avoid potential challenge.

What happens at the Committee?

After formal business such as declarations of interest and signing of minutes the meeting moves on to planning applications.

- The planning / rights of way officer will present the application including any updates.
- The Chairman will invite those people who have registered to speak to address the committee. A period of 15 minutes will normally be set aside to hear the views of those who have registered to speak, and each speaker is allocated a maximum of 3 minutes. It is entirely at the discretion of the Chairman to extend this period if they consider it appropriate to do so.
- The applicant or their representative also has the opportunity to address the committee. Where only one objector is speaking, the applicant and their representative will normally only be allowed up to 3 minutes speaking time in total between them both. If more than one objector is speaking this will normally be increased to up to 6 minutes in total.
- The order of speaking will normally be individuals that have commented, amenity groups, parish/town council representative, and then the applicant or their representative. Any such group, council or any other body / organisation will normally be given one 3 minute slot each for any representations to be made on its behalf. If a councillor who is not on the Planning Committee wishes to address the committee, they will be allowed 3 minutes to do so and will be invited to speak before the applicant or their representative.
- Neither the objectors or supporters will normally be questioned. However, the Chairman may ask questions regarding a point of fact in very exceptional circumstances.

- Public participation then ends and the committee will enter into the decision making phase. During this part of the meeting only members of the committee and officers may take part.
- The Chairman of the Committee has discretion over how this protocol will be applied and has absolute discretion over who can speak at the meeting.

You should not lobby members of the committee or officers immediately prior to or during the committee meeting. Members of the public should also be aware that members of the committee are not able to come to a view about a proposal in advance of the meeting because if they do so it may invalidate their ability to vote on a proposal. Equally any communication with members of the committee during the meeting is to be avoided as this affects their ability to concentrate on the matters being presented at that time.

You should note that the council has various rules and protocols relating to the live recording of meetings.

What happens after the Committee?

The minutes, which are the formal record of the meeting, will be published after the meeting and available to view in electronic and paper format, as a matter of public record, for a minimum of 6 years following the date of the meeting. Please note that if you attend a committee meeting and make oral representations to the committee your name, together with a summary of your comments will be included in the minutes of the meeting

Guidance for face-to-face Council and Committee meetings from 19 July 2021

Dorset Council and committee meetings will be held in person from 19 July having been held online throughout the pandemic. Meetings will be held in the Council Chamber and Committee Room 1 at County Hall, Dorchester, and members of the public and of the media will also be able to attend in person.

This Guidance also applies to all formal Committees held in venues across the Council area

Meetings will also be livestreamed, so available for people to watch online, either “live” or a recording of the meeting that will be available on our website.

People are very welcome to attend Council and committee meetings, and we ask that you follow some simple steps to help keep yourselves and other people safe. Although government has lifted restrictions from 19 July, we plan to take a cautious approach of – Hands, Space, Face, Fresh Air –

What you can expect:

- Hand sanitiser will be available and you are encouraged to use this.
- We ask everyone at the meeting to respect people’s space as they may be vulnerable or unable to have had vaccinations.
- We strongly encourage you to wear face coverings if you are able to do so.
- We will ensure there is a good natural ventilation (windows and doors open) as far as possible.

What we ask of you:

- Respect people’s choice to wear face coverings.
- Cover your nose and mouth when you cough or sneeze.
- Stay at home if you feel unwell or if you have tested positive for Covid-19 to reduce the risk of passing on illnesses to friends, family, colleagues and others in the community.
- Consider individual risks, such as clinical vulnerabilities and vaccination status, when thinking about attending a meeting.

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1.0 Application Number – P/OUT/2020/00472

2.0 Site address - Land North East of the Mellowes Nursing Home, Common Mead Lane, Gillingham, Dorset.

Proposal - Develop land by the erection of up to 80 No. dwellings, form vehicular access, associated open space and infrastructure. (Outline application to determine access).

Applicant name - Fairfax Acquisitions Ltd

Case Officer – Simon McFarlane

Ward Members – Cllr Val Pothecary, Cllr Belinda Ridout, Cllr David Walsh

2.0 Summary of Recommendation:

Recommendation A: **GRANT**, subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:

- 25% affordable housing
- Local Area of Play
- Local Equipped Area of Play
- Destination Play Facilities Maintenance
- Formal Outdoor Sports
- Formal Outdoor Sports Maintenance
- Informal Outdoor Space
- Informal Outdoor Space Maintenance
- Community, Leisure & Indoor Sport Facilities
- Primary School contribution
- Secondary School contribution
- Pre School contribution
- Bus Service contribution
- Bus stop contribution
- Community transport contribution
- Rights of way enhancements
- Health
- Libraries
- Waste
- Drainage (SUDS)

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 (29 January 2022) or such extended time as agreed by the Head of Planning.

3.0 Reason for the recommendation:

- The Council cannot demonstrate a five year housing land supply
- The proposal would contribute towards the Council's 5 year housing land supply
- Paragraph 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 location is considered to be sustainable despite its position outside of the settlement boundary
- 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 the lack of 5 year housing land supply and, sustainable location and no material considerations which would warrant refusal of this application.
Loss of Agricultural Land	The loss of this land in the context of the provision of housing and social/economic benefits is considered to be acceptable.
Housing delivery	The development will provide upto 80 dwellings making a valuable contribution to the housing land supply.
Affordable Housing and Infrastructure	The development will provide policy compliant affordable housing at 25% and a suite of s.106 obligations (onsite and offsite).
Points of access/transport	The application is for outline and access only. The proposed access is considered to be acceptable.

Urban design/Landscape	There are no in principle objections to the proposals subject to matters being addressed in reserved matters applications.
Trees	No important trees will be lost, additional tree planting is proposed and conditions will secure the requisite protection.
Residential amenity	The amenity of adjacent residents can be protected with adequate space, between proposed and existing properties.
Ecology	Full surveys have been undertaken and impact upon protected species can be mitigated to avoid adverse effects.
Flooding/Drainage	The site is wholly in Flood Zone 1 (low risk). Surface water drainage details can be adequately secured by condition.
Impact on Heritage	It is considered that there will be a degree of less than substantial harm. However this harm is outweighed by the public benefits.
Archaeology	Extensive archaeological investigations have taken place to the satisfaction of the Council's Senior Archaeologist. Further work is to be secured by condition.
Economic benefits	Significant benefits would come from the delivery of this housing development, the provision of jobs during construction, and future residential expenditure.

5.0

Description of Site

The site lies to the west of the town of Gillingham. Gillingham is identified in the North Dorset Local Plan as one of the four main towns and one of the most sustainable locations for housing development. Gillingham will accommodate about 39% of housing growth in North Dorset over the 20 years between 2011 and 2031 reflecting its economic potential, the availability of suitable sites and the relative lack of environmental constraints.

The site lies outside but immediately adjacent to the settlement boundary of the town and can be classified as 'countryside'. The site comprises an irregular shaped parcel of land extending to approximately 3.9ha. The site is currently defined as agricultural land but appears not to have been farmed in recent times.

The site is not subject to any national or local designations (such as AONB) and is situated within flood zone 1 (lowest probability of flooding). The Wyke Conservation Area is situated to the north of the adjoining field to the site. The nearest listed buildings to the site are the Wyke Brewery and Brewery House situated approximately 510m to the north of the application site.

It has an established hedgerow defining its western and northern boundaries, with its eastern and southern boundaries adjoining residential development off Freame Way and the Mellows care home off Common Mead Lane. There are established public rights of way N64/57 and N64/58 which pass through the site and a pedestrian access from Freame Way.

The site is identified in the Gillingham Neighbourhood Plan as an 'area of search for formal sports provision'. However it is also identified in the emerging Dorset Local Plan as an allocation for residential development.

6.0 Description of Development

Originally the application was submitted with the proposed description of development as;

'Develop land by the erection of up to 85 No. dwellings, form vehicular access, associated open space and infrastructure. (Outline application to determine access).

Through negotiations with the applicant, following some concerns related to density and layout matters, the applicant has agreed to amend the proposed description and the indicative site layout in order to reduce the upper limit of the quantum of development on the site. The amended description of the proposed development is;

'Develop land by the erection of up to 80 No. dwellings, form vehicular access, associated open space and infrastructure. (Outline application to determine access).

The planning application seeks outline planning permission with all matters reserved for later approval save for the main point of access proposed to Common Mead Lane. Subject to the approval of outline permission, details of the 'layout', 'scale', 'appearance' and 'landscaping' of the development would be 'reserved matters', requiring the subsequent submission of an application(s) to the Council for approval.

The application is submitted with an indicative site layout plan which sets out broadly how development can be accommodated on the site with a proposed density of 21dph. The detailed design of the scheme for subsequent reserved matters approval would need to broadly follow the design approach set out in the indicative site layout. The site will provide a Local Area of Play (LAP), a Local Equipped Area of Play (LEAP), and upto 80 dwellings with associated access, internal estate roads and a policy compliant level of parking. Perimeter hedging and trees will be retained and supplemented with additional planting to be secured through planning conditions.

The existing rights of way across the site will be maintained and provision made for amendments/improvements, particularly at the access points where currently they are prone to flooding, through a financial contribution to the council.

The application is supported by the following suite of technical reports;

- Planning Statement
- Design and Access Statement]
- Arboricultural Impact Assessment
- Heritage Impact Assessment
- Archaeological Desk Based Report
- Archaeological Evaluation Report
- Ecological Impact Assessment
- Flood Risk Assessment and Drainage Strategy
- Preliminary Geotechnical Investigation and Contamination Assessment
- Landscape and Visual Impact Appraisal
- Transport Assessment
- Travel Plan
- s106 Heads of Terms
- Statement of Community Involvement

7.0 Relevant Planning History

The applicant engaged in pre application discussions with the council. The Council's written response ref - PRE/2020/0161/PREAPP is appended to this report.

The applicant also undertook a community consultation. A mailshot and web-based consultation was set up to notify local residents of the proposals and provide the opportunity for comments to be submitted. Leaflets were sent by post to 607 properties in the surrounding area. Feedback forms were made available online and residents were invited to send any comments either by email or by post. A total of 62 responses were sent to the agent.

8.0 List of Constraints

Agricultural Land
SSSI Impact Risk Zone

9.0 Consultations

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

Gillingham Town Council

Objection.

Open Spaces Society

Objection.

Conservation Officer

No objection.

Archaeology

No objection, subject to conditions.

Housing Enabling Team

No objection, subject to s.106.

Landscape Officer

No objection.

Urban Design Officer

No objection.

Drainage (Flood Risk Management) – Dorset Council

No objection, subject to conditions.

Wessex Water

No objection.

Transport Development Management - Dorset Council

No objection, subject to conditions.

Natural Environment Team

No objection, subject to conditions.

Tree Officer

No objection, subject to conditions.

Rights of Way Officer

No objection, subject to s.106.

Planning Obligations Officer

No objection, subject to s.106.

Education Officer

No objection, subject to s.106.

Environmental Health

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

Natural England

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

Planning Policy

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

Fire Safety Officer

No objection, subject to meeting building regulations.

Dorset Police Architectural Liaison Officer

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

Dorset Travel Plan Co-Ordinator

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

Dorset Waster Partnership

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

10.0 Representations

130 letters of representation were received, of which 128 objected to the proposal and 2 supported the proposal.

Objections;

- Fails to accord with the National Planning Policy Framework (NPPF), the North Dorset Local Plan and the Gillingham Neighbourhood Plan.
- Lack of infrastructure in the town to support development
- Unsustainable location outside of a settlement boundary
- Insufficient evidence to support housing need
- Loss of open amenity space/impact upon mental health
- Piecemeal development
- Detracts from the Gillingham SSA
- Site is designated for formal pitches in the Neighbourhood Plan
- Roads already congested
- Increased danger to highway users
- Increased traffic through Eccliffe
- Impact upon Rights of Way

- Increased noise/air pollution
- Detrimental to the tranquillity of the area
- Lack of proposed open space/landscaping
- Impact upon Important, Open or Wooded Area (IOWA)
- Design and layout not sensitive to the location
- Dwellings exceed the height/massing of adjacent dwellings
- Impact upon neighbouring residential amenity
- Lack of biodiversity gains
- Increased surface water flood risk
- Detrimental to heritage assets

11.0 Relevant Development Plan 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, and the 'made' Gillingham Neighbourhood Plan, form the development plan for North Dorset. 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 7: Delivering Homes

Policy 8: Affordable Housing

Policy 11: The Economy

Policy 13: Grey Infrastructure

Policy 14: Social Infrastructure

Policy 15: Green Infrastructure

Policy 17: Gillingham

Policy 23: Parking

Policy 24: Design

Policy 25: Amenity

Relevant saved policies from the **North Dorset District Wide Local Plan (1st Revision)** Adopted 2003, are as follows:

Policy 1.9 - Important Open or Wooded Areas

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 outline applications are:

- Policy 1. Custom and self-build housing
- Policy 12. Pedestrian and cycle links
- Policy 13. Road designs in new development
- Policy 14. New and improved health and social care provision
- Policy 15. New and improved education and training facilities
- Policy 16. New and improved community, leisure and cultural venues
- Policy 17. Formal outdoor sports provision
- Policy 18. Equipped play areas and informal recreation / amenity spaces
- Policy 19. Allotments
- Policy 20. Accessible natural green space and river corridors
- Policy 22. Protecting important green spaces
- Policy 23. The pattern and shape of development
- Policy 24. Plots and buildings
- Policy 25. Hard and soft landscaping

Other Material Considerations

National Planning Policy Framework (NPPF):

The NPPF has been updated with a revised version published July 2021. 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
10. Supporting high quality communications
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...

Current housing land supply

Officers note that where a 5-year supply of housing land cannot be demonstrated paragraph 11d i) and ii) of the Framework outlines the implications for how development proposals should be determined. It states that where the (local) development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits.

North Dorset District Council published its latest [Annual Monitoring Report](#) (AMR) in January 2021. It confirms that there is still a lack of an identifiable 5 year housing land supply.

Dorset Council 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 ran until the 15 March 2021. Given its early stage of consultation the weight to be given to it is very limited.

Relevant Policies;

DEV4: Growth in the northern Dorset functional area
DEV9: Neighbourhood plans
ENV1: Green infrastructure: strategic approach
ENV2: Habitats and species
ENV3: Biodiversity and net gain
ENVV4: Landscape
ENV5: Heritage Assets
ENV8: The landscape and townscape context
ENV11: Amenity
ENV12: Pollution control
ENV13: Flood risk
ENV14: Sustainable drainage systems (SuDs)
HOUS1: Housing Mix
HOUS2: Affordable housing
COM4: Recreation, sports facilities and open space
COM8: Parking standards in new development
COM9: Provision of infrastructure for electric and other low emission vehicles
COM12: The provision of utilities service infrastructure
GILL3: Land at Common Mead Lane

North Dorset District Council Landscape Character Assessment (2008)

The Site lies within the eastern edge of Limestone Hills Landscape Character Area (LCA). The key characteristics of Limestone Hills pertinent to the Site and its immediate local area are as described as:

- varied landform due to the complex geological structure;
- diverse scenery with mixed farmland, dense hedgerows, stonewalls, and some steep wooded slopes;
- many scattered farmsteads and villages
- distinctive build environment patterns and building materials with the frequent use of the local limestones;

Gillingham Town Design Statement (adopted 2012)

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 was developed to safeguard the local characteristics of the Town, and to encourage sensitive, high quality design where new development occurs. It details distinctive local features and policies to inform those applying for planning permission what should be considered when preparing a scheme for submission.

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/Financial benefits

Benefit	Quantum
Affordable Housing	25% Affordable Housing
Local area of play (LAP)	On site
Local equipped area of play (LEAP)	On site
Destination Play Facilities Maintenance	£359.36 per dwelling
Formal Outdoor Sports	£1,318.80 per dwelling
Informal Outdoor Space	£2,307.36 per dwelling
Informal Outdoor Space Maintenance	£1,278.80 per dwelling
Community, Leisure & Indoor Sport Facilities	£2,006.97 per dwelling
Primary School contribution	£2,017.31 per qualifying dwelling
Secondary School contribution	£4,077.025 per qualifying dwelling
Pre School contribution	£190.50 per qualifying dwelling
Bus Service contribution	£434.04 per dwelling
Bus stop contribution	£52.63 per dwelling
Community transport contribution	£29.23 per dwelling
Rights of way enhancements	£38,900
Health	£722 per dwelling
Libraries	£241 per dwelling
Waste	£271.94 per dwelling
New Homes Bonus/Council Tax revenues	

15.0 Planning Assessment

- Principle of development
- Loss of Agricultural Land
- Housing Delivery
- Affordable Housing and Infrastructure
- Points of access/Transport
- Landscape
- Urban Design
- Trees
- Residential Amenity
- Heritage/Archaeology
- Biodiversity
- Flooding/Drainage
- Planning balance
- Conclusion

Principle of development

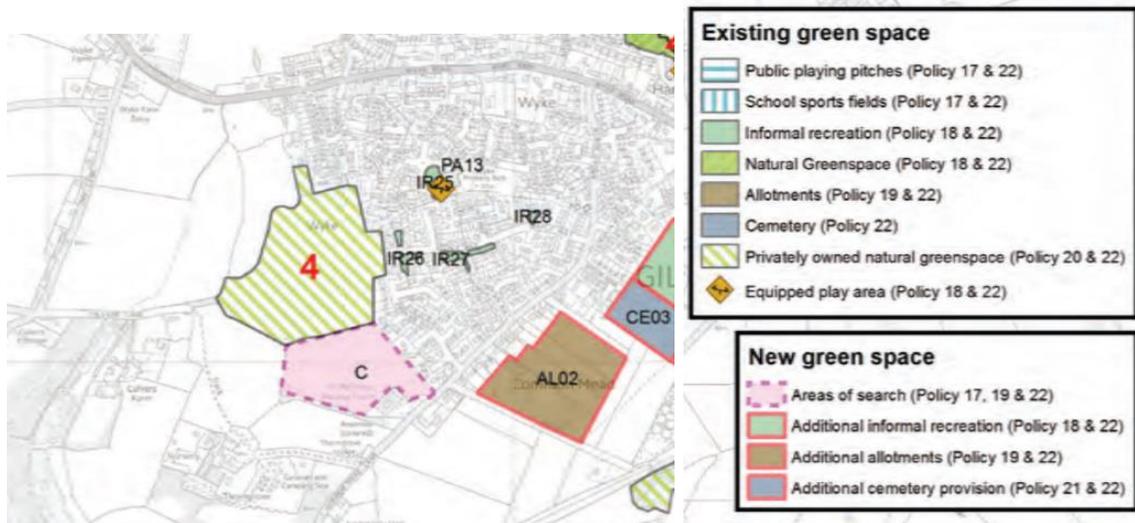
Policy 2 (Core Spatial Strategy) of the NDLP part 1 requires development to be located in accordance with the spatial strategy which directs development to the 4 main towns and larger villages. Gillingham is identified as one of the larger towns and will be a main focus for growth and for the vast majority of housing delivery.

The site is located immediately adjacent of the settlement boundary. However in policy terms the site is within the 'countryside' and development would normally be strictly controlled, unless it is required to enable essential rural needs to be met.

Policy 20 Countryside reiterates this and lists two criteria where development would be appropriate outside defined settlement boundaries, a) the type of development set out in local plan policies or b) there is an overriding need for it to be in the countryside.

This proposal is therefore contrary to these policies as it is outside the settlement boundary for Gillingham and not specifically for essential rural needs.

The site is also illustrated in the Gillingham Neighbourhood Plan as an 'Area of Search' (land shown pink) for formal sports pitches. This is on the basis that the Neighbourhood Plan has identified a shortfall of 7.2ha of formal outdoors sports provision in the Gillingham area against a target of 18.8ha.



(Figure 11.2)

Policy 17 sets out an expectation that at least 7ha of additional land for outdoor sports will come forward through the Gillingham Southern extension and that further land should be located with the areas of search identified in figure 11.2.

Policy 22 states that the areas of search (as shown in Figure 11.2) should be safeguarded from alternative development that would prejudice their delivery, unless there is a clear over-riding public benefit to the proposed development that cannot reasonably be located outside of that area.

The Gillingham Neighbourhood Plan was made in 2018 and forms part of adopted development plan and whilst it has not yet been formally reviewed or updated in that period, it is still to be afforded significant weight in the planning balance. However, its policies, like those of the local plan, that are relevant to the supply of housing can be deemed out of date in the context of the lack of a five year housing land supply.

The NPPF includes a paragraph which affords protection to neighbourhood plans in certain circumstances. Paragraph 14 states that where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, but only provided all of the following apply:

- the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- the neighbourhood plan contains policies and allocations to meet its identified housing requirement;

- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years

In this case the LPA does have 3+ year supply the latest Housing Delivery Test 2019 illustrated that housing delivery was 59% over the last three years, thereby meeting the requirement of points c) and d. However points a) and b) do not apply;

- a) the Gillingham neighbourhood plan became part of the development plan more than two years before the date that the decision will be made and has not been subject to any formal review or updates.
- b) the neighbourhood plan does not contain policies and allocations to meet its identified housing requirement;

Therefore the policies in the Neighbourhood plan are not provided the protection afforded in paragraph 14. It is also understood that neither the Town Council or sports pitch providers/clubs have made any formal approaches to the land owner with respect to the use of the land since the neighbourhood plan was made in 2018.

Whilst the site lies outside of the settlement boundary, it nevertheless lies adjacent to it, close to existing residential properties and is very well located in terms of distance to a major town and its services. The site is located within 600m of a convenience store, 900m to the Wyke Primary School and 1.2km from Gillingham High Street, which is located to the north east of the site and is accessible via a 15-minute walk or 5-minute cycle journey. Gillingham High Street offers a wide range of local amenities including eateries, a pharmacy, medical centre, a bank, a post office and a supermarket. There is bus stop within 350m of the site and a mainline train station in the centre of the town (the only train station in North Dorset). The development site is accessible and therefore represents a good opportunity to support a sustainable development with a number of amenities and services accessible within a reasonable distance.

The proposal would meet the aims of paragraph 105 of the NPPF by focusing development in a sustainable location, thereby limiting the need to travel and offering a genuine choice of transport modes.

