



Northern Area Planning Committee

Date: Tuesday, 4 June 2024
Time: 10.00 am
Venue: Stour Hall - The Exchange, Old Market Hill, Sturminster Newton, DT10 1FH

Members (Quorum: 6)

Richard Crabb (Chair), David Taylor (Vice-Chair), Barrie Cooper, Les Fry, Jack Jeanes, Sherry Jespersen, Carole Jones, Rory Major, Val Potheary, Belinda Ridout, James Vitali and Carl Woode

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

For more information about this agenda please contact Democratic Services Meeting Contact 01305 224709 - megan.r.rochester@dorsetcouncil.gov.uk

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

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Agenda

| Item | Pages |
|--|-------|
| 1. APOLOGIES | |
| To receive any apologies for absence. | |
| 2. DECLARATIONS OF INTEREST | |
| To disclose any pecuniary, other registerable or non-registerable interests as set out in the adopted Code of Conduct. In making their disclosure 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 - 12
- To confirm the minutes of the meeting held on Tuesday 9th April 2024.
4. **REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS**
- Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the Guide to Public Speaking at Planning Committee. [Guide to Public Speaking at Planning Committee](#)
- The deadline for notifying a request to speak is 8.30am Friday 31st May 2024.
5. **PLANNING APPLICATIONS**
- To consider the applications listed below for planning permission.
6. **P/FUL/2024/00846 - SHERBORNE HOUSE, NEWLAND SHERBORNE, DORSET, DT9 3JG** 13 - 28
- Site a metal storage container.
7. **P/RES/2022/07898 - WEST OF SHAFTESBURY ROAD (LAND ON HAM FARM), LAND SOUTH OF GILLINGHAM, SHAFTESBURY ROAD, GILLINGHAM** 29 - 62
- Erection of 280 dwellings and associated parking, landscaping and infrastructure (reserved matters application to determine appearance, landscaping, layout and scale) following grant of outline planning permission 2/2018/0036/OUT).
8. **P/FUL/2024/00958 - THE TREE HOUSE, DUCK LANE, STALBRIDGE, DT10 2LP** 63 - 74
- Change of use of part of garden to school land for education use, including installation of fencing to site boundary.
9. **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.
10. **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 3 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.

There are no exempt items scheduled for this meeting.

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NORTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 9 APRIL 2024

Present: Cllrs Jon Andrews, Tim Cook, Les Fry, Brian Heatley, Carole Jones, Stella Jones, and Val Potheary

Apologies: Cllrs Mary Penfold, Toni Coombs, Emma Parker, and David Taylor

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

Lara Atree (Senior Lawyer - Regulatory), Mike Garrity (Head of Planning), Joshua Kennedy (Democratic Services Officer), Robert Lennis (Lead Project Officer), Hannah Smith (Development Management Area Manager (North)), Megan Rochester (Democratic Services Officer) and Cass Worman (Planning Officer)

76. Declarations of Interest

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

77. Minutes

The minutes of the meeting held on Tuesday 5th March were confirmed and signed.

78. Registration for public speaking and statements

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.

79. Planning Applications

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

80. P/OUT/2020/00026 - Land At E 389445 N 108065, North and East of the Blandford Bypass, Blandford Forum, Dorset

Cllr Tim Cook had not taken part in the site visit; therefore, it was agreed that he would not take part in the debate and would leave the room.

Mike Garrity, Head of Planning, informed members that there had been some changes to legislation and legal advice had been sought. He informed members that they were to determine whether the previous decision to grant would have been different and that formally, planning permission had not been granted. The Head of Planning noted that the material changes had not changed the officer's recommendation, and this would be set out in further detail in the officer's presentation. In the interest of transparency, Mr Garrity made reference to an email which had been circulated prior to the meeting by the Local Ward member who had referred to the secretary of state, at this time, there had been no objections from Dorset Council and the committee were to continue determining the application, prior to the previous committee meeting which was held in October 2023 where members received a detailed presentation and debate.