The site was identified by North Dorset District Council in the 2019 Strategic Housing Land Availability Assessment (SHLAA), ref –LA/GILL/018. The council undertook an analysis of the sites suitability and stated that development would be potentially viable for around 72 dwellings in this location, subject to policy change;

'Development would extend the town into the open countryside, but not by a substantial amount and it is considered to have limited impact. The larger

field to the north forms a substantial buffer between this field and the Wyke conservation area. As such, there do not appear to be any substantial constraints to development.' SHLAA quote.

Whilst this does not constitute planning policy, nor a formal site allocation, it does indicate the Council's view as to the potential acceptability of the principle of residential development, subject to appropriate detailed design.

The site is also referenced in the emerging Dorset Local Plan under Policy GILL3: Land at Common Mead Lane, which states that the site is proposed for residential development;

GILL3: Land at Common Mead Lane

- I. Land at Common Mead Lane, as shown on the policies map, is allocated for residential-led development.
- II. Access should be from Common Mead Lane.
- III. Landscaping will be required as part of the scheme to minimise the visual impact of the development on its surroundings. Tree planting should be provided along the northern edge to screen views from the Wyke conservation area.
- IV. Formal public open space and play facilities should be provided on site.
- V. Existing rights of way should be incorporated into the layout of the development and opportunities to deliver allotments or sports pitches should be considered.

This policy provides a direction of travel for addressing housing need in the Gillingham area. The proposals would be in accordance with points i-v. However given its early stage of consultation the weight to be given to this emerging policy is very limited.

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, it has only a 3.3yr housing land supply (as stated in the latest AMR).

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 very reasonable

proximity to facilities and services of a major town, contribute towards housing supply and choice, and deliver economic benefits to the local economy.

In this case, despite some conflict with the spatial strategy, when the proposed development is assessed against the policies in the Framework taken as a whole, there are no adverse impacts which would significantly and demonstrably outweigh the public benefits derived from the proposal.

Therefore the principle of residential development is considered to be acceptable.

Loss of Agricultural Land

The site is identified as unclassified agricultural land. The land that would be lost as a result of the proposal is relatively small in the context of the area administered by the Council. Nevertheless it is a finite resource and its loss should be considered carefully. The following considerations are important in weighing its loss.

- The site does not form part of a larger farm, which could otherwise affect the viability of an existing agricultural enterprise.
- The site has not been in recent agricultural use.

The loss of this land in the context of the provision of housing and social/economic benefits is considered to be acceptable.

Housing Delivery

Policy 6 (Housing Distribution) provides for 5,700 net additional homes in North Dorset between 2011 and 2031, to be concentrated in the four main towns, including 2,200 homes in Gillingham.

The proposed development will deliver up to 80 new homes and will contribute towards fulfilling the housing needs of North Dorset and Gillingham in accordance with Policy 6. The site will provide new housing supply over the period 2021-2024. It will therefore make a valuable contribution towards boosting housing and affordable housing supply in Gillingham to meet needs/demand within the town and elsewhere.

Policy 7 (Delivering Homes) states that housing should contribute towards the creation of mixed and balanced communities based on a negotiation starting point of 40% of market housing being one or two bed properties and 60% of affordable housing being 3+ bed properties. The policy goes on to set out that housing layouts should achieve densities that make effective use of a site, reflect the character of the locality and are acceptable in terms of design and amenity.

The precise mix of housing types / sizes will be addressed at the reserved matters stage. The indicative site layout plan provides sufficient flexibility to accommodate a range of house types/sizes to reflect the market demand/needs of the area at the time of the reserved matters. The proposals will allow for an urban form and density

that reflects its location and neighbouring development, being in the lower density range (21dph). This will strike a balance between making effective use of the site and reflecting the character of the locality on the edge of a settlement.

Affordable Housing and Infrastructure

Policy 8 (affordable housing) states that in Gillingham, 25% of the total number of dwellings are to be affordable with a presumption that it will be provided on-site. The scheme will deliver a 25% policy compliant level of affordable housing on site. This would amount to the provision of 20 no. affordable homes on site (In the event 80 dwellings are delivered through reserved matters applications). By providing 25% affordable dwellings this development would make a valuable contribution to meeting the affordable provision across the North Dorset area.

In order to ensure the proposed development is acceptable in planning terms, the proposals need to provide/fund a number of onsite and off-site improvements to transport, community and green infrastructure in the context the requirements of Policies 13 (Grey Infrastructure), 14 (Social Infrastructure), and 15 (Green Infrastructure).

The s.106 heads of terms have been agreed between all parties and will secure the requisite items (Please see table at section 14.0). The package of s.106 contributions is considered to meet the statutory tests set out in the Community Infrastructure Levy Regulations 2010 paragraph 122; being 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.

Points of access/Transport

The application is for outline planning and seeks consideration and permission for access only. An access is proposed onto Common Mead Lane and is afforded adequate visibility splays.

Policy 23 (Parking) identifies the need to accommodate car and cycle parking in accordance with the Council's standards and that the parking needs of people with impaired mobility are addressed in accordance with the Council's standards. The detailed scheme to be the subject of a reserved matters application will incorporate parking provision in accordance with the Council's standards. The proposals can therefore accommodate parking so as to be compliant with Policy 23.

The Highway Authority considers that the submitted Transport Statement is satisfactory and robust and that the residual cumulative impact of the development cannot be thought to be "severe", when consideration is given to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) – July 2021.

The highways officer has recommended planning conditions be attached to any approval to secure the details of construction, visibility spays,

layouts/turning/parking areas, cycle parking, electric vehicle charging, travel plans and construction traffic management.

Urban Design

The landscape officer and urban design officers raised concerns with the original submitted indicative site layout plan that showed up to 85 dwellings on the site. Through negotiations with the applicant a revised illustrative site layout was submitted with the following changes;

- Reduction to from 85 to 80 dwellings (upto)
- Incorporation of a LAP and a LEAP
- Internal estate route was amended to avoid a perimeter road
- Layout was amended to reflect a looser suburban character
- Layout was revised to create improved relationships with the East and Southern boundaries
- Position of planting/trees was revised to improve internal access/circulation
- Use of parking courtyards was reduced
- Natural surveillance increased through the revised orientation of dwellings

Following these negotiations the Council's Urban Design Officer is satisfied that the application for upto 80 dwellings can be successfully accommodated at this site, whilst also incorporating the required play space, open space and flood attenuation. There are some outstanding issues with regard to the indicative layout, parking and public open space. However there is scope to address these detailed issues at reserved matters stage without prejudicing the residential capacity of the site.

Landscape

A full Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. The LVIA concludes that the overall impact on the wider landscape character beyond the site arising from the development would not be significant.

The Council's senior landscape officer agrees with this conclusion;

I would agree with the conclusions of the submitted Landscape Visual Appraisal and Landscape Assessment (fabrikuk.com January 2021) that the site is influenced by the existing settlement edge of Gillingham to its east and the care home to its south; that the boundary trees and hedgerows limit views to some extent; that the proposed development would generally be perceived as a small extension of Gillingham; and that the most significant adverse effects would occur on the landscape and visual receptors within the site and its immediate surroundings.

I would also agree that these effects could be moderated through thoughtful and appropriate detailed design.

There are matters of detail to be addressed in future reserved matters applications to ensure any residual impacts are mitigated through careful consideration of planting/landscaping and detailed design/materials. However the impacts upon the landscape are considered to be acceptable at this outline application stage.

Trees

A small section of the site, towards the site entrance to the south, was identified in the former Local Plan (2003) as an 'important open or wooded area'. It should be noted that this part of the site is grassland (not wooded).

Paragraph 7.135 of the Local Plan states that:

“Policy 1.9: Important Open or Wooded Areas (IOWA) of the Local Plan 2003 has been saved. The IOWA protects the site from development. However, at the examination of the adopted 2003 Local Plan the Inspector recommended a review of IOWA designations, particularly their contribution in visual amenity terms to the public areas within a town or village, with a view to deleting those which didn't not require complete protections. This review will be undertaken as part of Local Plan Part 2 or through neighbourhood plans. In the interim, a robust review of the contribution of a designated site is undertaken to support a planning application, this will be taken into account in the decision making process”.

Since the adoption of the Local Plan Part 1, the Gillingham Neighbourhood Plan has been made. The Neighbourhood Plan has identified specific green spaces for protection. The application site is not identified as an important open/green space.

Because of the number of important trees highlighted around the site and in the adjacent land, a Provisional Tree Preservation Order (TPO/2021/0008) has been served across the site. It should be noted that no important trees are proposed for removal.

New tree and hedge planting is shown throughout the indicative site layout which is supported and full details will form part of any future reserved matters application. The Council's tree officer has no objections to the proposed development and recommends that full Arboricultural input is given to any future layout when determining reserved matters and that the final detail of any tree protective measures are submitted for consideration.

Residential Amenity

There will be an inevitable change to the nature of the site from its current use as an open field. The proposed built form, increased vehicular movement, increased domestic noise and activity will all have an impact upon the neighbouring dwellings and the level tranquillity currently enjoyed. 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 east of the site on Freame Way and to the South of the site at the Mellows care home. The illustrative layout indicates that sufficient distance can be achieved which will mitigate the impact and adequately protect the amenity of the neighbouring residents. This will be re-examined through the reserved matters application(s) and the final detailed layout proposals.



Overall it is considered that the amenity of adjacent residents can be sufficiently protected.

Heritage/Archaeology

Policy 5 (Historic Environment) notes that it is important that heritage assets are protected. For any designated heritage asset, great weight will be given to its conservation when considering any proposal that would have an impact on its significance. Any harm to designated and significant undesignated heritage assets will need to be fully justified.

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.

There are no heritage assets currently known on the application site. However the development has the potential to affect the setting of nearby heritage assets. A number of designated heritage assets were assessed in the Heritage Impact Assessment (HIA);

- Church of St George Langham (Grade II, 1110297);
- Wyke Hall (Grade II, 1172660);
- Wyke Farmhouse (Grade II, 1110309);
- Brewery House and Front Fence (Grade II, 1110308);
- Wyke Brewery (Grade II, 1305040);
- Moat at Thorngrove (MDO3908) *Non designated*.
- Wyke Conservation Area;

Of these, the Council's Senior Conservation Officer considers that the significance of the following is most likely to be affected by the proposed development insofar as development affects their settings:

- Wyke Conservation Area;
- Moat at Thorngrove (MDO3908)

The Conservation Officer agrees with the conclusions of the HIA that no harm will result from the proposals to the significance of the remaining designated heritage assets identified above.

Wyke Conservation Area;

There are long views within, through and into the Conservation Area (CA) from the West, in particular travelling eastwards on the B3081, from Dry Lane and from PRow N64/27 and N64/75. The proposed development, being situated on higher ground to the SE of the majority of these views, will be visible, though highly screened by existing trees. Any ridgelines visible will be difficult to distinguish from the existing built development to the East of the site, which is also visible in these views. For these reasons, it is unlikely to form a prominent visual element which detracts or distracts from the appreciation of the views into the CA.

However, visible or not, the development will result in encroachment into land which forms part of the agricultural (undeveloped) hinterland of the CA. The proposals will therefore result in less than substantial harm to its significance. However, the nature and extent of that harm is considered to be minimal and the development will not impinge upon the important open gap identified in the Neighbourhood Plan.

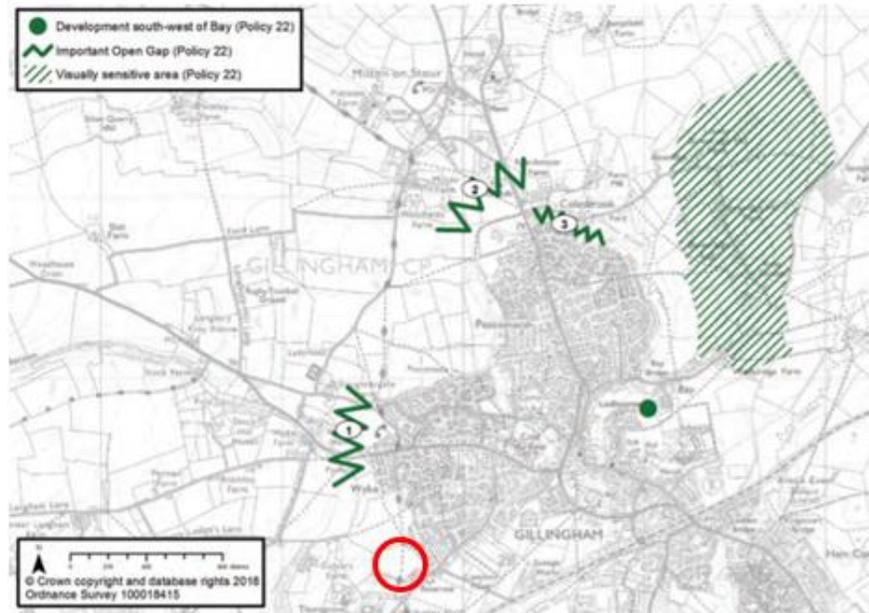


Figure 11.7 Important Open Gaps and Bowridge Hill visually sensitive area

Moat at Thorngrove (MDO3908)

Though the moated site does not appear to be visible or appreciable from the application site, it will 'impose a built form in close proximity to the moat' (HIA, 9.17, p. 28) and therefore impacts upon its current undeveloped immediate setting, which is a vestige (in broad terms at least) of its original undeveloped landscape setting. The proposals will therefore result in less than substantial harm to its significance (described in the HIA as 'minor adverse impact' at 9.17, p. 28). However, the level of harm is minor insofar as its effect on the key elements of significance is acceptable.

When the level of harm is considered to be classified as 'less than substantial harm' it 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;

- Delivery of affordable and market housing, which are both in significant need
- Reduction in the need to travel by car through the sites sustainable location within walking distance of shops, services and transport modes
- The increased spending and support of the local shops and services within the town through regular visits by residents
- Temporary construction jobs

As such, it is considered that in this case the level of harm is 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.

In the accompanying heritage statement, the site has been identified as having some archaeological potential. In order to ascertain the likelihood of archaeological potential the applicant was required to carry out archaeological trial trench surveying and, if required, agreeing with the Council's Archaeologist a programme of consequential additional surveying, works and recording, prior to the issue of outline planning permission.

In February 2021, the applicant arranged for the archaeological evaluation of land. The evaluation was carried out in accordance with a written scheme of investigation (WSI) approved by the council's senior archaeologist. The evaluation fieldwork comprised the excavation of 15 trenches. This sample is considered sufficient to clarify the archaeological interest of the site for the purposes of informing a planning decision.

One area, in the south portion of the application area revealed some limited evidence for probable late bronze age occupation. A 19th or 20th century field boundary was also recorded in three of the trenches excavated. With the exception of this boundary feature, little of the remaining archaeological activity on the site was evident on the geophysical survey results. Overall the significance of the archaeological interest of the site is considered to be low.

This work has satisfied the Council's senior archaeologist and a planning condition has been recommended that will secure the implementation of a programme of further archaeological work/recording which shall be submitted to and agreed prior to commencement of any works on site.

Biodiversity

A preliminary ecological appraisal including phase 1 habitat surveys and extended ecology surveys have taken place and an Ecological Impact Assessment report submitted with the application. The Dorset Natural Environment Team have been consulted and have raised no objections subject to proposed mitigation measures being secured through a Landscape and Ecological Management Plan (LEMP).

A LEMP incorporating habitat creation/management and provision of species-specific enhancement measures is required to demonstrate a net gain in biodiversity. The features of greatest ecological value are considered to be priority hedgerows and a priority pond. These habitats will be retained within the development site and protected through the establishment of a suitable buffer zone which will be managed post-construction in accordance with a LEMP. The development will result in the destruction of great crested newt terrestrial habitat, which will require a translocation programme under an EPS mitigation licence.

In light of these mitigation and enhancement measures secured through a LEMP biodiversity and protected species will be adequately safeguarded and will comply with Policy 4 (The Natural Environment).

Flooding/Drainage

A Flood Risk Assessment, incorporating Drainage Strategy, accompanies the application. The assessment confirms that the site is within Flood Zone 1 (lowest probability of flooding) and concludes that drainage on the site can be suitably managed and would not create any increase in flood risk to existing properties within the catchment area or the proposed development.

The assessment identifies that the site is would unlikely be suitable for infiltration. The proposals therefore involve routing the surface water via pipes into vegetated attenuation basins before discharging into the existing surface water network at restricted rates. Due to the site topography, the drainage strategy considers splitting the site into two catchments, with the southern portion routing surface water towards Common Mead Lane and the norther portion routing towards the low point in the north-western corner of the site.

This has been scrutinised by the Council's drainage engineer and no subsequent objections have been raised. Planning conditions and a legal agreement are proposed to secure further details on the surface water drainage design/management /maintenance.

Planning Balance;

The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to this: economic, social, and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation because they are mutually dependent.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved; and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance and a material consideration in determining applications.

There is conflict with the development plan, by reason of the effect of the proposal on the Council's spatial strategy and location of the proposed development outside of a settlement boundary. However the Council's policies in the adopted Local Plan follow the approach of the presumption in favour of sustainable development.

The council cannot currently 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.

The application needs to be considered 'in the round' weighing all material issues in the planning balance, including:

- Lack of an identifiable 5 year housing land supply and the presumption in favour of sustainable development
- Prospect of delivery of up to 80 homes with policy compliant affordable housing in a sustainable location close to a major town.
- Financial benefits through construction and the creation of local jobs
- Increased spending in the town centre and other local businesses from future residents
- New Home Bonus payments and increased Council tax revenue
- Section 106 agreement which supports overall objectives to secure policy compliant affordable housing and enhanced community infrastructure within Gillingham.

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 any of the following topics;

- Access/Transport
- Urban Design
- Landscape Impacts
- Heritage/Archaeology
- Flood risk/Drainage
- Trees/Hedgerows
- Ecology/protected species

Therefore in this case there are no considerations of specific policies in the NPPF that weigh against the balance towards housing provision.

17.0 Conclusion

The view of Officer's is that the application should therefore be approved.

18.0 RECOMMENDATION

Recommendation A: **GRANT**, subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:

- 25% affordable housing
- Local Area of Play
- Local Equipped Area of Play
- Destination Play Facilities Maintenance
- Formal Outdoor Sports
- Formal Outdoor Sports Maintenance
- Informal Outdoor Space
- Informal Outdoor Space Maintenance
- Community, Leisure & Indoor Sport Facilities
- Primary School contribution
- Secondary School contribution
- Pre School contribution
- Bus Service contribution
- Bus stop contribution
- Community transport contribution
- Rights of way enhancements
- Health
- Libraries
- Waste
- Drainage (SUDS)

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 (29 January 2022) or such extended time as agreed by the Head of Planning.

Conditions

1. Approval of the Reserved Matters (i.e. any matters in respect of which details have not been given in the application concerning the layout, scale or appearance of the building(s) to which this permission and the application relates, or to the means of access to the building(s), or the landscaping of the

site) shall be obtained from the Local Planning Authority in writing before any development is commenced. Such development shall be carried out as approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Application for the approval of any Reserved Matter must be made not later than the expiration of two years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

Approved Plans

4. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details:
 - Location Plan, drawing ref – 2040/PL.01 Rev B
 - Access design and visibility splays, drawing ref – 020.0572.001

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

Quantum of Development

5. The development hereby approved shall be limited to a maximum of 80 dwellings only.

Reason: To define the extent of the permission

Trees/Landscaping

6. Prior to occupation of any dwelling hereby approved, details of the open space shall be submitted to and approved in writing by the local planning authority for the provision of on-site public open space. The plan must include details relating to the design, laying out and future arrangements for management and maintenance of the open space. The open space shall then be implemented and maintained as approved, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the landscape scheme secured by reserved matters is implemented and satisfactorily maintained in the interests of the character and amenity of the completed development.

7. Prior to the commencement of any development hereby approved, an Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to, and approved in writing by the Local Planning Authority. All works must be carried out in accordance with the approved details. In particular, the method statement must provide the following:
 - a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing;
 - b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012);
 - c) a schedule of tree work conforming to BS3998;
 - d) details of the area for storage of materials, concrete mixing and any bonfires;
 - e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility;
 - f) details of any no-dig specification for all works within the root protection area for retained trees;
 - g) details of the supervision to be carried out by the developers tree specialist.

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the 1st occupation of the development and any trees or plants which, within a period of 5 years from the completion of that phase 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

9. Prior to occupation of any dwelling hereby approved, a landscape management plan shall be submitted and approved by the Local Planning Authority. This shall include long term design objectives, management

responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The development's landscaping shall be managed in accordance with the approved plan.

Reason: To ensure the landscape scheme secured by reserved matters is implemented and satisfactorily maintained in the interests of the character and amenity of the completed development.

Drainage

10. Prior to the commencement of the development a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction, shall be submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the approved details before the development is completed.

Reason

To prevent the increased risk of flooding and to protect water quality.

11. Prior to the commencement of the 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 shall 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.

Heritage

12. Prior to the commencement of any development the applicant shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

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

Ecology

13. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of any development for approval under the Dorset Biodiversity Appraisal Protocol. The content of the LEMP shall include the following:

- a) submission of an updated Ecological Impact Assessment report to include: habitat losses and gains assessment and demonstration of measurable biodiversity net gain; European Protected Species Mitigation Licence as required for Great crested newts or a Compensation Payment Certificate issued under the Dorset Council GCN Licence scheme
- b) Description, evaluation and conservation objectives of features to be managed.
- c) Ecological trends and constraints on site that might influence management.
- d) Detailed design(s) and/or working method(s) & management prescriptions to achieve stated objectives.
- e) Extent and location/area of proposed works on appropriate scale maps and plans.
- f) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- i) Persons responsible for implementing the works.
- j) Details of the body or organization responsible for the long-term implementation of the plan.
- k) Details of initial aftercare and long-term maintenance.
- l) Details for monitoring and remedial measures.
- m) Details for disposal of any wastes arising from works.
- n) Ongoing monitoring and remedial measures

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP must be implemented in accordance with the approved details.

Reason: To protect the landscape character of the area and to mitigate, compensate and enhance/provide net gain for impacts on protected species and biodiversity.

Lighting

14. Prior to occupation of any dwelling hereby approved, an external lighting strategy shall be submitted and agreed in writing by the local planning authority. The agreed strategy shall be implemented in accordance with the agreed details.

Reason: In order to ensure that lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky, neighbouring properties and protected species.

Highways/Transport/Construction

15. Prior to the commencement of any development the first 15 metres of the vehicle access, measured from the nearside edge of the carriageway, shall be laid out and constructed to a specification first submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the risk of accidents

16. Prior to the occupation of the development the visibility splay areas as shown on drawing ref – 020.0572.001 must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions at all times.

Reason: To reduce the risk of accidents

17. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to and agreed by the Local Planning Authority. The approved scheme shall subsequently be implemented in accordance with the approved details, maintained and kept free from obstruction and available for the purpose specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes

18. Prior to the commencement of the development, details of a scheme to install infrastructure, to facilitate charging for plug-in and other ultra-low emission vehicles within that phase of the development shall be submitted to and

agreed in writing by the local planning authority. The scheme shall include a timetable for implementation. Thereafter the development shall be carried out in accordance with the agreed details as have been approved by the Local Planning Authority including the timetable for implementation.

Reason: To ensure that adequate provision is made to enable charging of plug-in and ultra-low emission vehicles

19. Prior to the occupation of the development, a Travel Plan must be submitted to and approved in writing by the Planning Authority. The Travel Plan, as submitted, will include:
- a) Targets for sustainable travel arrangements.
 - b) Effective measures for the on-going monitoring of the Travel Plan.
 - c) A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development.
 - d) Effective mechanisms to achieve the objectives of the Travel Plan by the occupiers of the development

The development must be implemented only in accordance with the approved Travel Plan.

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.

Construction

20. Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the 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
 - contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
 - wheel cleaning facilities
 - vehicle cleaning facilities
 - inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
 - 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.

Contamination

21. Prior to the commencement of the development, a remediation strategy to deal with the risks associated with contamination of the site shall be submitted to, and approved in writing by, the Local Planning Authority. This strategy must include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority.

The scheme shall be implemented as approved.

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

22. Prior to occupation of the development a verification report demonstrating the completion of works set out in the approved (contamination) remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include

results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

23. 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 on that phase (or a parcel or parcels therein) until a remediation strategy detailing how this contamination not previously identified will be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter, this remediation strategy shall be implemented as agreed in writing.

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 pollution from previously unidentified contamination sources.

Broadband

24. Prior to the commencement of any development a scheme for facilitating infrastructure to support superfast broadband technology to serve the development shall be submitted to, and approved in writing by, the local planning authority. The scheme shall include a timetable for implementation, including triggers for a phased implementation if appropriate, Thereafter, the development shall proceed in accordance with the agreed scheme.

Reason: To ensure that the utilities service infrastructure is sufficient to meet the extra demands imposed by this development.

Informatives

TBC

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1.0 **Application Number** – P/OUT/2020/00495

Site address - Land To The South East Of Lodden Lakes New Road,
Gillingham, Dorset

Proposal - 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 only).

Applicant name - Taylor Wimpey

Case Officer – Simon McFarlane

Ward Members – Cllr Val Pothecary, Cllr Belinda Ridout, Cllr David Walsh

2.0 **Summary of Recommendation:**

Recommendation A: **GRANT**, subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:

- 25% affordable housing
- Principal Street contributions
- Principal Street Commuted Sums - Landscaping/Trees
- Principal Street Commuted Sums – Final Footway/Cycle way resurfacing
- Bus Service contributions
- Bus stop contributions
- Community Transport contributions
- Enmore Green Link Road/contributions
- Gillingham Rail Station Improvements Contribution
- Sustainable Transport Improvements Contributions
- Sustainable Travel Vouchers
- Town-wide Personalised Travel Planning Contributions
- Community Hall contributions
- Library contributions
- Household recycling contributions
- Green Infrastructure
- Local Area of Play
- Play Trail with 5 stations
- Informal Open Space along the River Lodden
- Primary Education Contribution
- Secondary Education Contribution
- Pre School Provision Contribution

- NHS contribution

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 (29 January 2022) or such extended time as agreed by the Head of Planning.

3.0 Reason for the recommendation:

- The site is allocated in the North Dorset Local Plan (Policy 21) and the proposal accords with all relevant local plan policies
- Paragraph 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 location is considered to be sustainable
- The development would secure significant economic and social benefits.
- The Council cannot demonstrate a five year housing land supply
- The proposal would contribute towards the Council's 5 year housing land supply
- 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 and supported by the Gillingham Neighbourhood Plan.
Housing Delivery	The development will provide upto 115 dwellings making a valuable contribution to the housing land supply.
Affordable Housing and Infrastructure	The development will provide policy compliant affordable housing at 25% and a significant suite of s.106 obligations (onsite and offsite).
Master Plan Framework	The application accords with the Masterplan Framework as required by Policy 21.
Points of access/Transport	The application is for outline and access only. The proposed access onto New Road is considered to be acceptable. Contributions to the Principal Street and offsite transport

	improvements will result in beneficial effects on the local highway system.
Environmental Statement	An assessment has been undertaken in respect to the scoped areas of potential environmental concern. This has shown that if the identified additional mitigation is implemented during the design, construction and operational stages of the development, the majority of operational and construction stage effects identified can be appropriately mitigated or compensated and reduced to a level which is not considered to be significant.
Landscape	With the introduction of suitable mitigation, the LVIA confirms that there will be no significant residual landscape and visual effects.
Ecology	Impact upon protected species can be mitigated to avoid significant effects.
Flooding/Drainage	The development has been design sequentially avoiding areas of flood risk. Drainage details can be adequately secured by condition.
Impact on Heritage	There are no heritage assets within 1km of the site and the lack of intervisibility will result in no harm to their significance.
Archaeology	Extensive archaeological investigations have taken place to the satisfaction of the councils Senior Archaeologist. Further work is to be secured by condition.
Air, Noise, Contamination	The proposed development is not considered to be contrary to any of the national and local planning policies.
Economic benefits	Significant benefits would come from the delivery of this housing development, the provision of jobs

	during construction, and future residential expenditure.
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5.0 Description of Site

The site comprises an area of approximately 6.73 hectares, which is wholly within the Strategic Site Allocation – Gillingham Southern Extension (Policy 21). The land is identified as ‘Land to the East of Lodden Lakes’ in Policy 21 of the Local Plan Part 1 (2016).

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

The application site is located to the south of Gillingham town. It comprises an area of agricultural land with a gentle north west to south east gradient towards the River Lodden on the south east boundary. There are no existing buildings within the application site. The site adjoins two coarse fishing lakes (Lodden Lakes) to the west and lies south of land soon which is currently being developed for housing (Lodden Lakes Phase 1).

The site has access frontage to New Road (B3092) Shaftesbury Road on the Western boundary. Access will also be available from the primary vehicle route through the Phase 1 development on adjoining land to the north, which in turn has access from Addison Close which joins New Road at a T-junction to the north west of the Phase 1 site.

To the South of the site, beyond the River Lodden is the other site ‘Land to the South of Ham’ which forms part of the Gillingham Southern Extension SSA. This area of land currently has resolution to approve (subject to s.106) for 961 dwellings and other associated infrastructure (please see planning history).

6.0 Description of Development

The description of the proposed development on the planning application form is;

‘The proposed development of up to 115 new homes, residential roads and public open space with access from New Road and Lodden Lakes phase 1, Gillingham’

The proposed development is for up to 115 new homes, being the balance of the SSA allocation for 1,800 homes taking account of the capacity of Lodden Lakes Phase 1 (90 homes), the Welbeck Strategic Land proposals (961 homes) and the CG Fry proposals (634 homes); it includes residential roads, public open space and associated infrastructure, with a new access from New Road and Lodden Lakes Phase 1.

The planning application seeks outline planning permission with all matters reserved for later approval save for the main point of access from the adjacent New Road (B3092). Subject to the approval of outline permission, details of the 'layout', 'scale', 'appearance' and 'landscaping' of the development would be 'reserved matters', requiring the subsequent submission of an application(s) to the Council for approval.

The application is submitted with a series of Parameter Plans that define the maximum parameters within which the development must be accommodated and that have formed the basis of the assessments of environmental effects contained in the Environmental Statement. The detailed design of the scheme for subsequent Reserved Matters approval would need to fall within these design parameters. The Parameter Plans include:

- Parameter Plan 01 – Land Use

The land use Parameter Plan sets out the extent of different land uses proposed within the site. These include:

- Residential Development Area
- Public Open Space
- Retained Woodland, Hedgerows and Trees
- Indicative Attenuation SuDS Areas
- Indicative Primary Route

- Parameter Plan 02 – Building Heights

The building heights Parameter Plan shows the maximum storey height of new homes across the residential development area. The maximum heights include up to 2 storeys (up to 9m to top of ridgelines) within neighbourhood clusters; up to 2.5 storeys (up to 11m to top of ridgelines) at the edge of the neighbourhood clusters, and up to 3 storeys (up to 12m to top of ridgelines) in the small area fronting New Road.

- Parameter Plan 03 - Green Infrastructure and Open Space

The green infrastructure and open space Parameter Plan provides a framework for the provision of green space, including public open space, retained woodland and hedgerows, indicative SuDS areas, as well as hedgerows to be retained/removed and areas for new planting. Other features shown include the indicative locations for proposed pedestrian access points, an otter tunnel, a Local Area of Play (LAP), a Play Trail and Play Trail Stations. The Plan identifies various ecological considerations that have shaped these parameters including an 8m ecology offset to the River Lodden; the extent of Flood Zone 2 & 3; the climate change sensitivity buffer, and the root protection areas to existing woodland, hedgerows and trees.

- Parameter Plan 04 – Access and Movement

The access and movement Parameter Plan sets out corridors within which various access routes will be contained: the indicative primary route, indicative pedestrian and cycle links and the alignment of the Gillingham Principal Street as proposed by Dorset Council. It also shows the proposed access points for vehicles (off New Road and Phase 1) and for pedestrians and cyclists

- Illustrative Masterplan and Constraints Plan

The constraints plans highlights the environmental, planning, transport, infrastructure and physical characteristics of the site and its wider context. This plan has informed the Illustrative Masterplan which provides a concept of the urban form for the site taking account of all the constraints. It has also determined the parameters of the proposals shown in the Parameter Plans.

The application is supported by the following suite of technical reports;

- Environmental Statement
- Planning Statement
- Design and Access Statement
- Arboricultural Impact Assessment
- Cultural Heritage Desk Based Assessment
- Ecology Assessment
- Foul Drainage & Services Appraisal
- Flood Risk Assessment
- Preliminary Geotechnical Investigation and Contamination Assessment
- Landscape and Visual Appraisal
- Transport Assessment
- Noise Assessment
- Air Quality Assessment
- s106 Heads of Terms
- Statement of Community Involvement

7.0 Relevant Planning History

Application Site

2/2000/0154 - Develop land for residential purposes
Decision: Refuse. Decision Date: 09/01/2002

2/2011/0824/PLNG
Request for EIA Screening Opinion in respect of the proposed erection of 90 No.dwellings.
Decision: Determined Decision Date: 09/08/2011

2/2014/1230/SCREIA - Request for EIA Screening Opinion under Regulation 5 of the Environmental Impact Assessment (EIA) Regulations 2011 to develop land by the erection of up to 90 No. dwellings with public open space and vehicular access from Addison Close.

Decision: Determined Decision Date: 08/10/2014

2/2014/0968/OUT- Develop the land by erection of up to 90 No. dwellings with public open space and create access from Addison Close, (outline application to determine access).

Decision: Granted Decision Date: 11/05/2015

2/2014/1315/SCOEIA - Request for scoping opinion relating to proposed mixed-use sustainable urban extension regulation 13 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended (S.I. 2011/1824) ("THE REGULATIONS")

Decision: Determined Decision Date: 12/12/2014

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).

Decision: Granted Decision Date: 27/02/2019

2/2019/0241/DOC - Discharge of Condition Nos. 3 - Foul and Surface Water Drainage; 4 - Floor Levels; 5 - Access to River Lodden; 6 - Outline Estate Road Construction; 7 - River Buffer - Ecology; 8 - Voles and Otters; and 9 - Access Crossing; following grant of Outline Planning Permission No. 2/2014/0968/OUT.

Decision: Determined Decision Date: 24/04/2019

2/2019/0896/DOC- Discharge of Condition Nos. 3 - Foul and Surface Water Drainage; 7 - River Buffer - Ecology; and 8 - Voles and Otters; following grant of Outline Planning Permission No. 2/2014/0968/OUT.

Decision: Determined Decision Date: 10/07/2019

P/NMA/2021/00485 - Non material amendment against planning application 2/2018/0483/REM to allow changes to the layout and boundaries of plots 31-33

Decision: Granted Decision Date: 15/03/2021

Gillingham Strategic Site Allocation

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 these 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.

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.

P/VOC/2021/01567 - 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). Approved.

8.0 List of Constraints

Agricultural Land Grade - Grade: GRADE 3

Flood Zone 2

Flood Zone 3

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

9.0

Consultations

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

Gillingham Town Council

No objection

Housing Enabling Team

No objection, subject to s.106

Landscape Officer

No objection in principle, with outstanding matters to be addressed through reserved matters applications.

Environment Agency

No objection subject to conditions.

Drainage (Flood Risk Management) – Dorset Council

No objection, subject to conditions.

Wessex Water

No objection.

Transport Development Management - Dorset Council

No objection, subject to S106 and conditions.

Archaeology

No objection, subject to conditions.

Natural England

No objection, subject to conditions.

Natural Environment Team

No objection, subject to conditions.

Tree Officer

No objection, subject to conditions.

Rights of Way Officer

No objection

Planning Obligations Officer

No objection, subject to s.106.

Environmental Health

No objection, subject to conditions.

Fire Safety Officer

No objection, subject to meeting building regulations.

Planning Policy

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

Dorset Travel Plan Co-Ordinator

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

Dorset Waster Partnership

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

Dorset Police - Architectural Liaison Officer

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

Health & Safety Executive

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

Dorset NHS

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

North Dorset Primary Care Trust

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

Dorset Clinical Commissioning Group

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

National Planning Case Work Unit

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

10.0**Representations**

3 letters of representation were received.

1 letter of support from a local resident stated the following;

'Cannot wait for more details of these houses. As a family with 2 children at High School in town the location is perfect and hopeful some houses will be affordable for my husband and I (both teachers) to be able to get on the housing ladder!'

The remaining two letters were from the adjacent Gillingham and District Anglers Association. The first letter raised several objections relating to the following;

- The effect of the development upon the replenishment of the spring fed lakes and disruption to the clay subsoil
- The effect upon the lakes outflow pipe and potential flooding
- Potential contamination
- Sewerage capacity
- Boundary treatments between the development and the lakes

Following further discussions with Taylor Wimpey the Gillingham and District Anglers Association wrote to the Council confirming the withdrawal of their earlier objection. This was provided on the basis that their discussions had been positive and that there would be the opportunity for further consultation and dialogue.

11.0 Relevant Development Plan 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 North Dorset. 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 7: Delivering Homes
- Policy 8: Affordable Housing
- Policy 11: The Economy
- Policy 12: Retail, Leisure and Other Commercial Developments
- Policy 13: Grey Infrastructure
- Policy 14: Social Infrastructure
- Policy 15: Green Infrastructure
- Policy 17: Gillingham
- Policy 21: Gillingham Strategic Site Allocation
- Policy 23: Parking
- Policy 24: Design
- Policy 25: Amenity

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 these outline applications are:

- Policy 1. Custom and self-build housing
- Policy 4. Support improvements in existing employment sites
- Policy 12. Pedestrian and cycle links
- Policy 13. Road designs in new development
- Policy 14. New and improved health and social care provision
- Policy 15. New and improved education and training facilities
- Policy 16. New and improved community, leisure and cultural venues
- Policy 17. Formal outdoor sports provision
- Policy 18. Equipped play areas and informal recreation / amenity spaces
- Policy 19. Allotments
- Policy 20. Accessible natural green space and river corridors
- Policy 23. The pattern and shape of development
- Policy 24. Plots and buildings
- Policy 25. Hard and soft landscaping

Other Material Considerations

National Planning Policy Framework (NPPF):

The NPPF has been updated with a revised version published July 2021. 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
10. Supporting high quality communications
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...

Current housing land supply

Officers note that where a 5-year supply of housing land cannot be demonstrated paragraph 11d i) and ii) of the Framework outlines the implications for how development proposals should be determined. It states that where the (local) development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits.

North Dorset District Council published its latest [Annual Monitoring Report](#) (AMR) last year. It confirms that there is still a lack of an identifiable 5 year housing land supply.

Dorset Council 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 ran until the 15 March 2021. Given its early stage of consultation the weight to be given to it is very limited.

Relevant Policies;

DEV4: Growth in the northern Dorset functional area
DEV9: Neighbourhood plans
ENV1: Green infrastructure: strategic approach
ENV2: Habitats and species
ENV3: Biodiversity and net gain
ENVV4: Landscape
ENV5: Heritage Assets
ENV8: The landscape and townscape context
ENV11: Amenity
ENV12: Pollution control
ENV13: Flood risk
ENV14: Sustainable drainage systems (SuDs)
HOUS1: Housing Mix
HOUS2: Affordable housing
COM4: Recreation, sports facilities and open space
COM8: Parking standards in new development
COM9: Provision of infrastructure for electric and other low emission vehicles
COM12: The provision of utilities service infrastructure
GILL2: Gillingham Southern Extension

Master Plan Framework (MPF), August 2018

The Master Plan Framework (MPF) was prepared by a consortium of three developers Taylor Wimpey, CG Fry and Welbeck over the period 2015-2018, working with and in consultation with the officers at North Dorset District Council (now Dorset Council). The MPF is a requirement of Policy 21 of the NDLP. It covers the whole SSA and was a pre-requisite to the submission and consideration of any planning applications for development.

The MPF sets out the overall vision for the SSA, from which an analysis of constraints and opportunities provides the basis of a Framework Masterplan in the MPF. The analysis covered the key planning, transport, landscape and delivery aspects of the various land parcels. The site investigations led to a series of plans that set out the site opportunities and responses to constraints in terms of topography, views to/from the site, green infrastructure, walkable neighbourhoods, transport links, density, form and open space.

North Dorset District Council Landscape Character Assessment (2008)

The site lies within the Dorset Landscape Character Assessment 'Clay Vale' landscape character type and the North Dorset District Council Landscape Character Assessment 'Blackmore Vale' landscape character type. The area forms of a broad expansive clay vale with a mosaic of woods and pastoral fields bounded by straight hedgerows dotted with mature Oaks. Open layered views are possible across the gently undulating landscape to the low hills of the chalk escarpment which forms a backdrop. The area has a dense network of twisting lanes often with grass verges and sharp double 90 degree bends. It is also characterised by a network of ditches, streams and brooks which drain into the tributaries of the River Stour. There are numerous small villages and hamlets across the area built with distinctive mix of materials such as stone, red brick, tile and thatch.

Gillingham Town Design Statement (adopted 2012)

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 was developed to safeguard the local characteristics of the Town, and to encourage sensitive, high quality design where new development occurs. It details distinctive local features and policies to inform those applying for planning permission what should be considered when preparing a scheme for submission.

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/Financial benefits

Benefit	Quantum
Affordable Housing	25% Affordable Housing (70% affordable rent/30% intermediate)
Principal Street contributions	£457,520.24
Principal Street Commuted Sums - Landscaping/Trees	£27,223.07
Principal Street Commuted Sums – Final Footway/Cycle way resurfacing	£29,891.69
Bus Service contributions	£434.04 per dwelling
Bus stop contributions	£52.63 per dwelling
Community Transport contributions	£29.23 per dwelling
Enmore Green Link Road/contributions	£329.47 per dwelling
Gillingham Rail Station Improvements Contribution	£94.15 per dwelling

Sustainable Transport Improvements Contributions	£137.43 per dwelling
Sustainable Travel Voucher	£100 provided to the first occupant of each dwelling
Town-wide Personalised Travel Planning Contributions	£99.85 per dwelling
Community Hall contributions	£936.32 per dwelling
Library contributions	£241.00 per dwelling
Household recycling contributions	£271.94 per dwelling
Green Infrastructure	Local Area of Play Play Trail with 5 stations Informal Open Space along the River Lodden
Primary Education Contribution	£2017 per qualifying dwelling
Secondary Education Contribution	£4077 per qualifying dwelling
Pre School Provision	£190.50 per qualifying dwelling
NHS	£722.00 per dwelling
Construction Jobs	Lasting approximately 4 years
Council Tax Revenue	Generated by upto 115 dwellings

15.0 Planning Assessment

- Principle of development
- Housing Delivery
- Affordable Housing and Infrastructure
- Master Plan Framework
- Points of access/Transport
- Environmental Statement
- Landscape
- Biodiversity
- Flooding
- Heritage/Archaeology
- Air
- Noise
- Contamination
- Planning balance
- Conclusion

Principle of development

Policy 2 (Core Spatial Strategy) of the NDLP part 1 requires development to be located in accordance with the spatial strategy which directs development to the 4 main towns and larger villages. Gillingham is identified as one of the larger towns and will be a main focus for growth and for the vast majority of housing delivery.

The proposed development forms part of the SSA allocated under policies 17 (Gillingham) and 21 (Gillingham Strategic Site Allocation), so is consistent with the adopted spatial strategy for North Dorset and Gillingham.

The site is sustainably located south of Gillingham, with access to the B3092 and the ability to provide good pedestrian and cycle connections through the Phase 1 development to the town and the wider SSA. This will support sustainable travel and the permeability of the proposals in line with Policy 2 and associated policies.

The Neighbourhood Local Plan also supports the principal of the Strategic Site Allocation Gillingham Southern Extension;

The plan does not allocate further land for housing or employment, as these are well covered in the Local Plan and will be largely detailed through the master planning of the Southern Extension. P.7, Paragraph 5.5

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

Housing Delivery

Policy 6 (Housing Distribution) provides for 5,700 net additional homes in North Dorset between 2011 and 2031, to be concentrated in the four main towns, including 2,200 homes in Gillingham.