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Photographs of the site location map, illustrative masterplans and constraints maps were shown. It was confirmed that the applicant had not submitted any additional or new information since the previous committee decision. Mr Lennis informed members that the section 106 agreement had been working positively and updated them of the National Planning Policy framework updates, including changes to section 3 of the NPPF which sought to support the beauty in placemaking, it was supported with a bespoke and detailed design code. Changes had also been made to the Housing Land Supply; it was previously 5 years, but current changes have now made it 4 years. The Housing Delivery test was now advised to be at 75% as opposed to 110%. These arrangements would apply for a two-year period from the publication date of the revised framework. Blandford Neighbourhood Plan was also updated and was made with a detailed design code. The Case Officer made note to section 15, outlining changes to footnote 62, impacts of agricultural land as well as providing detail to changes to Levelling UP and Regeneration Act. The proposed enhancement would further the purpose for which this national landscape was designated.

Members were reminded of the original officer presentation with a comparison of the updated conditions, providing context of the site. The Case Officer outlined the application, providing visual aids of parameter plans, illustrative designs of building scale. Details of tree protection plans, and open space strategies were highlighted. There were no objections received from highways officers and no changes were made to paragraph 60 of the NPPF. The officer's recommendation was to consider the recent changes to the National Planning Policy Framework and to legislation through the Levelling Up and Regeneration Act are such that they should not result in a change to the overall planning balance previously made on this application. Members recognised that the benefits of this scheme were 'many and weighty' and would 'boost the supply' of housing, outweighing the identified conflict with the development plan.

Public Participation

Mr Richard Burden was the first objector to address the committee. His representation stated that agricultural land would have been destroyed by streets

and housing. He noted that the NPPF gave great weight to the enhancement of protecting landscapes. He did not feel as though this application complied nor did it give protection. Mr Burden looked at the revised section and, in his opinion, had been understated. He referred to the site sloping fields which were clearly visible, disrupting views to and from the landscape. The objector did not see any benefits and highlighted the need to re-examine the NPPF. He hoped the committee would reconsider and refuse.

Mr Rupert Hardy spoke in objection. He highlighted the harm to the AONB and noted that the officer's report suggested that the land was not significant, however, in his opinion, the loss of the land would have had significant effects and caused harm. Mr Hardy's representation on behalf of the CPRE noted the importance of protecting Dorset countryside. He commented on planning targets and as they had been met, did not feel as though there was a need for further development. Mr Hardy asked the committee to either refuse or defer the proposal.

Mr Martin Richley, a Pimperne resident, spoke in objection to the proposal. He raised concerns regarding impacts on the AONB, Cranborne Chase National Landscape as well as potential harm to a range of animals, birds, and bats. He did not feel as though the proposal was situated in a sustainable location nor did it support an important gap between town and country. Mr Richley highlighted the existing farmland and its contribution to food security needs; he was disappointed that this would be destroyed by concrete and bricks. He asked the committee to reconsider and urged them to reject the development.

Mr Steve O'Connell spoke in objection to the proposal. He noted his previous experience with planning committees and understood the planning balance. However, like other objectors, did not feel as though there was an overriding need for open market housing and had concerns regarding school land. Mr O'Connell could not see any highways benefits as he felt as though it would increase traffic and was concerned of the impacts on the AONB. The public objector did not feel as though the neighbourhood plan had been considered and urged the committee to reconsider their decision.

Local MP, Simon Hoare addressed the committee, urging them to refuse the application. He noted that this was the first time since 2015 that he had made a representation at planning committee, therefore, hoped this represented his strong objection. Mr Hoare felt as though the proposal was contrary to planning policy and noted the impact on the AONB. Included in his representation were concerns regarding the housing land supply and felt that the argument presented had been misleading. He urged the committee to defer the proposal and seek expert legal advice or refuse completely.