The proposed development will deliver up to 115 new homes in accordance with the proposals in the MPF and will thereby contribute towards fulfilling the housing needs of North Dorset and Gillingham in accordance with Policy 6. The Phase 2 site will, together with Phase 1, provide new housing supply over the period 2021-2024. It will therefore make a valuable contribution towards boosting housing and affordable housing supply in Gillingham to meet needs/demand within the town and elsewhere.

Policy 7 (Delivering Homes) states that housing should contribute towards the creation of mixed and balanced communities based on a negotiation starting point of 40% of market housing being one or two bed properties and 60% of affordable housing being 3+ bed properties. The policy goes on to set out that housing layouts should achieve densities that make effective use of a site, reflect the character of the locality and are acceptable in terms of design and amenity.

The precise mix of housing types / sizes will be addressed at the reserved matters stage. The Land Use and Building Heights Parameter Plans provide sufficient flexibility to accommodate a range of house types/sizes to reflect the market demand/needs of the area at the time of the reserved matters. The proposals will allow for an urban form and density that broadly reflects that approved for Phase 1, being medium density (31dph). This will strike a balance between making effective use of the site and reflecting the character of the locality.

Affordable Housing and Infrastructure

Policy 8 (affordable housing) states that in Gillingham, 25% of the total number of dwellings are to be affordable with a presumption that it will be provided on-site. The scheme will deliver a 25% policy compliant level of affordable housing on site. This would amount to the provision of 28 no. homes on site and 0.75 as an offsite financial contribution (In the event 115 dwellings are delivered through reserved matters applications). By providing 25% affordable dwellings with a tenure split of 70/30 affordable rent/shared ownership this development would make a valuable contribution to meeting the affordable provision across the North Dorset area.

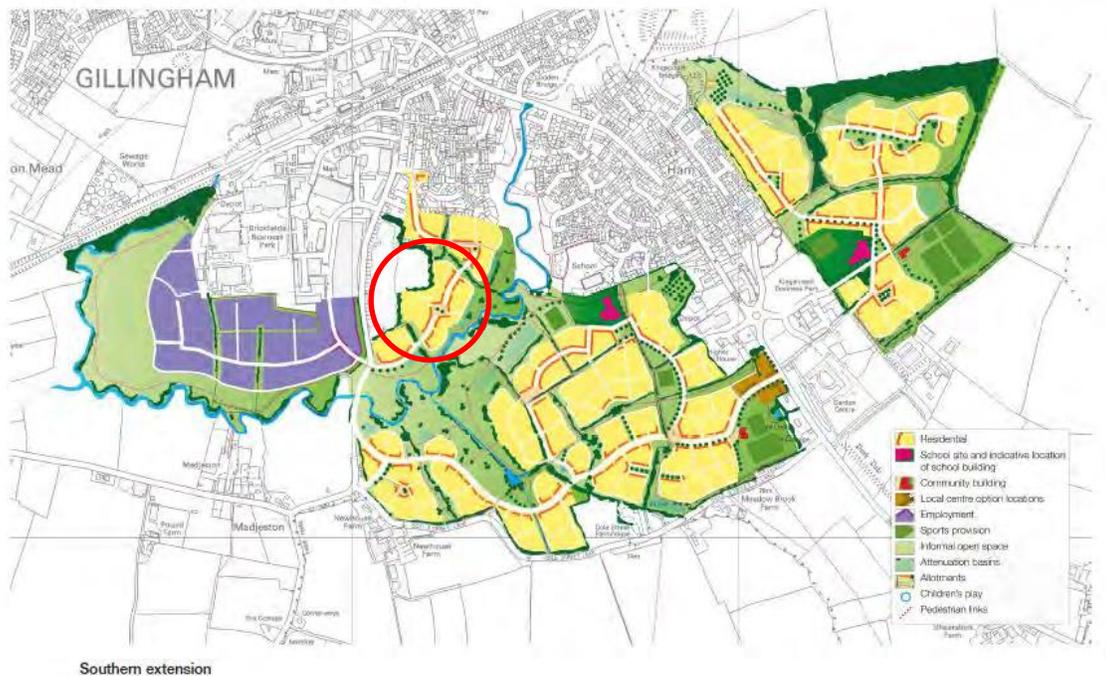
In order to ensure the proposed development is acceptable in planning terms, the proposals need to provide/fund a number of onsite and off-site improvements to transport, community and green infrastructure in the context of the other SSA proposals and the requirements of Policies 13 (Grey Infrastructure), 14 (Social Infrastructure), 15 (Green Infrastructure), and 21 (Gillingham Strategic Site Allocation).

The s.106 Heads of Terms have been agreed between all parties and will secure the requisite items (Please see table at section 14.0).

The package of s.106 contributions is considered to be commensurate with the other areas of the GSSA (namely the Welbeck and CG Fry sites), meets the aims of local policies (13,14,15,21) and will meet the statutory tests set out in the Community Infrastructure Levy Regulations 2010, being 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.

Masterplan Framework

Policy 21 states that the Council will use the Master Plan Framework (MPF) for the southern extension as a material consideration in the context of the requirements of the Local Plan which forms the main policy basis for determining any subsequent planning applications for development on the site.



Illustrative Master Plan Framework

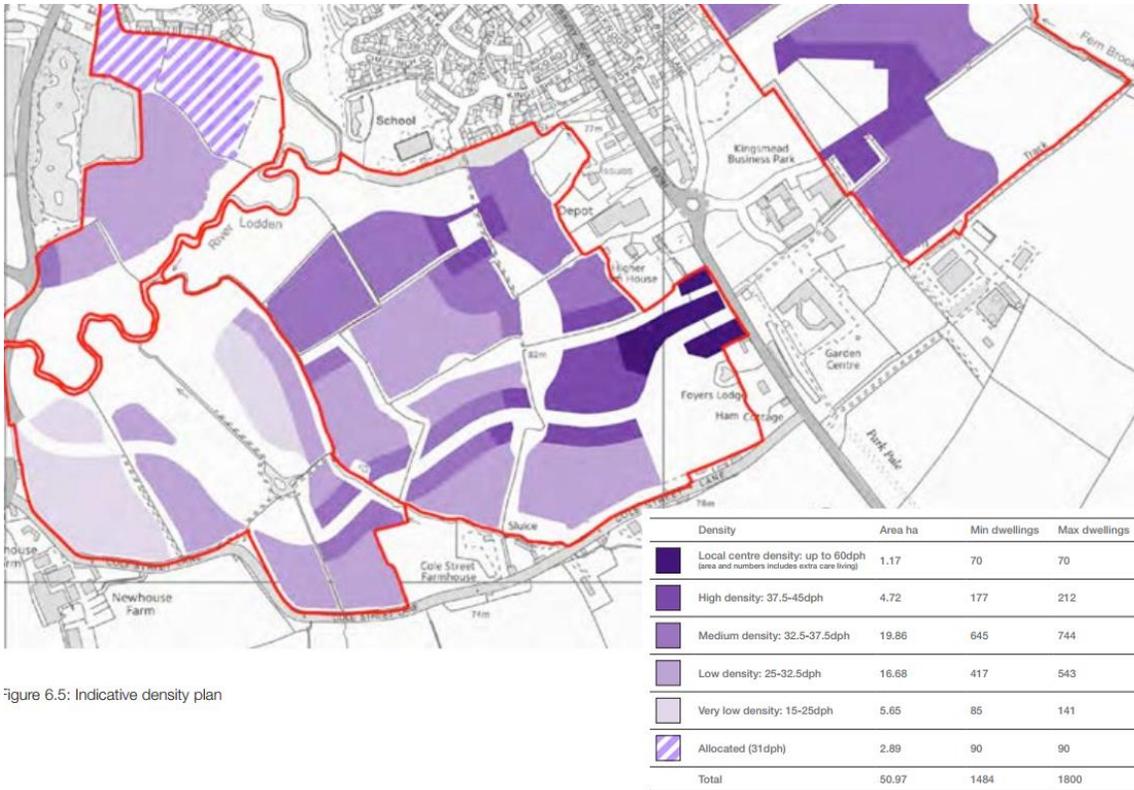
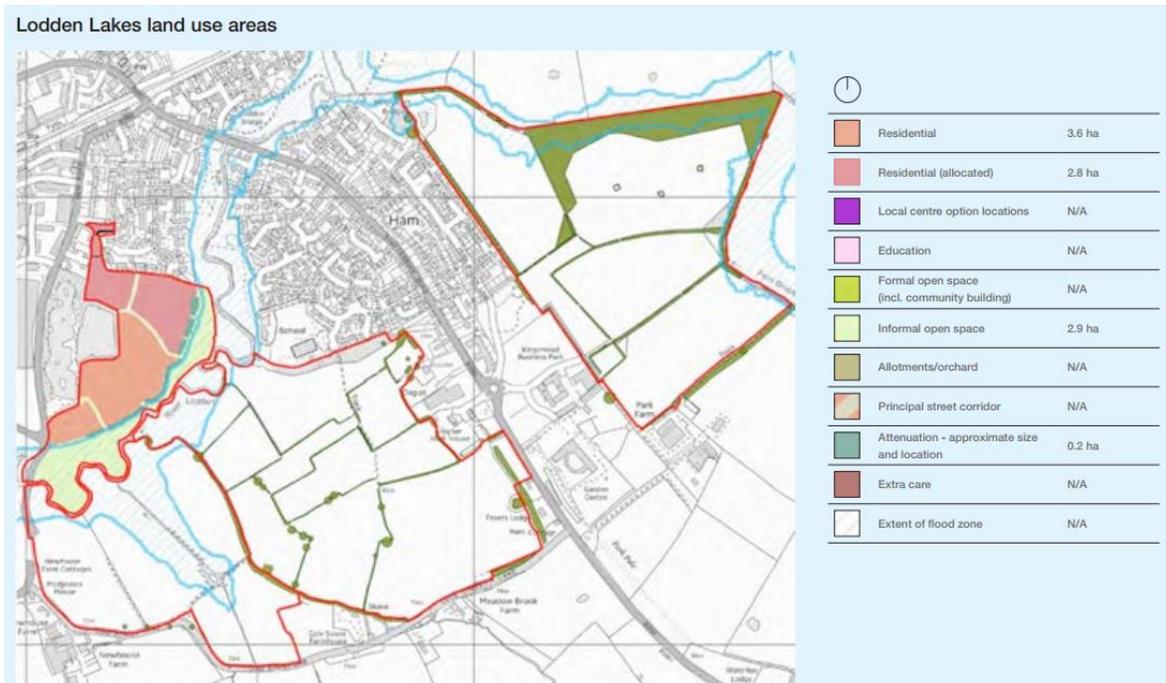


Figure 6.5: Indicative density plan

Master Plan Framework Density Plan



Masterplan Framework Land Use Plan



01. NORTH DORSET LOCAL PLAN CONCEPT | 02. MASTERPLAN FRAMEWORK EXTRACT | 03. MPF TOWNSCAPE STRATEGY EXTRACT



Concept Sketch



Building Heights Parameter Plan



Frontage Defined by a Corner Turning Landmark Building
 Existing Vegetation on Fishing Lake Boundary Retained and Enhanced
 Positive Active Frontage on Access Road Offers Views over River Lodden
 Existing Hedgerow North of Access Retained
 Rumble Strips to Define Entrance to Site
 Informal Riverside Open Space
 New Native Species Hedgerow to Define Edge of Parkland

Illustrative sketch - entrance from New Road

- Character areas plan

The GSSA was split into five distinct character areas in the MPF. These perform specific functions relating to their overall role within the scheme and their position in the southern extension and their relationship to specific site features, such as topography or landscape.



The site is characterised in the MPF as 'Green Edges' which should have the following relevant characteristics;

- Streets aligned to provide viewing vistas over green space
- Low to medium density housing
- Varied building lines
- Housing clusters

These characteristics are respected in the illustrative proposals and the green edge/adjacent extensive area of informal open space will provide a sympathetic outlook to the River Lodden and beyond.



Illustrative image

- Density plan

The development area will result in a density of 31dph which is compatible with the density envisaged for the site (between 25-32.5 dph). The MPF was based on the site accommodating 118 residential units: the reduction to up to 115 units will assist in achieving these objectives.

- Land use plan and budget

The Illustrative Masterplan shows the site being used for residential use which is aligned with the land use areas shown on MPF Figure 6.4 (Lodden Lakes land use areas).

- Movement framework

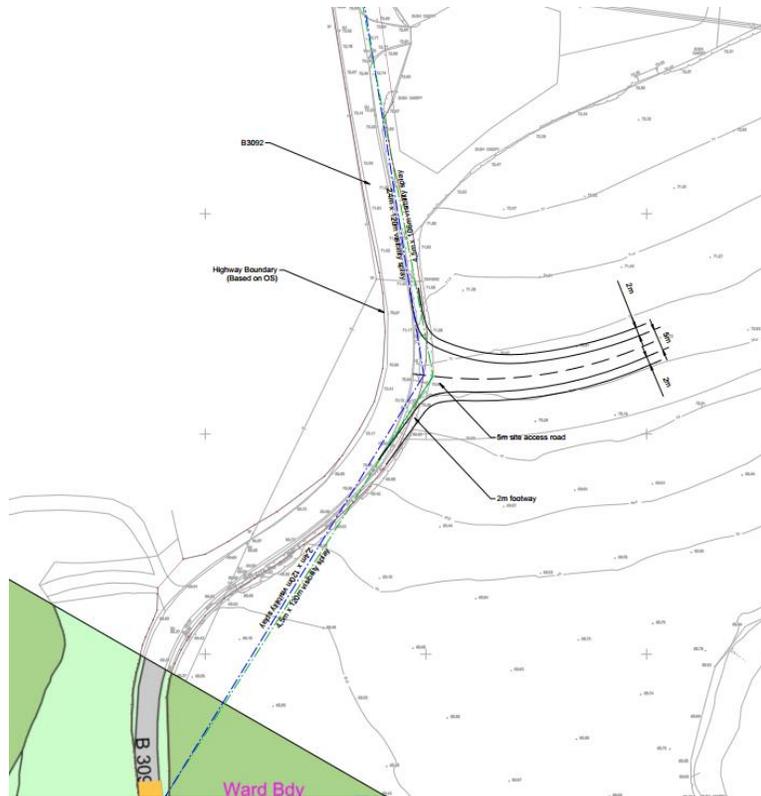
The Illustrative Masterplan shows the Primary Route access road through the site closely aligned with that shown in the MPF (Figures 7.1-7.3). Access is shown from New Road and Phase 1 in accordance with the MPF. A network of footpaths/cycleways is shown that accords with the pedestrian routes and cycle ways shown in the MPF.

The Illustrative Masterplan and the Parameter Plans have been based on and develop the concepts and objectives contained in the MPF. They are therefore in compliance with the broad objectives and development concept outlined for Lodden Lakes and as such comply with the Master Plan Framework and Policy 21 of the NDLP.

Points of access/Transport

The application is for outline planning and seeks consideration and permission for access only. A priority junction is proposed on New Road supported by a through connection to Phase 1, ultimately utilising the existing junction of Addison Close with New Road. The junction on New Road requires the removal of the hedge within the applicant's land to provide appropriate forward visibility. This is considered to be acceptable in light of the significant hedge replanting proposed in the Green Infrastructure parameter plan.

The proposed Access Arrangement Plan is submitted for the Council's approval as part of this outline application. A swept path analysis has been provided which confirms that all vehicles can freely turn into and out of the new junction. It should also be noted that the proposed site access arrangement is supported by an independent Stage 1 Road Safety Audit, prepared by independent auditors.



Policy 23 (Parking) identifies the need to accommodate car and cycle parking in accordance with the Council's standards and that the parking needs of people with impaired mobility are addressed in accordance with the Council's standards. The detailed scheme to be the subject of a reserved matters application will incorporate parking provision in accordance with the Council's standards. The proposals can therefore accommodate parking so as to be compliant with Policy 23.

Dorset Council submitted an application for the construction of a Principal Street, associated access, landscaping and infrastructure works (2/2020/0379/FUL), on Land to the South of Ham. The application was subsequently approved. The Principal Street will provide the primary access to SSA (as explained in Policy 21) and is a key infrastructure requirement to enable the early delivery of housing. It will be delivered with the assistance of Homes England funding (£6.8 million), which will be repaid through a roof tax across the GSSA. The applicant has agreed to these terms and will contribute proportionately to the delivery and also to the ongoing maintenance through commuted sums for trees/landscaping and the final resurfacing of the footway/cycleway towards the end of the delivery of the land referred to as 'Land to the South of Ham' (promoted by Welbeck). The construction of the Principal Street is planned to start in summer 2021.

The Highway Authority considers that the submitted Transport Statement is satisfactory and robust and that the residual cumulative impact of the development cannot be thought to be "severe", when consideration is given to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) – July 2021. The

highways officer has recommended planning conditions be attached to any approval to secure the details of construction, visibility spays, layouts/turning/parking areas, cycle parking, electric vehicle charging, travel plans and construction traffic management.

Environmental Statement

Whilst the application proposals alone do not give rise for the need for an Environmental Impact Assessment (EIA), they must be considered as part of the wider SSA. Two planning applications for other land in the SSA were submitted by Welbeck Strategic Land and CG Fry & Son Ltd in 2018. An EIA carried out by WYG in 2017 (known as the “ES 2017”) was submitted in connection with these applications. An update to the ES 2017 has been provided with the application which has taken into account; changes to policy, guidance, technical evidence, any additional plans and projects which are required to be taken into account as part of the assessment of in-combination and cumulative environmental effects; and the need to provide a robust evidence base.

On this basis, topics to be assessed as part of the EIA were decided through a ‘scoping’ process under the 2011 Regulations which involved consultation with a number of statutory and non-statutory consultees, such as the Environment Agency, Natural England and Officers from North Dorset District Council (NDDC) – now Dorset Council (DC) since formation of the unitary authority from 1st April 2019.

The outcome of the scoping stage was that the following topics should be included within the assessment:

- Landscape and Visual;
- Ecology & Nature Conservation;
- Transport & Access;
- Flood Risk & Surface Water Drainage;
- Noise and Vibration;
- Air Quality;
- Archaeology & Cultural Heritage;
- Land Contamination / Ground Conditions;
- Socio-economic; and
- Energy and Carbon Reduction

A range of potential environmental effects have been predicted to occur as a result of the proposed development, both positive and negative. However, mitigation and compensation measures have been identified to appropriately reduce, minimise or offset any potential negative environmental effects.

Landscape

A full Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. The environmental impacts on the landscape are limited to

residential properties to the southern and eastern fringes of Gillingham. With the introduction of suitable mitigation, the LVIA confirms that there will be no significant residual landscape and visual effects. The councils senior landscape officer agrees with this conclusion;

Given the nature of the site, its surrounding landscape and the proposed future development to its west, south and east I would agree with the conclusions of the Landscape and Visual Appraisal that “the application site is an appropriate location for the proposed development and the local landscape has the capacity to accommodate it despite some local adverse effects upon existing character, features and elements of the baseline landscape and views” (RPS LVIA December 2020 page 39).

There are matters of detail to be addressed in future reserved matters applications to ensure any impacts are mitigated through careful consideration of the height and orientation of development and secondary mitigation measures at detailed design stage such as soft landscaping, reduction of lighting impacts and controlled use of materials to reduce visual intrusion.

Important trees / hedgerows will be retained, sustainable drainage will be incorporated, additional planting will be proposed, visual impacts have been mitigated, and important views to the wider landscape have been conserved. These matters have been addressed in the Green Infrastructure and Open Space Parameter Plan - these design provisions are reflected in the Illustrative Masterplan.

The Illustrative Masterplan and the Green Infrastructure and Open Space Parameter Plan provide for a Local Area of Play (LAP) within the central 'Local Space' and a Play Trail with Play Trail Stations through the River Lodden valley. Informal open space will be located along the River Lodden valley with native shrub buffer planting to provide landscape mitigation and enhance biodiversity. Therefore overall the impacts upon the landscape are considered to be acceptable at this outline application stage.

Biodiversity

Policy 4 (The Natural Environment) aims to protect and enhance the natural environment of North Dorset. The policy highlights the requirement for buffers between the development and environmental assets to improve their biodiversity value and to facilitate adaptation to climate change. It also states that where development takes place, buffers should be provided with habitat enhancement to improve their biodiversity and adaptation to climate change. Further guidance is provided on mitigating landscape impacts, protecting designated wildlife sites, safeguarding the best and most versatile agricultural land and conserving protected species.

The application is supported by desk based assessments and extended Phase 1 habitat assessments undertaken in 2015, 2017 and 2019. These included an assessment of European Protected Sites and other protected sites in the vicinity of the proposed development site.

Protected species surveys indicated that the site supported locally important populations of badger, rarer species of bat (Lesser Horseshoe and Daubenton's), Great Crested Newts, Otters, Water Voles and a bird assemblage typical of the habitats present which include standing water, running water, woodland, hedges and grassland.

It is considered that there is no risk to any European Designated Site. There is therefore no requirement for an 'Appropriate Assessment' under the Conservation of Habitats and Species Regulations 2010 (as amended).

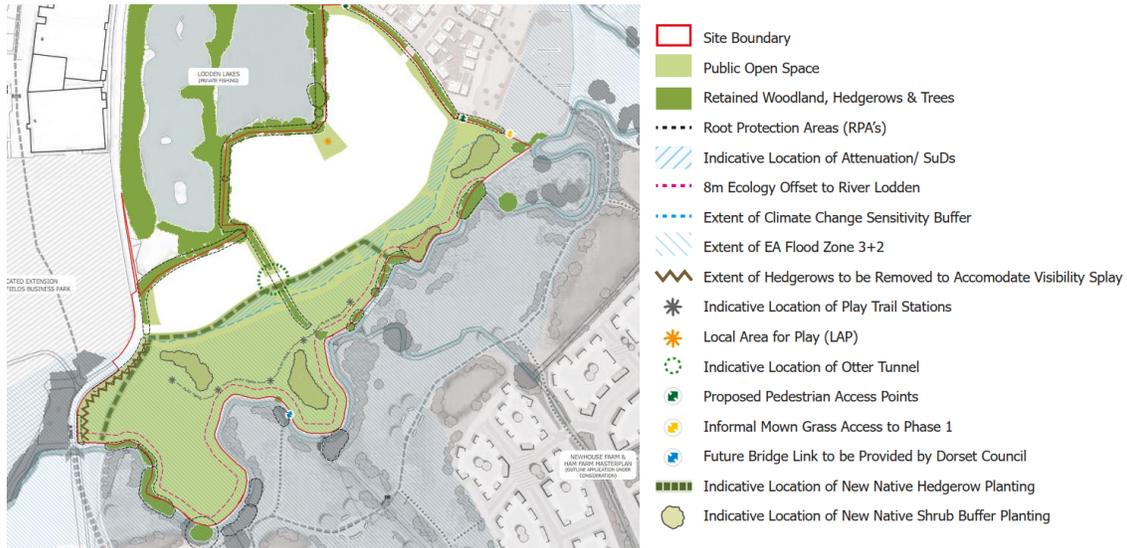
The survey results have informed the scheme design, ensuring that key habitats and features will be retained, protected and enhanced. The main potential impacts on biodiversity from the development would be short term during construction, as well as increased pressure as a result of the proposed residential-led mixed use. These impacts can be mitigated through a Construction Environmental Management Plan (CEMP) and sensitive design and lighting to ensure that there are no significant environmental impacts, and this is demonstrated in Chapter 7 of the ES.

Further ecological design strategies, surveys, ecological impact assessments and a landscape and ecological management plan (LEMP) will be required through the imposition of planning conditions. This guide the establishment, management and monitoring of retained and new habitats during the construction and operational phases and propose detailed mitigation in order to minimise impacts on species and provide biodiversity net gain.

The following measure are proposed in this outline application;

- 8m and a 20m buffer are proposed to the River Lodden. The buffer will be the focus for native shrub planting and habitat creation – these provisions will protect the riparian environment and enhance its biodiversity.
- The proposed urban form and structure planting will ensure that, over time, the residual landscape and visual impacts will be between minor and moderate.
- There are two hedgerows that are to be removed to facilitate development, however the GI and Open Space Parameter Plan shows new interconnected landscaping and hedgerow planting that will compensate and ensure a net gain in the landscape and habitat value of the Lodden valley. Detailed ecology, landscape and arboricultural reports contain

assessments of the effects of the proposals and mitigation and compensation in order to ensure that they are acceptable.



The ES provides the formal assessments under the EIA Regulations and concludes that after mitigation/compensation, the effects of the proposals are either negligible/minor/moderate or otherwise beneficial. Based on the technical assessments, the proposals comply with Policy 4.

Flooding

By virtue of the site being located adjacent to the River Lodden, it partly lies within flood zones 3 (high risk) and flood zone 2 (medium risk). A site which lies within a flood zone would normally be required to undertake a sequential test in order to explore other available alternative sites which are at lower risk of flooding. However this is an allocated site in the local plan and that process has already been undertaken. Therefore there is no requirement for this application to provide a sequential test.

There is however a requirement to take a sequential approach on the site. The proposed development is residential and classed as ‘more vulnerable’ and should be located outside of flood zones 2 and 3. In this case all of the proposed built development has been located within flood zone 1 (low risk) and is therefore appropriate on this site. Therefore there is no requirement to undertake the exceptions test.

All sources of flood risk at the application site have been assessed in the Flood Risk Assessment (Rev D) and the risks of flooding occurring are considered to be low and the risk to the safety of people is considered acceptable for all foreseeable flooding events. The impact of future climate change on flood levels has been considered over the lifetime of the proposed development (100 years) and is considered to be acceptable.

The preliminary surface water drainage strategy has identified measures for the management of surface water run off using sustainable drainage techniques. Consequently this will reduce surface water run off rate from the site, for storm period up to the 1 in 100 year event, plus an additional 40% allowance for detrimental effect of climate change.

Neither the Environment Agency or the Lead Local Flood Authority (Dorset Council) have any objections to the proposed development and recommend planning conditions to secure further details on finished floor levels, river buffers, landscape management and pollution prevention, and surface water management/maintenance.

Heritage/Archaeology

Policy 5 (Historic Environment) notes that it is important that heritage assets are protected. For any designated heritage asset, great weight will be given to its conservation when considering any proposal that would have an impact on its significance. Any harm to designated and significant undesignated heritage assets will need to be fully justified.

In the accompanying heritage statement, the site has been identified as having a low archaeological potential for all past periods of human activity and has not been identified as making a contribution to the significance of any built heritage asset within a 1km radius, nor does it have an appreciable visual, historical or functional association with any relevant built heritage assets. The report provides assessment of the applications impact on the historic environment. It concludes that the application is highly unlikely to have any significant impact on archaeology and that there will be no impact upon the significance of any other heritage asset. This conclusion is supported by council officers.

In order to ascertain the likelihood of archaeological potential the applicant was required to carry out archaeological trial trench surveying and, if required, agreeing with the Councils Archaeologist a programme of consequential additional surveying, works and recording, prior to the issue of outline planning permission.

In April and May 2021, the applicant arranged for the archaeological evaluation of land. The evaluation was carried out in accordance with a written scheme of investigation (WSI) approved by the council's senior archaeologist. The evaluation fieldwork comprised the planned excavation of 21 trenches. Of the planned 21 trenches, 13 were opened, representing a 60% completion of the planned archaeological scope. It was not possible to complete the trenching works due to the wet summer weather and waterlogged ground. However this sample is considered sufficient to clarify the archaeological interest of the site for the purposes of informing a planning decision.

Based on the results of the pre-determination archaeological evaluation, the archaeological interest of the site can be categorised as low. This work has

satisfied the Councils senior archaeologist and a planning condition has been recommended that will secure the implementation of a programme of further archaeological work/recording which shall be submitted to and agreed prior to commencement of any works on site.

Air Quality

An assessment of the potential impacts on local air quality that would result from the proposed residential development has been undertaken. For the construction phase without mitigation, the potential impact description of dust emissions has potential as 'medium' at some worst affected receptors. However, appropriate site specific mitigation measures have been recommended, which along with a Construction Environmental Management Plan (CEMP), would reduce the risk of adverse effects such that they would not be significant.

For the operational (occupation) phase, the impact description of the effects of changes in traffic flow as a result of the proposed development, with respect to Nitrogen Dioxide (NO₂) exposure, is determined to be "negligible" at all receptors. Given the quantitative nature of the assessment and the verification of the air quality dispersion model, the confidence of the assessment is deemed to be 'high'. In relation to particulate matter (PM₁₀ and PM_{2.5}), the impact description of the effects of changes in traffic for existing residential receptors is determined to be 'negligible'. Given the quantitative nature of the assessment and the verification of the air quality dispersion model, the confidence of the assessment is deemed to be 'high'. In conclusion, the proposed development is not considered to be contrary to any of the national and local planning policies.

Noise

An assessment of the potential impacts from noise that would result from the proposed residential development has been undertaken. The noise assessment concludes that the proposed development is not expected to have an 'adverse impact' on health or quality of life. Similarly, it is considered that all 'adverse impacts on health and quality of life' (relating to noise) are mitigated by the use of a suitable glazing and ventilation strategy.

Noise levels within private external amenity areas (gardens) are expected to be below 55 dB LAeq, 16 hours when placed on the shielded facades of proposed dwellings, away from the B3092. An assessment of the increases in road traffic noise as a result of the cumulative effects of the Gillingham Strategic Site Allocation, has shown that noise levels at nearby existing sensitive receptor locations are predicted to experience a negligible increase in noise levels as a result of the cumulative scheme and therefore the noise levels are not expected to have a significant adverse impact.

Given that the site is located in proximity to sensitive residential properties to the north (The Meadows), it is not considered that existing or future businesses, located in the Brickfields Business Park and its proposed extension wanting to

develop, would be restricted by the use of the proposed development site for residential purposes. The development is situated in a CPRE Zone 3-4 for tranquillity (1 being least tranquil and 10 being most). There is currently no public right of way through the proposed site, as such, the use of the site is not considered likely to affect this rating.

Contamination

A contamination risk assessment has shown elevated levels of polyaromatic hydrocarbon contamination to be present at one location, which are considered to potentially harmful to human health given the proposed end use, but not to the water environment. Further investigation is recommended to confirm the extent of the contamination and assess the need for remedial measures. If required, the most suitable remedial technique is likely to be source removal or to isolate the contaminated soils from end users by hardstanding or capping with inert soil in affected garden areas. No radon protection measures are required and no additional ground gas protection measures are considered to be necessary. Once the proposed site layout has been approved at Reserved Matters stage and prior to development, further investigation and laboratory testing is required to confirm the preliminary recommendations provided within this report and to provide parameters for detailed design. This will be secured by planning condition. The Environmental Health Officer and the Councils contamination advisor have no objection subject to conditions.

Planning Balance;

The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to this: economic, social, and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation because they are mutually dependent.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved; and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance and a material consideration in determining applications.

The Council's policies in the adopted Local Plan follow the approach of the presumption in favour of sustainable development. This is an allocated site with in adopted Local Plan as such the principle of housing on this site has been accepted.

The development follows the agreed principles of the Policy 21 strategic site allocation and other relevant local plan policies, the Master Plan Framework and accords with all relevant material planning considerations, including the National Planning Policy Framework.

The application needs to be considered 'in the round' weighing all material issues in the planning balance, including:

- Lack of an identifiable 5 year housing land supply and the presumption in favour of sustainable development
- Prospect of delivery of up to 115 homes with policy compliant affordable housing in a sustainable location
- Financial benefits through construction and the creation of local jobs
- Increased spending in the Town centre and other local businesses from future residents
- New Home Bonus payments and increased Council tax revenue
- Section 106 agreement which supports overall objectives to secure policy compliant affordable housing and enhanced community infrastructure within Gillingham and which also underpin the Strategic Site Allocation Policy requirements

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 any of the following topics;

- The Principle
- Access/Transport
- Landscape Impacts
- Heritage/Archaeology
- Highways
- Flood risk/Drainage
- Trees/Hedgerows
- Ecology/protected species
- Noise
- Air Quality
- Contamination

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.

17.0 Conclusion

The view of Officer's is that the application should therefore be approved.

18.0 RECOMMENDATION

Recommendation A: **GRANT**, subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:

- 25% affordable housing
- Principal Street contributions
- Principal Street Commuted Sums - Landscaping/Trees
- Principal Street Commuted Sums – Final Footway/Cycle way resurfacing
- Bus Service contributions
- Bus stop contributions
- Community Transport contributions
- Enmore Green Link Road/contributions
- Gillingham Rail Station Improvements Contribution
- Sustainable Transport Improvements Contributions
- Sustainable Travel Voucher
- Town-wide Personalised Travel Planning Contributions
- Community Hall contributions
- Library contributions
- Household recycling contributions
- Green Infrastructure
- Local Area of Play
- Play Trail with 5 stations
- Informal Open Space along the River Lodden
- Primary Education Contribution
- Secondary Education Contribution
- Pre School Provision
- NHS

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 (29 January 2022) or such extended time as agreed by the Head of Planning.

Conditions

Time Limits

1. Approval of the reserved matters (i.e. any matters in respect of which details have not been given in the application concerning the layout, scale or appearance of the building(s) to which this permission and the application relates, or to the means of access to the building(s), or the landscaping of the

site) shall be obtained from the Local Planning Authority in writing before any development is commenced. Such development shall be carried out as approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Application for the approval of any reserved matter must be made not later than the expiration of two years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

Approved Plans

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Parameter Plan 01: Land Use, PP- 01, Rev D
- Parameter Plan 02: Building Heights, PP-02, Rev C
- Parameter Plan 03: Green Infrastructure and Open Space, PP-03, Rev D
- Parameter Plan 04: Access and Movement Plan, PP-04, Rev D
- Illustrative Masterplan 01, IMP-01, Rev H
- Phase 2 Access, 19-027-001, Rev C

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

Quantum of Development

5. The development hereby approved shall be limited to a maximum of 115 dwellings only.

Reason: To define the extent of the permission

Trees/Landscaping

6. Prior to the commencement of any development hereby approved, an Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to, and approved in writing by the Local Planning Authority. All

works must be carried out in accordance with the approved details. In particular, the method statement must provide the following:

- a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing;
- b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012);
- c) a schedule of tree work conforming to BS3998;
- d) details of the area for storage of materials, concrete mixing and any bonfires;
- e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility;
- f) details of any no-dig specification for all works within the root protection area for retained trees;
- g) details of the supervision to be carried out by the developers tree specialist.

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.

6. The reserved matters shall include a landscape management plan. This shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The subsequent management of the development's landscaping shall accord with the approved plan.

Reason: To ensure the landscape scheme secured by reserved matters is implemented and satisfactorily maintained in the interests of the character and amenity of the completed development.

Drainage

7. Prior to the commencement of the development a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction, shall be submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the approved details before the development is completed.

Reason

To prevent the increased risk of flooding and to protect water quality.

8. Prior to the commencement of the 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 shall 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.

9. Prior to the commencement of the development a foul drainage scheme shall be submitted to and approved in writing by the local planning authority. The foul water scheme shall be implemented in accordance with the approved details before the development is completed.

Reason

To prevent pollution of the water environment

Flooding

10. Prior to the commencement of the development plans of a scale not less than 1:200 showing the finished floor levels of the dwellings in relation to Ordnance Datum shall be submitted to and approved in writing by the Local Planning Authority. The finished floor levels shall be set above the design flood level plus a suitable allowances for climate change. The development shall be carried out in accordance with the approved details.

Reason: To reduce the impact of flooding to the proposed development and future occupants

11. Prior to the commencement of any development a scheme for maintenance access to the River Lodden and associated flood risk management infrastructure, 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 and ensure future maintenance of the River Lodden.

Heritage

12. Prior to the commencement of any development the applicant shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

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

Ecology

13. Prior to the commencement of any development, an ecological design strategy (EDS) addressing all mitigation measures for protected species, European Protected Species and important ecological features; biodiversity net gain and compensation shall be submitted to and approved in writing by the local planning authority.

The EDS shall include the following;

- a) an Ecological Impact Assessment report to include:
 - habitat losses and gains assessment and demonstration of measurable biodiversity net gain;
 - European protected species mitigation licence as required for Great crested newts or a compensation payment certificate issued under the Dorset Council GCN licence scheme;
 - provision of otter holts along the River Lodden;
 - provision and management of a minimum 8 metre wide buffer zone alongside the watercourse (River Lodden). The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and should form part of green infrastructure provision. Plans showing the extent and layout of the buffer zone, a detailed proposed planting scheme, mitigation measures to protect the buffer zone during development, management for the life time of the development including adequate financial provision and named body responsible for management plus production of detailed management plan, details of any proposed footpaths, fencing, lighting etc. shall be included
- b) Purpose and conservation objectives for the proposed works.
- c) Review of site potential and constraints.
- d) Detailed design(s) and/or working method(s) to achieve stated objectives
- e) Extent and location/area of proposed works on appropriate scale maps and plans.

- f) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- h) Persons responsible for implementing the works.
- i) Details of initial aftercare and long-term maintenance.
- j) Details for monitoring and remedial measures.
- k) Details for disposal of any wastes arising from works
- l) Details for the protection to populations of water voles and otters and their associated habitats within the site, during construction works through to completion. Details shall include a timetable for implementation and mitigation of any potential damage. The plan must include ground works and vegetation clearance.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in the manner approved thereafter.

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

14. Prior to the commencement of any development, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also include a timetable of reports describing the results of monitoring to the authority. Reports shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified,

agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To protect the landscape character of the area and to mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

Highways/Transport/Construction

15. Prior to the commencement of any development the first 15 metres of the vehicle access, measured from the nearside edge of the carriageway, shall be laid out and constructed to a specification first submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the risk of accidents

16. Prior to the occupation of the development the visibility splay areas as shown on drawing ref - 19-027-012 Rev A must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To reduce the risk of accidents

17. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to and agreed by the Local Planning Authority. The approved scheme shall subsequently be implemented in accordance with the approved details, maintained and kept free from obstruction and available for the purpose specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes

18. Prior to the commencement the development, details of a scheme to install infrastructure within the plots with garages, to facilitate charging for plug-in and other ultra-low emission vehicles within that phase of the development shall be submitted to and agreed in writing by the local planning authority. The scheme shall include a timetable for implementation. Thereafter the development shall be carried out in accordance with the agreed details as have been approved by the Local Planning Authority including the timetable for implementation.

Reason: To ensure that adequate provision is made to enable charging of plug-in and ultra-low emission vehicles

19. Prior to the occupation of the development, a Travel Plan must be submitted to and approved in writing by the Planning Authority. The Travel Plan, as submitted, will include:
- a) Targets for sustainable travel arrangements.
 - b) Effective measures for the on-going monitoring of the Travel Plan.
 - c) A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development.
 - d) Effective mechanisms to achieve the objectives of the Travel Plan by the occupiers of the development

The development must be implemented only in accordance with the approved Travel Plan.

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.

Construction

20. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall detail the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. The CEMP shall include details of the following:
- details of the layout of the site including generators, pumps, silos, site office, staff car parks and storage;
 - storage of plant, materials and waste;
 - the erection and maintenance or security hoarding;
 - details of a scheme for the prevention of disturbance/nuisance caused by noise, vibration, dust and dirt to sensitive properties during construction;
 - a scheme for recycling/disposing of waste resulting from construction works;
 - the operation of plant and machinery associated with engineering operations;
 - site security;
 - fuel, oil and chemicals storage, bunding, delivery and use;
 - how both minor and major spillage will be dealt with; containment of silt/soil contaminated run-off;

- disposal of contaminated drainage, including water pumped from excavations;
- site induction for workforce highlighting pollution prevention and awareness;
- a scheme to dispose of surface water run-off during the construction phase;
- construction operating hours;
- details of intrusive construction practices and methods such as piling and the subsequent control measures that will be implemented;
- the type of plant to be used;
- details of construction methods
- 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
- a framework for managing abnormal loads
- contractors' arrangement plan showing; compound, storage, parking, turning, surfacing and drainage
- wheel cleaning facilities
- vehicle cleaning facilities
- Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- 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 works shall be carried out in accordance with the approved CEMP.

Reason: To ensure the protection of wildlife and 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.

Contamination

21. Prior to the commencement of the development, a remediation strategy to deal with the risks associated with contamination of the site shall be submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and

- potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

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

22. Prior to occupation of the development a verification report demonstrating the completion of works set out in the approved (contamination) remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

23. 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 on that phase (or a parcel or parcels therein) until a remediation strategy detailing how this contamination not previously identified will be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter, this remediation strategy shall be implemented as agreed in writing.

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 pollution from previously unidentified contamination sources.

Broadband

24. Prior to the commencement of any development a scheme for facilitating infrastructure to support superfast broadband technology to serve the development shall be submitted to, and approved in writing by, the local planning authority. The scheme shall include a timetable for implementation, including triggers for a phased implementation if appropriate, Thereafter, the development shall proceed in accordance with the agreed scheme.

Reason: To ensure that the utilities service infrastructure is sufficient to meet the extra demands imposed by this development.

Informatives

TBC

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Application Number:	WD/D/20/003114
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Sandringham Sports Centre Armada Way Dorchester DT1 2TN
Proposal:	Erection of single storey dance school with mezzanine and pitched roof
Applicant name:	Lesley Cocker
Case Officer:	Jennie Roberts
Ward Member(s):	Cllr Jones and Cllr Rennie

1.0 This application is brought to committee in the interests of transparency, as the Town Council is the landowner and has not commented on the application, and there is a large number of both supporters and objectors to the proposal.

2.0 Summary of recommendation:

GRANT planning permission, subject to conditions

3.0 Reason for the recommendation: as set out in sections 15 and 16 at end

- Para 14 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
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	The site is located in a sustainable location, within the defined development boundary, within an existing sports centre. As such, the principle of the development is acceptable.

Visual amenity	The design of the proposed building is in keeping with other built form on the site.
Residential amenity	The sports centre is an established and well-used facility, and a dance school in this location would not have an unacceptable impact on the residential amenity of nearby properties.
Access and Parking	The Highway Authority raises no objection to the proposal and the proposal is acceptable in terms of access and parking.
Flooding	A new soakaway is proposed to deal with surface water flooding; the suitability of such provision would be assessed at Building Regulations stage: Building Control raises no objection to the proposed development.
Other:	<p><u>Dorchester Petanque Club</u>: Dorchester Town Council intends to provide a replacement petanque court, c.100m from the existing location, prior to construction of the proposed building.</p> <p><u>Motorcycle School</u>: A motorcycle school uses part of the car park which is proposed to be built on for training purposes. However, the school would only be built over a small area of the existing car park, with the majority of the space remaining unaffected.</p> <p><u>Ownership issues</u>: The agent has spoken to the Town Clerk at DTC, who has confirmed that DTC is the landowner, not the Duchy of Cornwall, and notice was correctly served on them.</p> <p><u>Renewable Energy</u>: In response to public comments about renewable energy, an amended plan has been submitted, to include the use of solar panels on the roof.</p> <p><u>Dorchester Pistol and Rifle Club</u>: DPRC believes excavation could damage the fabric of its underground building, however, building works would be subject to Building Regulations and any damage caused would be a private civil matter, not a material planning consideration.</p>

	DPRC says its members should park as close to their facility as possible to reduce time spent carrying weapons outside; the erection of the proposed building will prevent this. However, the car park is small, so time spent carrying firearms between cars and the building would be minimal wherever they parked within it.
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5.0 Description of Site

The site is located within Sandringham Sports Centre, which is within the defined development area of Dorchester. There are several established clubs which use the grounds, some of which have existing buildings and/or specialised facilities on the site. These include but are not limited to Dorchester Pistol and Rifle Club, Dorchester Bowls Club, Dorchester Petanque Club and a motorcycle training school. There are also a children's play park and numerous sports pitches on the site. The site is accessed via Armada Way (a residential road) and has a large car park.