Ms Carole Tompsett spoke in support on behalf of the Blandford neighbourhood plan group. She highlighted the needed infrastructure within the area and the suitability of the site location. Ms Tompsett's representation stressed the need for affordable housing and was pleased that the council had worked closely with

developers to create a high-quality development. She felt as though the proposal would have expanded the town and local villages, attracting investment opportunities. It was noted that the plans before members met and exceeded all stipulations. Ms Tompsett hoped the committee would support the officer's recommendation.

The agent made a representation in support of the proposal, noting that he had listened carefully to the previous committee meeting. Mr Hoskinson discussed the history of the site and how it had been shaped by both Blandford and Pimperne neighbourhood plans. He referred to the design and access statement and felt as though the proposal was an exceptional application. Mr Hoskinson assured members that careful consideration had been given to the site and the applicant had worked hard with officers. Only three policy changes had been made and he urged committee members to recognise the good design with the provision of public open space as well as educational benefits. Asked members to support as previously done. The agent hoped members would support and allow the opportunity to deliver a high-quality application.

The applicant spoke in support of the proposal and was pleased to address the committee. Mr Wyatt was proud of previous completed developments which had delivered high quality homes with good employment rates working with quality developers. The applicant discussed ongoing nutrient neutrality problems from within Dorset as well as highlighting the local need. He discussed the housing crisis, including the current number of households on waiting lists. Mr Wyatt felt as though the proposal was critical to the housing land supply and pledged to create affordable, well designed, quality homes in sustainable settings. He hoped the committee would support the officer's recommendation.

Cllr Peter Slocombe addressed the committee on behalf of Pimperne Parish Council. He was disappointed with some of the illustrative drawings shown in the officer's presentation as he did not feel as though it represented the parish boundary. Cllr Slocombe strongly objected to the addition of houses in Pimperne as they did not have a housing need in the area, as well as this he did not feel as though the proposal complied with the Pimperne Neighbourhood Plan but conflicted it. Pimperne Parish Council did not feel as though the benefits outweighed the harm and therefore, urged the committee to refuse.

Cllr Alan Cross spoke in support of the proposal and highlighted that the Town Council welcomed the changes and was strongly supported. He discussed the site location and felt that the proposal would have delivered high quality homes which were urgently required. Cllr Cross emphasised the provision for a new school and the future requirements of this. In addition to this, his representation also discussed retail and community facilities which would have benefited all residents. On behalf of Blandford Town Council, Cllr Cross urged the committee to accept the updated proposals.

The Local Ward member spoke in objection to the proposal and felt as though the committee had two decisions, strongly object or defer to allow for further consideration and improvements. Cllr Jespersen was concerned about the harm that would be done if granted and discussed the importance of complying with neighbourhood plans. The Local Ward member addressed the changes and felt that they were significant. Cllr Jespersen was aware of the history of the site, however, in the interest of fairness, believed that the committee should have either refused or deferred the proposal until the next committee meeting which was scheduled to take place in June 2024.

Members questions and comments

- Clarification between Housing Land Supply Test percentages.
- Concerns regarding the Levelling-up and Regeneration Act policy changes.
- Impacts on the AONB.
- Confirmation on what was considered as exceptional circumstances.
- Letton Park not situated within the AONB.
- Questions regarding the constraints of the area for development as well as points of clarification as to whether it was the only suitable site for school provision.
- Possibility of GP site and location.
- Affordable housing list requirement for social housing.
- Conflicting views from both Pimperne and Blandford Neighbourhood Plans. Members queried what weight could be given during the decision-making process.
- Cllr Pothecriy welcomed the reduction of the housing land supply and the titled balance. She strongly supported neighbourhood plans and found the plan before committee attractive. However, was unable to find exceptional circumstances. Therefore, she proposed to defer. There was no seconder, therefore, the motion fell.
- Well designed development and a clear local need.
- Members supported their previous decision and did not feel as though any of the changes impacted their decision.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **APPROVE** the officer's recommendation to **SUPPORT** as recommended, was proposed by Cllr Stella Jones, and seconded by Cllr Jon Andrews.

Decision: To SUPPORT the officer's recommendation to consider that the recent changes to the National Planning Policy Framework and to legislation through the Levelling Up and Regeneration Act are such that they should not result in a change to the overall planning balance previously made on this application. Members recognised that the benefits of this scheme were 'many and weighty'

and would 'boost the supply' of housing, outweighing the identified conflict with the development plan.

81. **P/FUL/2024/00163 - Land Adjacent Piddlehinton Enterprise Park Church Hill Piddlehinton**

The Case Officer provided members with the following updates:

- There was an error in the officer report at paragraph 9.0 page 108, Puddletown Parish Council was referred to, whereas it should have read Piddle Valley Parish Council.
- The Ward Member following issue of the agenda and officer report requested that details of the Management Plan which previously in 2014 formed part of a planning condition regarding ongoing management of the site & security arrangements was updated and made available. This had subsequently been carried out, and an updated April 2024 Management Plan was now available to view on the application online. Both the Ward Member and the Parish Council had clarified that they were happy with the details as set out in the updated 2024 Management Plan.
- Following the publication of the agenda, a further representation had been received from Brian Twigg, planning agent to the objector(s) to the scheme who was registered to speak on this item. This representation pointed out that the red line on the submitted plan did not include the roadway to the West of the site: The Applicant did not own the roadway but did have the right to use that roadway with or without vehicles at all times (as confirmed by the Title Deeds). The roadway was already in use for accessing the application site and had been for many years. In addition, the site was technically also accessible from the highway at the lower end of the site within the red line plan which had been submitted. The representation also raised further concerns with regards to serving Notices on relevant landowners. The Applicant had sent the required Notices to the owners of the relevant land and sufficient time was allowed for those owners to submit a further representation if they so wished. The Council had been provided with copies of the letters and Notices, which could be found on the Council's website, and were satisfied that the correct Notices had been served.

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Photographs of the site location were included, and the history of the site was explained to members. The Case Officer informed members that the location and impact on visual amenity was considered acceptable and a bespoke solution had been provided to protect Poole harbour catchment. There were no concerns regarding flooding, highways or impacts on neighbouring amenities. Therefore, the officer's recommendation was to grant approval subject to conditions set out in the officer's report.

Public Participation

Mr Twigg addressed the committee and explained his previous experience within planning. He had made previous objections to the proposal, questioning the need, sustainability of the location and the site access. Mr Twigg did not feel as though the proposal addressed national validation requirements and his representation also included his concerns regarding the implications on biodiversity and an increase in traffic movements. He hoped the committee would refuse the officer's recommendation.

Members questions and comments

- Clarification on site access and comments from Highways Officers.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **APPROVE** the officer's recommendation to **GRANT** planning permission as recommended, was proposed by Cllr Jon Andrews, and seconded by Cllr Valerie Pothecry.

Decision: To GRANT the officer's recommendation for APPROVAL subject to conditions set out in the officer's report.

82. **Urgent items**

There were no urgent items.

83. **Exempt Business**

There was no exempt business.

Decision List

Duration of meeting: 10.00 am - 12.33 pm

Chairman

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Agenda Item 6

| | | | |
|--------------------------------|---|---------------------------------|--|
| Application Number: | P/FUL/2024/00846 | | |
| Webpage: | https://planning.dorsetcouncil.gov.uk/ | | |
| Site address: | Sherborne House Newland Sherborne Dorset DT9 3JG | | |
| Proposal: | Site a metal storage container | | |
| Applicant name: | Sherborne House Trust 2018 | | |
| Case Officer: | Cass Worman | | |
| Ward Member(s): | Cllr Andrews | | |
| Publicity expiry date: | 30 March 2024 | Officer site visit date: | Conservation discussion re proposals 21 Nov 2023 |
| Decision due date: | 22 April 2024 | Ext(s) of time: | |
| No of Site Notices: | 1 | | |
| SN displayed reasoning: | Main site entrance clearly visible to all | | |

1.0 Service Manager for Development Management and Enforcement referral to Planning Committee in light of the committee referral requests made by Dorset Council members, and noting the objections raised by Historic England and the Town Council.