6.0 Description of Development

The application proposes the erection of a single storey dance school with mezzanine in the north-east corner of the sports centre car park. The walls and roof of the pitched-roof building would be clad in grey standing seam, powder-coated, aluminium panelling. The building would measure 29.5m(l) x 14.5m(w) x 8.54m (h). There are currently 120 parking spaces on the site and this development would see a reduction by 15 spaces to 105.

The proposed opening times of the dance school are as follows:

- Mon-Fri: 1000-2145
- Sat: 0900-1715
- Sun/bank hols: Closed

Amended plans have been received to show:

- The location of the waste and recycling store area for the proposed dance school
- The location of the proposed soakaway (the red boundary line has been marginally extended in the south east corner to encompass this)
- Solar panels on the roof
- The location of proposed cycle storage

7.0 Relevant Planning History

No recent relevant history

8.0 List of Constraints

1/E/06/001882 - DORCHESTER BOWLING CLUB, SANDRINGHAM SPORTS CENTRE, ARMADA WAY, DORCHESTER, DT1 2TN

WD/D/20/003114 - Sandringham Sports Centre

1/E/88/000505 - Fordington Farm, DORCHESTER

1/E/88/000327 - Fordington Farm, DORCHESTER

NE - SSSI impact risk zone;

NE - SSSI: River Frome ;

NE - SSSI: Upwey Quarries and Bincombe Down ;

EA - Poole Harbour Catchment Area

EA - Groundwater Source Protection Zone

9.0 Consultations

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

Consultees

- **NATURAL ENGLAND:** *No objection*
- **SPORT ENGLAND:** *The proposal does not fall within the statutory or non-statutory remit of this organisation.*
- **HIGHWAY AUTHORITY:** *No objection, subject to condition about cycle parking*
- **BUILDING CONTROL:** *No adverse comments*
- **DORCHESTER TOWN COUNCIL:** *No comment made, as DTC is the landowner*
- **WARD MEMBER (Cllr Rennie):** *"I wish to recommend approval"*

Representations received

21 comments have been received in **support** of the proposal:

- The existing facility is too small, not fit for purpose and is located on an industrial estate. Heavy goods vehicles manoeuvre near to the existing dance

school, which is not safe for its users. There is safe parking and good footpaths at this location, which is far safer.

- The proposed building increases the capacity of the dance school and allows more members of the community to access its classes. The dance school is a valuable community asset, being a charity and not-for-profit organisation, and having an inclusive ethos. It is excellent for the mental and physical health of members of the community of all ages.
- The new building will have a low carbon footprint, compared with the existing.
- The new building and location mean the dance school is accessible to disabled people.

10 comments have been received **objecting** to or raising concerns about the proposal. These include comments from the Dorchester Pistol and Rifle Club, Dorchester Bowls Club, a motorcycle training school and Dorchester Petanque Club, as well as neighbouring residents and users of the above-listed clubs:

- The development will result in an increase in traffic levels, which will have road safety implications, will generate excessive noise and pollution from fumes, and may cause damage to the roads and footpaths from poor parking. This will be detrimental to the residential amenity of neighbouring properties.
- The north side of the development backs on to the Dorchester Pistol and Rifle Club (DPRC) facility, which is largely below ground under the bund to the rear of the application site. Excavation could damage the fabric of the building.
- There are issues with flash flooding on the site: the new building would create more surface water run-off into a soakaway system that already cannot cope with wet conditions. DPRC's building is likely to be flooded because of this.
- DPRF members are encouraged by the police to park as close to their facility as possible, in order to reduce the time spent carrying firearms between their cars and the building. The erection of the proposed building will prevent them from parking close to the building.
- The proposed development would result in pressure on the existing parking provision, due to the comings and goings of people to the multiple dance classes. The capacity of the car park would be reduced and would result in overflow of parked cars onto surrounding residential streets.
- There would be a lot of noise during the construction period.
- The opening hours of the dance school are too long.
- The proposal would impact on the motorcycle training school which is run from the site and could result in it closing down.
- There is no public transport to the site.
- There is no renewable energy provision.
- The building would be built on the site of the existing boules court, which is located in the corner of the car park: an alternative site must be provided prior to the commencement of construction of the building

- There are concerns that the ownership certificate has not been correctly completed. Dorchester Town Council (DTC) are leased the site by the Duchy of Cornwall and other clubs have leaseholds with DTC. This makes them legal owners, and they weren't formally notified by the applicant.
- The Highway Authority requires the provision of cycle parking: this would further eat into car parking provision.

Total - Objections	Total - No Objections	Total - Comments
10	21	1

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

10.0 Relevant Policies

Adopted West Dorset and Weymouth & Portland Local Plan (2015)

INT1 Sustainable development

SUS2 Distribution of development

ENV10 Landscape and Townscape setting

ENV12 Design and positioning of buildings

ENV16 Amenity

COM4 New or improved local recreational facilities

COM7 Safe and efficient transport network

COM9 Parking

Material Planning Considerations;

National Planning Policy Framework

As far as this application is concerned the following section(s) of the NPPF are considered to be relevant:

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 12 Achieving well-designed places

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every

level should seek to approve applications for sustainable development where possible.

Other material considerations

WDDC SPD – Design and Sustainable Development Planning Guidelines (2009)

11.0 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.

12.0 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 Public Sector Equalities Duty.

13.0 Financial benefits

There would be financial benefits to the local economy during construction. Additional Business Rates would also be raised. Therefore, the scheme would contribute towards economic development in the area.

14.0 Climate Implications

The building will need to comply with modern Building Regulations standards and will also feature solar panels on the roof.

15.0 Planning Assessment Principle

The site is located in a sustainable location, within the defined development boundary, within an existing sports centre. As such, the principle of the development is considered acceptable.

Visual amenity

The design of the proposed building is considered to be in keeping with other built form on the site. It is to be clad in grey powder-coated aluminium panels, and it is considered that it will have an acceptable impact on the visual amenity of the surrounding area.

Residential amenity

The sports centre is located within a residential area and there are houses on three sides of it. It is accessed via a residential road, Armada Way. It is acknowledged that the siting of the dance school in this location is likely to give rise to an increase in the amount of traffic using the site and surrounding road network, which will likely have an impact on noise levels in the area. However, the opening times of 1000-2145 Mon-Fri and 0900-1715 on Saturdays (closed on Sundays and bank holidays) are considered to be reasonable, and compatible with surrounding residential uses. The sports centre is an established and well-used facility, and it is considered that the provision of a dance school in this location will not have an unacceptable impact on the residential amenity of nearby properties.

Access and parking

As discussed above, the proposed development is likely to generate additional vehicular traffic to and from the site. It will also see a small reduction (c.13%) in the number of parking spaces on the site, which objectors are concerned will result in cars being parked in the surrounding residential streets. However, the Highway Authority raises no objection to the proposal, subject to a condition requiring the provision of cycle parking facilities – an amended plan has been submitted, to show the proposed location of the cycle parking. As such, it is considered that the proposal is acceptable in terms of access and parking.

Flooding

Concerns have been raised by members of the public about the potential for surface water flooding on the site, and the impact this could have on the Dorchester Pistol and Rifle Club's underground facility – it is claimed that the existing soakaway already cannot cope with surface water run-off, let alone if a new building is erected. However, an amended plan has been submitted which shows the location of a proposed new soakaway in the south-west corner of the site (in front of the proposed building) - all such drainage provision would need to be in accordance with Building Regulations. It is considered that this would deal with any surface-water run-off resulting from the proposed building's erection.

Other:

Dorchester Petanque Club: Discussions have been held with the Dorchester Town Council's (DTC) Clerk, the petanque club and the planning case officer. The Town Clerk has confirmed in writing that DTC intends to provide a replacement site within Sandringham sports field, approx. 100m from the existing location. The new site would be provided prior to the commencement of the construction of the proposed dance school.

Motorcycle School: An objection was received from the owner of a motorcycle school which uses the car park of the sports centre for training purposes. He is concerned that the erection of the dance school would close his business down, as there is nowhere else for the training to take place. However, the dance school would only be built over a small area of the existing car park, with the majority of the space remaining for the purposes of car parking.

Ownership issues: An objector claimed that the land at Sandringham Sports Centre is leased by Dorchester Town Council (DTC) from the Duchy of Cornwall, who were not served notice by the applicants of their intention to submit a planning application on their land. However, the agent has spoken to the Town Clerk at DTC, who has confirmed that DTC is the landowner, and notice was correctly served on them.

Renewable Energy: In response to comments made by a number of objectors about the lack of renewable energy features of the proposed building, an amended plan has been submitted, to include the use of solar panels on the roof. This has been designed in conjunction with Low Carbon Dorset.

Dorchester Pistol and Rifle Club: In addition to issues discussed above, DPRC is concerned that excavation could damage the fabric of its underground building, which lies to the rear of the proposed building. However, building works would be subject to Building Regulations and any damage caused would be a private civil matter, not a material planning consideration.

DPRC also states that its members are encouraged by the police to park as close to their facility as possible, in order to reduce the time spent carrying firearms between their cars and the building. It is concerned that the erection of the proposed building will prevent this from happening. However, the small size of the car park is such that the time spent carrying firearms between cars and the building would be short wherever they parked within it.

16.0 Conclusion

The proposed development is acceptable in planning terms and planning permission should be granted, subject to conditions.

17.0 Recommendation

Grant planning permission, subject to conditions.

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).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Elevations, section & view (amended) - drawing no. 19/77/1 Rev A, received 22/06/2021

Floor plans, roof plan & location plan (amended) - drawing no. 19/77/2 Rev B, received 24/06/2021

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

3. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of cycle parking facilities is submitted to and approved in writing 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 ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

4. The premises hereby approved shall not open outside the hours of 1000 to 2145 on Mondays to Fridays, 0900 to 1715 on Saturdays, and at no time on Sundays or Public Holidays.

Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.

5. No works shall commence on site unless a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall provide for:

- i) The hours of construction work and deliveries;
- ii) The parking of vehicles of site operatives and visitors;
- iii) The loading and unloading of plant and materials;
- iv) The storage of plant and materials used in constructing the development;
- v) Wheel washing facilities;
- vi) Measures to control the emission of dust and dirt during construction;
- vii) Measures to ensure the safe access of construction vehicles through Armada Way

Reason: In the interests of the amenity of neighbouring properties and other sports/recreation facilities

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Application Number:	WD/D/20/003145
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	17 All Saints Road Dorchester Dorset DT1 1EL
Proposal:	Replace existing garden wall with new wall and gates. Form permeable drive and carry out landscaping.
Applicant name:	Mr Cox
Case Officer:	Annabel Cox
Ward Member(s):	Cllr Jones and Cllr Rennie

1.0 Reason for committee referral: The applicant is the Dorset Council Tree Team Leader in Economic Growth and Infrastructure.

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation: as set out in paras 13 and 14 at the end:

- Para 14 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
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application
- There are no highways impact that would warrant refusal.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of creating a hard standing and access to the front of the property is acceptable.
Scale, design, impact on character and appearance	The proposed development would not have an adverse impact on the visual amenities of the site or locality.

Impact on amenity	The proposed development would not have a significant adverse impact on the living conditions of occupiers of residential properties.
Conservation Area	The proposal would have a neutral impact upon the character or appearance of the conservation area.
Access and Parking	It is considered that the proposal will not compromise road safety and the proposal creates additional parking.

5.0 Description of Site

The application site is located on the north side of All Saints Road, in the north eastern part of Dorchester known as Fordington.

The dwelling is a two storey, mid terrace property constructed of brick. To the east of the site runs the Roman Town Wall and beyond that a registered garden and park known as 'Salisbury Fields'. The site lies within Dorchester's settlement boundary and Conservation Area and where an Article 4 Direction in place. As a result of the Article 4 Direction, the proposed development must obtain planning permission and is not permitted under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

To the front of the dwelling is a low-level brick wall and front garden area. To the rear is a good-sized garden. Properties along this part of terrace have already created front driveways and access to the highway.

6.0 Description of Development

The proposal seeks to demolish the existing low-level wall to create an access onto the highway and lay a permeable hardstanding to provide additional parking. Iron wrought gates are proposed to open and enclose the driveway. Planting is also proposed.

7.0 Relevant Planning History

No relevant planning history.

8.0 List of Constraints

SUS2; Defined Development Boundary; Dorchester

ENV 4; Conservation Area; DORCHESTER CONSERVATION AREA

ENV 2; Poole Harbour Nutrient Catchment Area; Poole Harbour

DOR3; Dorchester Roman Town Area; Dorchester

Landscape Chara; Urban Area; Dorchester

Boundary; West Dorset District Boundary; West Dorset

Article 4 Direction

SGN - High pressure gas pipeline 1km or less from Regional High Pressure Pipelines (>7 bar);

NE - SSSI impact risk zone;

NE - SSSI: River Frome ;

EA - Poole Harbour Catchment Area

9.0 Consultations

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

Consultees

1. DC - Highways – No objection (comment)
2. DC - Conservation Officers- No objection
3. P - Dorchester Town Council- No objection
4. W - Dorchester East Ward- No objection

Representations received

No letters of representation received.

Total - Objections	Total - No Objections	Total - Comments
0	0	0

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

10.0 Relevant Policies

Adopted West Dorset and Weymouth & Portland Local Plan:

The following policies are considered to be relevant to this proposal:

INT1 - Presumption in favour of Sustainable Development

ENV1 - Landscape, seascape & sites of other geological interest

ENV2 - Wildlife and habitats

ENV4 - Heritage assets

ENV10 - The landscape and townscape setting

ENV12 - The design and positioning of buildings

ENV16 - Amenity

SUS2 - Distribution of development

DOR 3 – Dorchester Roman Town Area

Material Planning Considerations

National Planning Policy Framework

- The relevant chapters of the NPPF include:
- Part 2- Achieving sustainable development.
- Part 4- Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Part 12- Achieving well-designed places.
- Part 15- Conserving and enhancing the natural environment
- Part 16- Conserving and enhancing the historic environment

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66:

Includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11.0 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.

12.0 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 Public Sector Equalities Duty.

13.0 Planning Assessment

Principle of development

The proposed development requires planning permission due to permitted development rights being removed under the Article 4 Direction in place in Dorchester’s Conservation Area. The Article 4 Direction aims to prevent the loss of features which contribute positively to the character of Dorchester Conservation Area, but is limited to any gate, fence, wall or other means of enclosure adjacent to a highway or open space.

The proposed development is considered acceptable as this row of terraces does not make a significant contribution to the character of the conservation area and the site forms part of a row of terraces where similar work has taken place. Therefore, the impact of such development is not considered detrimental. The principle of development is acceptable and complies with the relevant policies of the Local Plan and NPPF.

Design

The proposed surface materials and gate/wall materials are in keeping with the site and locality. The addition of planting helps to soften the impact of the driveway and access. The proposed development would not have an adverse impact on the visual amenities of the site or locality.

Amenity

The proposed development would not have a significant adverse impact on the living conditions of occupiers of residential properties.

Conservation Area

In terms of heritage, the Dorchester Conservation Area is a designated heritage asset, in which the site lies. Special regard must be given to safeguarding such assets. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the assets' conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.

The application site as a whole has a relatively neutral impact to the character of Dorchester Conservation Area. Other dwellings within the street have carried out similar development. The proposed materials are in keeping with the character of the conservation area. It is not considered that the proposals will result in harm to the significance of the identified heritage assets and the consulted Conservation Officer raises no objection. In view of the neutral impact upon the designated Conservation Area that would result, the presumption in favour of sustainable development is engaged. The proposal would comply with the policy requirements of Policy ENV.4 of the West Dorset and Weymouth Local Plan, and the NPPF.

This conclusion has been reached having regard to: (1) section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area; and (2) Local Plan policy.

Highways impact

The consulted highways officer did not raise an objection to the proposed development but comments that only medium-small cars would fit within the proposed driveway and the proposed gates should not be able to open outwards onto the highway (a condition will be added to ensure the latter). The onus is on the applicant to ensure that their vehicle does not obstruct the highway and is parked safely. It is considered that the proposal will not compromise road safety.

14.0 Conclusion

The proposed development complies with the policies of the adopted Local Plan and the relevant sections of the National Planning Policy Framework as already listed.

15.0 Recommendation

Grant, subject to the following conditions:

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).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan, Existing & Proposed Site Plan, Elevations and Sections
(received 01/04/2021)

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

3. Before the development hereby approved is occupied or utilised any entrance gates must be hung so that the gates do not open over the adjacent public highway.

Reason: To ensure that any gates do not cause a safety hazard on the highway.

Informative Notes:

1. National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The application was acceptable as submitted and no further assistance was required.

2. 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.

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Northern Area Planning Committee

29th July 2021

Appeal Decisions

1. PURPOSE AND RECOMMENDATIONS

Purpose of Report: To inform Members of notified appeals and appeal decisions and to take them into account as a material consideration in the Planning Committee's future decisions.

Recommendations: It is **RECOMMENDED** that:
This report is for Information

Wards: Council-wide

Appeal Reference : [APP/D1265/W/20/3254594](#)

Planning Reference: 2/2019/0626/OUT

Proposal: Outline Planning Application for up to 70 dwellings, open space and landscaping (including children's play and community orchard), new vehicular and pedestrian access, parking, engineering (including ground modelling and drainage) works and infrastructure (including cycle and pedestrian connections).

Address: Land West of Bournemouth Road (at E 389797 N 104244), Charlton Marshall, Dorset.

Decision: Dismissed

The main issues in this case were:

- Whether the development would accord with the spatial strategy for the area;
- Whether the appeal site represents a suitable location for housing, having particular regard to its accessibility by sustainable modes of transport and access to services and facilities;
- the effect of the development on the character and appearance of the area;
- the effect of the development on designated heritage assets, in particular whether the development would preserve or enhance the character or appearance of the Charlton Marshall Conservation Area (CA); and the effect of the development on the setting of the Grade II listed Old Dairy Cottage.

The applicant appealed against non-determination of the planning application. The reasons for refusal that were put forward as part of the Council's case at the informal hearing were as follows:

1. The proposed development by reason of its siting and scale would result in less than substantial harm to the setting of heritage asset (Old Dairy Cottage)

and the character and appearance of the Charlton Marshall Conservation Area contrary to Policy 5 of the adopted North Dorset Local Plan Part 1 (January 2016) and paragraphs 193, 194, and 196 of the National Planning Policy Framework.

2. The proposed development by reason of its siting and scale, and lack of any demonstrable local need, would have a significantly adverse landscape and visual impact on the countryside contrary to Policies 2, 4, 6, 9, and 20 of the North Dorset Local Plan Part 1 (January 2016).

The inspector's conclusion on the application of the North Dorset Spatial Strategy was as follows:

I therefore conclude that due to its location beyond the settlement boundary for Charlton Marshall, the proposal conflicts with the spatial strategy for the area contrary to Policies 1, 2, 6, and 20 of the NDLP, Saved Policy 1.7 of the DWLP, and to the aims of Paragraph 9 of the Framework in guiding development towards sustainable solutions. These policies seek, amongst other things to concentrate development in sustainable locations, directing development to the main settlements in order to minimise the need to travel; protect the countryside; or, deliver affordable housing on rural exceptions sites where it would meet local rather than strategic need.

The inspector supported the Council's case in relation to the location of the development:

The appellant's concede that the village does not have day-to-day facilities but argues that the strong functional relationship overcomes that deficiency. Paragraph 78 of the Framework also states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

However, the site's location adjacent to a village with only a very small number of facilities of its own, limits the potential for the proposed housing to carry any particular health, social benefits, or convenience for future occupants. Residents are therefore likely to be car dependant to meet their needs; a factor which weighs heavily against the scheme. In this regard the proposed development would have insufficient accessibility by sustainable modes to be considered a sustainable location for development.

Consequently, taking all these factors into account, the development would not represent a suitable location for housing having regard to accessibility to facilities by sustainable modes of transport. The proposal would conflict with Policies 1, and 2 of the NDLP and to the aims of the Framework at paragraph 9 and 108. These Policies seek, amongst other things, to concentrate development in sustainable locations, directing it to the main settlements in order to minimise the need to travel.

On character and appearance of the area, the inspector commented as follows:

The illustrative plan indicates that landscaping would help to soften the visual impact; and that parts of the site would be dedicated to open space, allotments, or community orchard. However, these provisions would not be sufficient to mitigate the visual harm which would be caused. Furthermore, the topography would prevent the effective landscaping of the site particularly from longer range views. Development would effectively merge the built form with the group of houses at Charlton on the Hill which are presently physically and distinctly separate from the village of Charlton Marshall.

I have considered the various sites drawn to my attention within or adjacent to the village settlement boundaries which have been granted planning permission. However, I am satisfied that the circumstances of this appeal are sufficiently different from those other sites. Furthermore, the decision to approve planning permission for residential development elsewhere does not justify allowing the appeal before me given the harm that I have identified.

Consequently, the development would harm the character and appearance of the area in conflict with Policy 4 of the NDLP and the aims of the Framework in Paragraph 170. These, amongst other things, seek to respect the natural environment including features which make it special and to recognise the intrinsic character and beauty of the countryside.

The inspector identified less than substantial harm to designated heritage assets, which would not have been outweighed by public benefit:

However, taking all of these matters into account the public benefits of the proposal would not, either individually or cumulatively, be sufficient to outweigh the harms that would be caused to the CA by the alteration to the site frontage, or to the wider settings of the CA and Old Dairy Cottage which would result from the urbanising effect of the development.

The inspector upheld all of the matters that were raised by the Council in the overall planning balance, and the appeal was dismissed:

Paragraph 11(d)(i) of the Framework states that the presumption in favour of sustainable development should be engaged unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development; or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Importantly, footnote 6 includes policies relating to the protection of designated heritage assets, a factor applicable in this appeal. Given this conflict the presumption in favour of sustainable development does not apply.

The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Development which would conflict with and undermine the strategy of an approved development plan and the Framework when read as a whole

would, in planning terms, be harmful.

For the reasons given above the appeal scheme would conflict with the spatial strategy for the area, would result in unsustainable travel patterns and a reliance on the use of the private car, would be harmful to the character and appearance of the area, the character and appearance of the CA and the setting of the Grade II listed Old Dairy Cottage. Whilst the scheme would provide notable public benefits, including the provision of much needed market and affordable housing, the other material considerations in this case do not justify taking a decision other than in accordance with adopted development plan policy.

An application for an award of costs against the Council was refused.

Appeal Reference: [APP/D1265/W/20/3256221](#)

Planning Reference: 2/2019/1627/REM

Proposal: The development proposed was described as ‘develop land by the erection of up to 350 dwellings and community uses (commercial and non-commercial), including vehicle access from A350, public open spaces, play areas, car parking, including ancillary works and associated infrastructure, (outline application to determine access)’. The details for which approval was sought were appearance; landscaping; layout; and scale.

Address: Land South-West of Blandford Forum By-Pass, Blandford St Mary, Dorset

Decision: Allowed

The applicant appealed against non-determination of the reserved matters application. The reasons for refusal that were put forward as part of the Council’s case at the public inquiry were as follows:

1. The proposed development by reason of its layout, scale, and landscaping would result in an overly prominent development in a sensitive, valued landscape and within the setting of both the Cranborne Chase AONB and Dorset AONB which would result in significant harm to the intrinsic character and beauty of the area. The scheme therefore fails to comply with Objective 2, Policy 1 Presumption in Favour of Sustainable Development, Policy 4 Natural Environment, Policy 15 Green Infrastructure, Policy 16 Blandford and Policy 24 Design, of the North Dorset Local Plan Part 1 (2016), paragraphs 127, 170 and 180 c) of the NPPF (2019), the Cranborne Chase Partnership Plan 2019-2024 and Dorset AONB Management Plan 2019-2024.
2. The proposed development by reason of its layout, scale, appearance, and landscaping would fail to provide an acceptable design by reference to its topography, prominence, and the importance of the existing group of protected lime trees, resulting in a harmful impact on the character and appearance of the site. The proposed layout does not provide an acceptable design response to the visually sensitive nature of the site, by virtue of the extent of the built form, including the height and design of houses on the upper slope. By failing to provide for a high standard of design it conflicts with Objective 2, Policies 1,

4 and 24 of the North Dorset Local Plan Part 1 (2016), paragraphs 117, 124, 127 and 130 of the NPPF (2019) and the National Design Guide (2019).

The Council concludes that the adverse impacts significantly and demonstrably outweigh the benefits, when assessed against Policy 1 in the North Dorset Local Plan Part 1 (2019) and policies in NPPF (2019).

The main issues were the effect of the development in seeking approval for the matters reserved, in respect of character and appearance and having regard to the site and its surroundings, with particular reference to its potential impact on the settings of the Cranborne Chase and Dorset AONBs, but also whether on-site features, notably the group of lime trees have been properly considered.

The inspector did not agree with the argument that the design, layout and landscaping of the reserved matters application was unacceptable. The inspector commented as follows:

Before one embarks on an appraisal of the details proposed, it is essential to set out the baseline against which that appraisal must take place. The Council granted outline planning permission for up to 350 dwellings on the site, amongst other things, and approved access at that stage.

This was the subject of much debate at the Inquiry, but it is clear to me that in doing so, the Council must have satisfied itself that 350 dwellings could be satisfactorily accommodated on the site. If it was not satisfied that this number of dwellings could be satisfactorily accommodated, then it is difficult to see why outline planning permission was granted in these terms.

The inspector found no harm to landscape and scenic beauty, and no harm to the setting of the AONB:

As a final point, I would say, that in reaching those conclusions, against the baseline set out, I am conscious that the site was identified as suitable for the necessary provision of housing after a rigorous site selection process. It was chosen because it was the least harmful option. If the Council's assertion that the site cannot accommodate 350 dwellings is correct, then the shortfall would have to be made up elsewhere. In the light of the conclusions of the site selection process, they would have to be accommodated on sites where their impact on the setting of AONBs would be greater, or on sites in the AONBs themselves. To my mind, that further demonstrates why the position of the Council in relation to the amount of housing the site can accommodate is untenable. It is even more difficult to understand when the Council readily accepts that it cannot demonstrate a five-year supply of housing land.

Concerns about the potential impact of the proposal on dark skies have to be seen through that prism too. Even with careful design of the lighting to public areas, something that can be secured by condition, there will no doubt be some impact as a result of the proposal. However, it would be an extension of the existing settlement, bordered on two sides by major roads. The existing settlement is lit up at night, as are the roads, and the vehicles upon them. These are already negative influences on dark skies. It seems to me that

placing necessary new housing in such a context would mitigate its additional impact, to a degree. Certainly the housing is far better located on the appeal site than in places where its negative influence on the night-time environment might not be so readily accommodated.

For all these reasons, in the light of the identified baseline, I find that the scheme put forward in seeking approval for the matters reserved is acceptable in character and appearance terms, having regard to the site itself, and the group of lime trees upon it in particular, and its impact on the settings of the Cranborne Chase and West Wiltshire Downs and Dorset AONBs.

The inspector went on to state the following in terms of compliance with policy:

As such, I find the details submitted to be in accord with Local Plan Policy 16 that deals with Blandford, and Policy 24 that addresses design. I see no departure from the requirements of Local Plan Policy 1 that deals with the presumption in favour of sustainable development or Local Plan Policy 4 that covers the natural environment. As such there is compliance with the development plan, read as a whole.

On top of that, the details submitted are in alignment with the expectations of the Neighbourhood Plan and I see no divergence from the requirements of the National Planning Policy Framework⁹, taken as a whole. These important material considerations weigh in favour too.

I note the references to the Cranborne Chase Partnership Plan 2019-2024 and The Dorset AONB Management Plan 2019-2024 but against the baseline I have set out, any variance from the requirements of these documents is insufficient as a material consideration to outweigh compliance with the development plan, and other material considerations.

The inspector went on to conclude that the appeal should be allowed, and the submitted details of appearance; landscaping; layout; and scale, pursuant to condition No.3 attached to the original grant of outline planning permission, should be approved.

A costs claim was awarded in full against the Council.

Learning:

It is important to learn lessons from this case. Issues can be traced back to the outline consent. The indicative drawings that were relied upon at the outline stage, showed significantly fewer than 350 dwellings. They did not, therefore, adequately represent the quantum of development that would have to be accommodated at the reserved matters stage across the site.

The following points help to reflect on the approach to outline and reserved matters applications going forward:

1. Ensuring that the total up-to figure of dwellings can be successfully accommodated on the application site at the outline stage through properly scrutinising indicative layouts.
2. Early consideration of whether sufficient information has been provided to determine whether the number of units sought can be accommodated on the site in an acceptable way.
3. If an illustrative plan has been provided – check that it shows the quantum of development sought, and not a lesser quantum.
4. Use of Article 5 of Town and Country Planning (Development Management Procedure) (England) Order 2015/595, to require further details for consideration:
 “5.— Applications for outline planning permission
 (1) Where an application is made to the local planning authority for outline planning permission, the authority may grant permission subject to a condition specifying reserved matters for the authority's subsequent approval.
 (2) Where the authority who are to determine an application for outline planning permission are of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, the authority must within the period of 1 month beginning with the date of receipt of the application notify the applicant that they are unable to determine it unless further details are submitted, specifying the further details they require.
 (3) Where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated.”
5. Note that where details/information is provided by the applicant, PPG says: "Unless the applicant has indicated that those details are submitted “for illustrative purposes only” (or has otherwise indicated that they are not formally part of the application), the local planning authority must treat them as part of the development in respect of which the application is being made; the local planning authority cannot reserve that matter by condition for subsequent approval."
6. Further emphasis on our pre-app advice – this can assist in managing expectations about illustrative information that will be required, raising concerns early etc.

Appeal Reference : [APP/D1265/W/20/3259557](#)

Planning Reference: 2/2019/0824/OUT

Proposal: Demolish barns and develop land by the erection of up to 30 No. dwellings, form new vehicular and pedestrian access, public open space, landscape planting, pumping station, electricity substation, surface water attenuation, and associated infrastructure. (Outline application to determine access, layout and scale).

Address: Land at E381099 N102326 Catherines Well, Milton Abbas, Dorset, DT11 0AZ

Decision: Dismissed

A proposal to erect up to 30 dwellings on the edge of Milton Abbas was judged to be contrary to the Council's adopted spatial strategy, the inspector placing weight on the need to respect settlement boundaries despite the absence of a five-year supply of housing land.

The proposal was refused under delegated powers for the following reasons:

1. The proposed siting and scale of development located in the countryside would result in an unsustainable form of development and would be contrary to and undermine the policies of the emerging Milton Abbas Neighbourhood Plan. In the absence of any evidence of essential rural needs or any other 'overriding need or public benefit' for this type of development, and number of dwellings proposed, in this location the proposed development would be contrary to Policies 2, 6 and 20 of the adopted North Dorset Local Plan Part 1 (January 2016), Policy MA1 of the emerging Milton Abbas neighbourhood Plan (2019) and paragraph 14, 49, 79 of the National Planning Policy Framework.
2. The proposed development by reason of its location and number of dwellings would result in harm to the Dorset AONB, harm to the character and appearance of Milton Abbas, and less than substantial harm to the setting of Milton Abbas Conservation Area and grade ii listed Hill Lodge, contrary to Policies 2, 4, 5, 20, and 24 of the adopted North Dorset Local Plan Part 1 (January 2016), Policies MA4, MA6, MA8 of the emerging Milton Abbas Neighbourhood Plan (2019), and paragraphs 14, 127, 170, 172 and 192, 193, 196, 197 of the National Planning Policy Framework (February 2019).
3. In the absence of completed and signed Section 106 legal agreement to secure affordable housing, protected habitat mitigation, and community benefits (infrastructure: grey, social, green) the proposal would be contrary to Policies 4, 8, 13, 14 and 15 of the adopted North Dorset Local Plan Part 1 (January 2016), Policies MA9 of the emerging Milton Abbas Neighbourhood Plan (2019) and paragraph 54, 175 National Planning Policy Framework.

The North Dorset adopted spatial strategy seeks to focus development on the four main market towns within the former North Dorset area. The appeal site bordered one of eighteen larger villages with a focus on meeting local rather than strategic needs. Settlement boundaries had been agreed in an adopted local plan in 2003 and recently reviewed in a neighbourhood plan, the inspector noted.

The appeal site had also been considered for housing development in the made Milton Abbas Neighbourhood Plan, and had been rejected. The Neighbourhood Plan had identified a suitable range of sites, which together with existing permissions, allowed for 27 dwellings to meet the local need. No justification for allowing a further 30 dwellings, 40 per cent of which would be affordable, had been presented. The inspector who had examined the neighbourhood plan had also carefully considered the suitability of the site which was not included as a possible reserve in the event that the allocated sites did not come forward.

The site also lay within the Dorset AONB and, as proposed, the inspector concluded that scheme would appear as a suburban housing estate. The scheme did not reflect the historic character of properties nestled within the landscape. While the details were subject to reserved matters approval this did not justify an inappropriate layout. As a major development within the AONB, no exceptional or public interest arguments were sufficient to outweigh the harm, and the advice in footnote 6 of paragraph 11(d)(i) of the NPPF provided a clear reason for refusing permission.

The impact on heritage assets were outweighed by the public benefits, but the conflict with the spatial strategy and the impact on the AONB provided clear reasons for dismissing the appeal.

Appeal Reference : [APP/D1265/W/21/3269271](#)

Planning Reference: 2/2020/0530/FUL

Proposal: The development proposed is a new contemporary dwelling on the bank of the river Stoor and associated parking

Address: Land at E 388783 N 106219, Langton Road, Blandford Forum DT11 7EN

Decision: Dismissed

A proposal for a contemporary dwelling on the riverbank of the Stour, was considered by an inspector to fail to preserve or enhance the character or appearance of the Blandford Forum, Blandford St Mary & Bryanston Conservation Area, due to the adverse effect on its setting. It was also held that the proposed development would harm the character and appearance of the AONB. It would therefore conflict with Policy 4 of the Local Plan which requires development to conserve and enhance its natural beauty. It was also upheld that the proposal would adversely affect protected trees, and that insufficient ecology information was provided by the appellant.

The application was refused under delegated powers for the following reasons:

1. The proposed development, by virtue of its location along the river corridor, represents an overdevelopment of the site and will be detrimental to the setting of the Stour Meadows conservation area and is therefore contrary to section 16 of the National Planning Policy Framework and policy 5 of the North Dorset Local Plan.
2. The proposed development, by virtue of its location along the river corridor, represents an overdevelopment of the site and will be detrimental to the setting of the Cranborne Chase Area of Outstanding Natural Beauty and is therefore contrary to section 15 of the National Planning Policy Framework and policy 4 of the North Dorset Local Plan.
3. The application as submitted is considered to supply insufficient Arboricultural information to be able to fully assess the impact the proposal will have upon protected trees on site and is therefore contrary to section 15 of the National Planning Policy Framework and policy 4 of the North Dorset Local Plan.

4. The application as submitted is considered to supply insufficient biodiversity information to be able to fully assess the impact the proposal will have upon local ecology and how the site will be enhanced and is therefore contrary to section 15 of the National Planning Policy Framework and policy 4 of the North Dorset Local Plan.

The appeal site and surrounding area along the riverbank has a sylvan and natural character. The opposite bank of the river, facing towards the appeal site, has a similar character, with Stour Meadows, an area of semi-natural publicly accessible open land beyond.

The appeal site lies within the Cranbourne Chase and West Wiltshire AONB. The AONB is a landscape of outstanding value, protected for its national significance. The National Planning Policy Framework (the Framework) sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. The AONB is also an International Dark Skies Reserve.

The wooded riverbank contributes to the visual qualities and landscape setting of the AONB through its verdant and natural character, visible in views along the A350 and from the opposite side of the River Stour.

The proposal is for a single-storey property of a contemporary design that would be raised on stilts with an associated terrace and parking area. It would share the access for the approved dwelling. The proposed building would be cut into the bank against a brickwork retaining wall to the rear. It would be clad in timber with a flat, green sedum roof. Due to the difference in ground levels would extend approximately 1.6 metres above the road level on Langton Road.

The inspector noted that the Council allowed a contemporary development of one dwelling along this riverbank. The appeal proposal, unlike the approved scheme, also lies within the AONB which adds further weight to the harm it causes. Due to its proximity to the A350 and the cycle path, it would be more visually prominent. This previous permission does not therefore justify the scheme before the inspector.

The inspector concluded that the proposed development would harm the character and appearance of the AONB. It would therefore conflict with Policy 4 of the Local Plan which requires development to conserve and enhance its natural beauty. It would also conflict with the Framework as referred, to which the inspector attached great weight to the identified harm.

The appeal site was also on the edge of the Blandford Forum, Blandford St Mary & Bryanston Conservation Area (CA). The CA is extensive, encompassing the historic core of the town with the River Stour running to its south and west. The open land, including Stour Meadows opposite the appeal site, and verdant banks around the river form an important part of the setting of the historic settlement and contribute to the significance of the CA.

The inspector concluded that the proposal would lead to less than substantial harm to the significance of a designated heritage asset, namely the CA. As required by

paragraph 196 of Framework harm needs to be weighed against the public benefits of the proposal.

The scheme would have delivered one dwelling, within a reasonably accessible location. It would provide local economic and social benefits during the construction phase and subsequent occupation of the property through use of local services and facilities as well as a contribution to Council tax revenues. These would be a benefit of the scheme but as a single dwelling this contribution would be very limited and they therefore carry limited weight in the balance. The harm to the significance of the CA, due to the adverse effect on its setting, carries great weight, and it is not outweighed by the combination of public benefits which would arise from the proposed development.

The inspector concluded that the proposed development would fail to preserve or enhance the character or appearance of the CA due to the adverse effect on its setting. It would therefore conflict with Policy 5 of the Local Plan which requires development affecting the setting of a heritage asset to be assessed having regard to the desirability of sustaining and enhancing the significance of that asset and for any harm to be weighed against the public benefits of the proposal. It would also conflict with the Framework which recognises that heritage assets are an irreplaceable resource and harm to them should require clear and convincing justification.

Appeal Reference : [APP/D1265/W/21/3270690](#)

Planning Reference: 2/2020/1301/FUL

Proposal: The development proposed, 'Convert redundant agricultural building into 1 No. dwelling'.

Address: The Chymes, Westbrook Road, Gillingham SP8 5DT

Decision: Dismissed

The inspector in this case considered whether the site constitutes a suitable location for the proposed dwelling, having regard to local and national planning policies which seek to restrict residential development in the countryside; and the effect of the development on the rural character and appearance of the area. This decision is of note as despite the existing agricultural building appearing slightly domestic in nature, the inspector upheld the refusal and found harm due to the unsustainable location of the development, and harm to the character of the area that would result, in the absence of any enhancement to the site and its setting.

The application was refused under delegated powers for the following reasons:

1. Having regard to site's location well outside the town envelope (and established settlement boundary as designated within the adopted North Dorset Local Plan Part 1), without safe & convenient access to local services & facilities within the town of Gillingham other than by private car; it is considered that the application site is within an unsustainable location and the scheme is therefore contrary to policies 1, 2, and 20 of the adopted North Dorset Local Plan Part 1 2011- 2031.

2. The scheme would not enhance the character of the immediate setting, Green Lane being of an unspoilt rural character. The proposals which include: a substantial garden area; the 'refurbishment' of the tumbledown shed (which has a fairly substantial footprint when compared to the existing barn); the creation of a new turning and car parking area, and the associated residential paraphernalia associated with the domestic use of the site, would introduce a more intensive suburban appearance to the site which is not in keeping with, and would detract from, the sporadic and rural character of the area. It is therefore contrary to policies 1, 4, 20, 24 and 29 of the adopted North Dorset Local Plan Part 1 (2011-2031) and advice contained within the National Planning Policy Framework (Feb 2019).

The appeal site formed part of an agricultural holding located on the edge of Lower Langham, approximately one mile west of Gillingham. It comprised a large timber-clad building with a plain clay tiled pitched roof, and a dilapidated tumbledown shed, which were to some extent screened by the surrounding vegetation. The site is accessed by Green Lane, a leafy and largely unmade track.

Policy 2 of the North Dorset Local Plan Part 11 (LPP1) sets out the area's spatial strategy. It identifies Blandford, Gillingham, Shaftesbury and Sturminster Newton as the four main towns to accommodate the vast majority of housing and other development, whilst Stalbridge and larger villages will be the focus for growth to meet the local needs outside the four main towns.

The inspector commented that the site was largely surrounded by open fields and was located some distance away from the hamlet of Lower Langham and the town of Gillingham. The proposal would therefore result in the creation of a dwelling which would be physically separate or remote from the nearest settlement. In that regard, it is also of note that the closest residential properties are distinctly separated from the appeal site by intervening fields and tree belts.

The road network reflects the rural character of the area. Roads are generally narrow and unlit, and do not include footways. Whilst there are a number of footpaths in the area, I find it unlikely that, for the vast majority of trips, future occupiers would use alternative modes of transport to the private car to access most everyday facilities and services.

Consequently, the inspector held that the appeal site would not represent a suitable location for residential development, having regard to local and national planning policies which seek to restrict residential development in the countryside, particularly as the new dwelling would be at some distance from existing settlements. The proposal would therefore conflict with Policies 1, 2 and 20 of the LPP1, which set out a presumption in favour of sustainable development and seek to protect the countryside.

The inspector also held that the proposed development would have an adverse effect on the rural character and appearance of the area. Subsequently, it would be contrary to Policies 1, 4, 20, 24 and 29 of the LPP1, as well as paragraphs 127 and 130 of the Framework. Amongst other things, these seek to ensure that the re-use of existing buildings in the countryside would enhance their immediate setting, and

development proposals are designed to improve the character and quality of the area within which they are located.

Appeal Reference : [Appeal A Ref: APP/D1265/W/21/3270132](#) and [Appeal B Ref: APP/D1265/Y/21/3268110](#) (planning and listed building consent).

Planning Reference: WD/D/20/001983 & WD/D/20/001984

Proposal: The works proposed were the extension of the residential care home with a conservatory on the west elevation.

Address: Eastbury House, Long Street, Sherborne DT9 3BZ

Decision: Appeal A and Appeal B, Dismissed

The proposed development and works related to the listed building Eastbury House, located within the Sherborne Conservation area. The inspector concluded that the proposal would fail to preserve the significance of the Grade II listed building and the character and appearance of the Sherborne Conservation Area. Accordingly, it would conflict with Policies ENV4 and ENV12 of the West Dorset, Weymouth and Portland Local Plan (Adopted October 2015), and section 16 of the Framework. Amongst other things, these require proposals to conserve and where appropriate enhance the significance of designated heritage assets.

The proposal was refused under delegated powers for the following reasons:

1. The addition of this structure would compromise the architectural and aesthetic interest of the west elevation. The 'M'-profile roof would introduce a discordant visual form that detracts and distracts from the simple horizontal forms of the existing range and the gable and as such the proposal would not help to preserve or enhance the Listed Building. Therefore, in contrary to Policy ENV4 and ENV12 of the West Dorset, Weymouth and Portland Local Plan (2015) and Part 16 of the National Planning Policy Framework.

The inspector found that Eastbury House holds significant architectural interest, which notably derives from the hierarchy of its design. The elegant and polite façade fronting Long Street is clearly defined by the strong symmetry of its detailing, which includes a central stone doorway with Tuscan half-round pilasters, flanked by large sash windows at ground and first floor levels. The stone plinth and chamfered quoins and gable ends with stone parapet copings, as well as the prominent gable chimney stacks, add to the overall composition of the listed property.

The inspector found that the listing description refers to the group value which Eastbury House holds, collectively with other nearby listed buildings. This indicates that the significance of the appeal building also derives from the contribution it makes to the townscape, and the Sherborne Conservation Area as a whole, which is characterised by its rich collection of historic buildings reflecting the progressive development of the settlement.

The appeal scheme entailed the construction of a conservatory to the western elevation, with a double pitched roof profile to ensure that existing first floor

windows are not obstructed. However, the inspector held that by virtue of its size and design, the proposed addition would appear as a discordant and overly complicated built form, which would harmfully detract from the simpler and functional appearance of the western range, but also the horizontal emphasis of this elevation.

Furthermore, the conservatory would protrude beyond the flank of the main part of the building and disrupt the historic plan form which characterises Eastbury House. The inspector concluded that this would erode the ability to appreciate the historic and architectural special interest of this designated heritage asset.

Despite the use of sympathetic materials, the proposed development and works would therefore fail to preserve the significance of the Grade II listed building. As Eastbury House makes an important contribution to the character and appearance of the Sherborne Conservation Area, it follows that the appeal scheme would also cause harm to this designated heritage asset.

The magnitude of the harm resulting from the proposed development and works would be less than substantial, to which the inspector ascribed considerable importance and weight. In such circumstances, paragraph 196 of the National Planning Policy Framework (the Framework) states that the harm should be weighed against the public benefits of the proposal.

The inspector stated that the appeal scheme would provide additional space for residents to socialise, and spend time with visitors or family members, and there would also be benefits for the mental health of the residents. However, there was limited information before the inspector which suggested that such benefits could not be achieved by other means. In the absence of substantive evidence to the contrary, the inspector found no reason to believe that the continued occupation of the listed building is dependent on the construction of the conservatory. Overall, the harm identified would not be outweighed by the presented public benefits, including securing the optimum viable use of the designated heritage asset.

The inspector concluded that the proposal would fail to preserve the significance of the Grade II listed building and the character and appearance of the Sherborne Conservation Area. Accordingly, it would conflict with Policies ENV4 and ENV12 of the West Dorset, Weymouth and Portland Local Plan (Adopted October 2015), and section 16 of the Framework. Amongst other things, these require proposals to conserve and where appropriate enhance the significance of designated heritage assets.

Appeal Reference: [APP/D1265/W/20/3265649](#)

Planning Reference: WD/D/19/003186

Proposal: Demolition of original farmhouse in Conservation Area. Erection of 1 no. new 4 bed low carbon house (with variation of condition 1 of planning approval WD/D/17/002888 to amend approved plans) without complying with a condition attached to planning permission Ref WD/D/17/002888, dated 23 April 2018

Address: Homestead Farm, Main Street, Bothenhampton, Bridport, DT6 4BJ

Decision: Allowed

The planning application was considered by the Western and Southern Area Planning Committee in August 2020. The case officer for the application recommended to the committee that the application be granted. The committee decision was to refuse planning permission for the following reasons:

- 1) The proposal is visually dominating and prominent built form of development, out of character to the area. The site is located within the Conservation Area and where the wider setting of that area is affected such that the proposal does not “preserve” or “enhance” that area as is required and set out given the statutory Section 72 test of the Planning (Listed Building and Conservation Areas) Act 1990. On that basis it has an adverse impact on the existing Conservation Area character and harms the Conservation Area character and appearance. That harm would be less than substantial but there are no wider public benefits arising from the proposal that would outweigh that harm in the planning balance. As such the proposal would not be in accordance with Policies ENV4, ENV10 OR ENV12 of the West Dorset, Weymouth and Portland Local Plan (2015); Policies HT2, D1 and D8 of the Bridport Neighbourhood Plan; nor paragraph 127 and section 16 of the National Planning Policy Framework (2019) and in particular para 192 which states: In determining applications, local planning authorities should take account of: the desirability of new development making a positive contribution to local character and distinctiveness.

- 2) The proposed development by reason of its mass, scale and bulk has an unduly dominating and overbearing impact when viewed from existing neighbouring properties in Main Street and Duck Street. As a result it sits uncomfortably in relation to those neighbouring occupiers and is detrimental to their amenity (outlook). Its mass, scale and bulk is also detrimental to the character and appearance of the area. As such the proposed development would be contrary to Policies ENV10, ENV12 & ENV16 of the West Dorset, Weymouth and Portland Local Plan (2015); Policies D1 & D8 of the Bridport Neighbourhood Plan; and Section 12 of the National Planning Policy Framework (2019) and in particular paragraph 127 which states amongst other things that decisions should ensure that developments provide a high standard of amenity for existing and future users.

The refusal of planning permission was appealed, and the appeal was considered by the Planning Inspectorate by means of a Public Inquiry held virtually in May 2021.

The Inspector considered the main issues in the determination of the appeal to be the effect of the development on:

- The character and appearance of the area including whether the development preserved and enhances the character or appearance of the Bothenhampton Conservation Area (CA).

- The effect of the development on the living conditions of the occupants of neighbouring properties on Main Street and Duck Street with regard to outlook.

Conservation Area:

The Inspector noted that there was no dispute that the different elements of the building have been constructed with each element higher than indicated in the 2018 permission, noting that the variations range from 0.15m to 0.81m with smaller variations applying to the replacement buildings closest to Main Street.

The Inspector commented on the noteworthy difference in height between existing buildings on the high pavement opposite the appeal site and the appeal building and that the difference sets the context of the relationship between the new and existing properties.

The Inspector noted that the 2018 permission accepted the replacement of the demolished structures with a new building tight up against Main Street and further structures running at right angles which replace the original buildings. The increase in height of these particular elements (0.15m, 0.27m and 0.32m) are in the view of the Inspector very small and do not materially alter the character or significance of the group of buildings or the streetscape within the CA. The Inspector considered that this didn't negatively impact on the ability to appreciate the high hills, hedge and trees which contribute the wider setting of the CA from the high pavement.

The Inspector when visiting the site and viewing the development from the raised pavement on Main Street noted that there was no one point where the building can be seen in its totality given the "Y" shaped configuration and this limits the ability to experience all elements of the building at the same time and that the modern elements are not visible in the streetscape of Main Street until immediately in front of the appeal site.

The Inspector noted that there would be changes visible from the high pavement toward the horizon, but that the key consideration was whether they would be harmful to the experience of the CA to observers from the high pavement and thereby negatively affecting its character. The Inspector considered that from the evidence before her and her observations on site that the changes would not negatively affect its character.

The Inspector concluded in respect of the Conservation Area that taking account of the heights of the building on Main Street; the topography of the surroundings; and the limited alteration to the vista across the appeal site, that the development does not have a harmful impact upon the character and appearance of the area and in this regard preserves the character of the CA in a similar way to the 2018 permission.

Amenity

The Inspector stated that the amenity impact in dispute is concerned with the effect of the development upon the outlook from a number of adjacent properties.

The Inspector observed the view from each of the seven properties identified by the

Council as sensitive receptors affected by the increased height of the various elements of the development. The Inspector concluded that by reason of the separation distances to existing and elevated properties on the high pavement of Main Street, the development does not adversely affect the outlook from any of the properties cited along Main Street.

In respect of the property on Duck Street the Inspector considered that the change in detail given the distanced involved does not result in a substantially different relationship than would have resulted from the construction of the 2018 permission and as such would not be harmful to the outlook of occupants of that property.

The Inspector stated that “the increased height of the building removes marginally more of the view across the appeal site than the original consent but that fact, in itself, does not mean that the structures are “overbearing” to adjacent properties. Whilst residents of the existing properties have inevitably experienced a change in their outlook and now see a larger structure this does not inherently cause harm to amenity. The loss of a view must not be confused or conflated with harm to outlook.” The Inspector conclude that there was no conflict with the relevant policies of the local plan and neighbourhood plan.

Other Matters:

The Inspector noted that there was no evidence before her which would lead her to disagree with the main parties case that the development does not have any adverse effect on the AONB.

The reason for the changes to the height of the buildings as set out by the appellant was noted as a separate issue to the effect of the external height changes on the character or appearance of the CA and as such the Inspector said that the matter has not been determinative to the outcome of the appeal.

The Inspector noted the frustration of local residents in respect of the appellant’s deviation from the approved plans but advised that the application is determined on its own merits and whilst the concerns of representors was noted they did not alter the findings of the main issues.

Conclusion:

The Inspector stated “In conclusion, I have found that the proposal would accord with the Development Plan and the objectives of the Framework. I have not found any other harm arising from the changes made from the 2018 planning permission. Consequently, for the reasons set out above, the appeal is allowed without compliance with the original condition No.1 related to plans approved under WD/D/17/002888, subject to conditions as set out in my formal decision.”

An application for costs against the Council was refused.

Appeal Reference: [APP/D1265/W/20/3259917](#)

Planning Reference: 3/19/0854/FUL

Proposal: Change of use and conversion of existing redundant agricultural building to form 4 dwelling houses.

Address: Bedborough Farm, Uddens Drive, Colehill, Wimborne, Dorset, BH21 7BQ

Decision: Dismissed

A planning application for 'Change of use and conversion of existing redundant agricultural building to form 4 dwelling houses.' Was refused planning permission on five grounds that the proposal was (i) inappropriate development in the Green Belt, (ii) harmed openness by way of the intensification of use, (iii) was of poor design, (iv) adversely affected the rural character of the area and (v) obstructed the route of a public footpath.

The Inspector agreed with the appellant that the building was capable of conversion, and agreed that the footpath might be moved, this secured through a planning condition.

Notwithstanding these points the Inspector sided with the Council that the four dwellinghouses proposed were inappropriate development in the Green Belt and would cause harm to openness, stating:-

'9. The existing building would be converted into four dwellinghouses, and no extension would be required to enable the change of use to residential accommodation. However, whilst it would not necessarily be more intensive than the lawful agricultural would be subdivided into four distinct plots, which would be formally enclosed with hedgerow and wire fencing. This, together with the domestic paraphernalia which would be associated with the proposed residential use, such as garden furniture, washing lines and bin storage, would add visual clutter, thus leading inevitably to a moderate loss of openness. Having regard to the available evidence, there is no certainty that the provision of domestic paraphernalia would have a lesser impact upon openness than the established pattern of open storage associated with the building's present use.

10. For the foregoing reasons, the appeal proposal would not accord with the exception set out in paragraph 146 d) of the Framework, and would therefore amount to inappropriate development in the Green Belt. It would have a detrimental impact on the openness of the Green Belt and fail to assist in safeguarding the countryside from encroachment, contrary to one of the five purposes of the Green Belt.'

In relation to design the Inspector was equally supportive

12. The appeal scheme is characterised by the assertive modernity of its detailing, having notably regard to the vast expanses of glazing and balconies, but also the shapes of the windows and proposed materials, which would fail to reflect the rural appearance of the farmstead. The

regimented appearance of the communal parking area and formal subdivision of the appeal site into four separate plots would introduce a distinctly more urban form of development which would harmfully contrast with the rural character of its surroundings.

13. This would be exacerbated by the proposed forms of boundary treatment to enclose the individual plots and provide security and privacy to the future occupiers, and the domestic paraphernalia associated with the proposed residential use, which would add clutter within this rural area. This issue could not, in my view, be resolved through landscape enhancements to the existing bund or by imposing a condition requiring the submission and approval of detailed schemes, simply because landscaping ought to be used to complement good design, rather than as means to conceal inappropriate development.

15. Given the above, the appeal scheme would appear as an incongruous form of development which would cause considerable harm to the rural character of the area. It would therefore conflict with Policies HE2 and HE3 of the Christchurch

The Inspector concluded that whilst the appeal scheme would not result in the creation of isolated homes in the countryside it would constitute inappropriate development in the Green Belt and lead to a moderate loss of openness. Furthermore, that the proposal would also conflict with the Green Belt purpose of safeguarding the countryside from encroachment.

On these points the Inspector ascribed substantial weight to the harm which would be caused to the Green Belt and afforded great weight to the harm which the proposal would cause to the rural character of the area.

The appeal was therefore dismissed on this basis.

Appeal Reference: [APP/D1265/W/20/3260119](#)

Planning Reference: 3/19/2469 and 3/19/2770

Proposal: Construction of a single detached house with parking and access

Address: Land Adjacent to Brambles House, Church Lane, West Parley, Ferndown, Dorset, BH22 8TR

Decision: Dismissed

A dual Planning and Listed Building was made for the 'Construction of a single detached house with parking and access'. The building was to be sited within the curtilage of Brambles Farmhouse a Grade II Listed Building. The land in question formed part of the historic walled garden to the property but had been severed in ownership.

The applications followed a previous application and listed building that was refused and dismissed at appeal; the applicant sought to overcome the previous shortcomings.

Officers were of the view that area of land, whilst in separate ownership, was functionally and historically linked to Brambles Farmhouse and that the principle of severance and creation of a new residential plot could not be supported in principle. Furthermore, that the design approach taken was poor. The reasons for refusal read:

1. The immediate area has a rural character; the site is elevated from the road and looks out across Church Lane to open fields to the east. The proposed detailing of the dwelling makes little reference to the immediate rural context and appears as a confused hybrid between a barn and industrial style building, the use of five fully glazed bays and seven rooflights within the roofslopes are poorly considered. Given the historical significance of this plot, being a walled garden, closely associated with the Listed Farmhouse, this style of dwelling would be an incongruous feature in this sensitive rural setting. The new access into the site and large wooden gates further erodes the rural character of the area. In these respects the proposal represents poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions contrary to Policies HE2 and HE3 of the Christchurch and East Dorset Local Plan (Part 1), Saved Policy DES11 of the East Dorset Local Plan, and guidance contained within Section 12 – Achieving well-designed places of the National Planning Policy Framework (NPPF).
2. Development in sensitive areas, such as the curtilage of a Grade II Listed Building must respect the setting and context of the existing assets. There is a strong historical connection between the Brambles House a Grade II Listed Building and walled garden, which adds more significance to this land. The overall design approach, the scale of the proposal, detailing and new access all result in a proposal that will be viewed as sitting uncomfortably against the Grade II listed building. The proposal would cause substantial harm to the setting and character of Brambles Farmhouse, a Grade II Listed Building. No justification has been put forward to demonstrate that this harm is necessary to achieve substantial public benefits that outweigh that harm. The proposal fails Policy HE1 of the Christchurch and East Dorset Core Strategy Part 1 and guidance contained with the National Planning Policy Framework (NPPF) Section 16 (Conserving and enhancing the historic environment), paragraphs 193-197.

The application was heard under the written representation procedure. The Inspector fully agreed with the Council's reasons for refusal.

9. Despite the degree of separation with Brambles Farmhouse, the new dwelling, which would remain visible from Church Lane and the adjacent footpath, would, due to its size and detailed design, significantly change the historic function of the site as a former walled garden. The creation of a new domestic curtilage, resulting from the construction of a new dwelling on a distinct plot, with a separated vehicular access onto Church Lane, would essentially lead to the loss of the functional link which would have historically connected Brambles Farmhouse and the appeal site.

10. This would be exacerbated by the footprint of the proposed dwelling which, together with the proposed patio and driveway, would diminish the sense of space within the walled garden and erode the sense of green space. For these reasons, the proposal would erode the ability to understand and appreciate the

historic function of the appeal site and its historic links with Brambles Farmhouse, to the detriment of the significance of this Grade II listed building.

11. The proposal would not lead to a total loss of significance and would not therefore cause substantial harm to the special interest of Brambles Farmhouse, including as derived from its setting. Nevertheless, the appeal scheme would cause less than substantial harm to the significance of this Grade II listed building, to which I ascribe considerable importance and weight.

12. In such circumstances, paragraph 196 of the National Planning Policy Framework (the Framework) indicates that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. There is little evidence before me suggesting that the proposal would constitute the optimum viable use for the site, but it is clear that it would nevertheless make a modest contribution towards housing supply and choice.

13. Moreover, the benefits of the scheme include the repair and reinstatement of collapsed and damaged sections of the boundary walls to the eastern and northern boundaries of the site, although it is of note that the walled garden would not be restored in totality, notably due to the creation of a vehicular access for the proposed dwelling. It would also bring the site back into use. However, when considering the harm that the proposal would cause to the significance of the listed building and its setting, such harm would not be outweighed by the presented public benefits.

14. For the foregoing reasons, the appeal scheme would fail to preserve the special interest of Brambles House and its setting, and would therefore be contrary to Policy HE1 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy¹ (CS) and Section 16 of the Framework, which notably seek to ensure that the significance of all heritage assets and their settings are protected and enhanced.

On the issues of design, the Inspector was equally supportive:

16. ...It is intended to look like an ancillary cart shed style building, which would be located on the edge of the former walled garden, along the northern boundary of the site. However, the footprint of the new dwelling would erode the largely undeveloped character of the walled garden and the contribution it presently makes to its rural surroundings.

17. I also share the concerns raised by the Council regarding the detailing of the proposal, which would be more akin to a Victorian industrial building than a structure typically found in a kitchen garden. The vast expanses of glazing and plethora of rooflights would give the building an overtly domestic character, which would only exacerbate its awkward appearance as a hybrid structure. The harm would be compounded by the proposed vehicular access and design of the proposed entrance which, whilst providing additional screening for the development, would have an urbanising effect and appear at odds with

the rural character of this area. Additionally, it would draw further attention to the site as a separate residential plot....

18. In such a sensitive context, the new building would appear as an incongruous feature, which would have a detrimental effect on the rural character and appearance of the area. Whilst it would be largely screened by the boundary walls and mature landscaping, it would, by reason of its position and scale, remain visible from Church Lane, notably from the vehicular access, and from the footpath adjacent to the site's northern boundary.

20. Given the above, I find that the proposal would unacceptably harm the rural character and appearance of the area.

The appeal was dismissed.

The above appeal demonstrates the importance given by Inspectors to the wording of the National Planning Policy Framework (NPPF) in relation to the protection to the setting of Listed Buildings. The decision underlines that importance of properly assessing the significance of heritage assets and for the Council to robustly challenge applications that fail to appreciate and respond to these.

Appeal Reference: [APP/D1265/W/20/3263432](#) and [APP/D1265/Y/20/3263430](#)
Planning/Listed Building application References: 6/2020/0316 (HOU) and 6/2020/0317 (LB)

Proposal: proposed rear single storey extension (existing canopy and post to be removed) and proposed internal ground floor wc'

Address: 8 High Street, Wool BH20 6BP

Appeal: Both appeals were dismissed

Located within the Wool Conservation Area, the appeal site comprises a thatched Grade II listed building constructed during the eighteenth century, which makes an important contribution to the character and appearance of the Wool Conservation Area.

'Despite its single storey scale, the proposed development would span across the entire width of the property's former store element and represent a disproportionate addition to the listed property relative to the footprint of the original cottage. By reason of its excessive size, the new addition would thus erode the appreciation of the listed building, especially as the rear elevation would be entirely screened by subsequent additions, including the rear passageway opening. Furthermore, it would blur the clear distinction between the historic cottage and store components of the property.

I am also concerned with the design of the proposed extension, which would involve a combination of lean-to, gable and flat roof elements. A section of roof would also be cut out to ensure that the first floor window serving bedroom 1 remains unaffected by the proposal. The resulting built form would appear as a contrived and overly complicated addition, which would harmfully contrast with the simplicity of the host dwelling. Although a contemporary design approach may in some cases be appropriate, the choice of modern materials such as ivory aluminium and the extensive use of glazing would in this instance only exacerbate the awkward and alien nature of the proposal'.

The inspector acknowledged that the additional accommodation provided would benefit the applicants, that the rear of the property is not widely visible within the street scene and noted other extensions in the vicinity, but considered that the development would fail to preserve the significance of no 8 High Street, which makes an important contribution to the character and appearance of the Wool Conservation Area. The magnitude of the harm was judged as less than substantial, to which the inspector added considerable importance and weight.

'The proposed development and works would fail to preserve the special architectural and historic interest of the Grade II listed building known as no 8 High Street, and the character and appearance of the Wool Conservation Area. The appeal scheme would therefore conflict with Policies D and LHH of the Purbeck Local Plan Part 12, the Purbeck District Design Guide Supplementary Planning Document³ and the Wool Conservation Area Appraisal Document. Amongst other things, these expect development proposals to be of a high quality design and conserve the appearance, setting, character, interest, integrity, health and vitality of heritage assets. For these reasons, the proposal would also not accord with sections 2, 12 and 16 of the Framework, sections 16(2), 66(1) and 72(1) of the Act.

The benefits associated with the proposal would not outweigh the harm that has been identified and thus the conflict with the development plan. There are no considerations which indicate that the appeals should be determined other than in accordance with the development plan.'

Both appeals were therefore dismissed.

Planning Reference: 3/20/1047/FUL

Appeal Reference: [APP/D1264/W/21/3266411](#)

Proposal: Construction of a sand school

Address: Horton Farm, Sandy Lane, Three Legged Cross BH21 6RH

Appeal: Allowed

The proposal was for a replacement sand school with associated car parking. It was refused by the Council due to the considerable increase in scale of the proposed sand school and car parking above the existing, and the resultant impact on the openness of the Green Belt and the likely requirement for supporting development which would be inappropriate in the Green Belt.

The Inspector considered that sand school would have no greater impact on openness and that "While the car parking area would be fairly large, there is no substantive evidence as to why it would harm openness".

The Inspector stated that there was no evidence to suggest that there would be a predictable requirement for supporting development and concluded that the proposal was not inappropriate development in the Green Belt.

An application for costs against the council was refused.

Planning Reference: 3/20/0553/HOU

Appeal Reference: [APP/D1265/D/20/3264368](#)

Proposal: Installation of six dormer windows and one gable window in existing roof

Address: The Oaks, Lane from the Oaks, Horton Hollow to Bethany Chalbury, Horton, BH21 7EP

Appeal Dismissed

The proposal was for the installation of six dormer windows and a side window in the existing roof at the dwelling. It was refused by the Council as when considered cumulatively with previous extensions the proposed dormers are disproportionate additions over and above the size of the original building and is therefore inappropriate development. The dormers increased the bulk which impacts upon openness.

The Inspector considered that although the site was well screened by mature trees and landscaping, and that there would be no increase in floorspace and the dormers are very modest when considered in isolation, the original building has been enlarged substantially since its construction. Accordingly, the proposal is considered as a disproportionate addition over and above the size of the original dwelling and contrary to Para 143 and 145c of the NPPF.

The Inspector concluded that the proposal would constitute inappropriate development in the Green Belt and would reduce openness to limited extent, but substantial weight is ascribed to the inappropriate nature of the development and to the harm which would be caused to openness. The appeal scheme therefore conflicts with national policy.