2.0 Summary of recommendation:

GRANT

3.0 Reason for the recommendation:

- Sufficient justification has been provided for the need for an area for storage tables, chairs, and other equipment.
 - Other outbuildings along the western wall already have a designated use for catering etc.
 - The location of the proposed container in the service yard area, to the east of the pavilion extension, is not overly visible from the listed building, the less-than-substantial harm arising from its siting near to the main house is outweighed by public benefits of the scheme (to support ongoing viability of Sherborne House by facilitating its multi-function use)

- 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 | Acceptable – The Sherborne has now opened as a public Arts venue, there is a justified need for storage of bulky equipment needed for this multi-purpose venue. |
| Scale, design, impact on character and heritage assets | Acceptable – the container would be sited alongside the eastern wall, within the service yard area set behind the main house, and across the yard from The Pavilion extension. There are no significant views from the main house to this area of the site, which is tucked away to the side and screened from views from the Conservation Area. |
| Impact on the living conditions of the occupants and neighbouring properties | Acceptable – the container would be sited alongside the existing boundary wall and would not protrude above to any significant degree so as to result in overshadowing or overbearing to occupants of neighbouring dwellings. |
| Impact on heritage assets | The less-than-substantial harm to the setting of the listed building is outweighed by the public benefits of the scheme. |
| Flood risk and drainage | Acceptable, the proposals can be accommodated into the existing surface water management arrangements |
| Economic, community & social benefits | <p>Benefits - The ability for the venue to store equipment required for multi-purpose events would ensure The Sherborne can fulfil its objectives as a public arts and events venue. The mixed use of arts centre, community hub, co-working space, shop, café & restaurant, & events space, brings a wide variety of benefits for the economy, inc. employment and associated income from tourists & visitors.</p> <p>The container would be decorated with a mural on its sides, to a design developed with local school children.</p> |
| Highway impacts, safety, access, and parking | Acceptable – no impact on access nor parking |
| Impact on trees | Acceptable – outside RPAs of retained trees, and no impact on approved landscaping scheme |
| Biodiversity | Acceptable – no impact on implementation of approved Biodiversity Plan |

5.0 Description of Site

Sherborne House has undergone an extensive renovation, this April the house re-opened as The Sherborne, whose aim is *to create a landmark arts and events venue in the heart of Dorset that inspires the community and beyond, and is accessible to all. The Sherborne will be a new and inspiring place where people gather, art lives, creativity and imagination thrives, life unfolds, and memories are made.*

The opening of Sherborne House has been the culmination of many years of collaboration and work to bring the house back into a viable, positive use after many decades of decline.

Significance of the heritage asset

Grade I listed Sherborne House is one of Sherborne's most notable historic buildings. The origin of the site is as a medieval borough created by Bishop Le Pour of Salisbury and the building incorporates fabric dating at least from the sixteenth century. However, the main architectural significance of Sherborne House derives from its early eighteenth construction phase. In the 1720s the principal three storey range was built by Sir Henry Seymour Portman as a dwelling of high status and architectural quality, intended to be one of the most impressive properties in the town. An inventory of 1726 describes a richly furnished and decorated interior, and elements of that still survive in the building. Most notable of those elements is the extremely well-preserved stairhall with its ornate staircase and the Classically painted walls and ceiling, which are attributed to the eminent court artist Sir James Thornhill.

Since its eighteenth-century heyday, Sherborne House had a somewhat chequered history, and for much of the twentieth century it was used as a girls school, being purchased by Dorset County Council in the 1930s. This institutional use was not entirely compatible with conservation of the house's fine interiors, although the stairhall survived remarkably unscathed during this period. Despite the inevitable proliferation of low-grade buildings occurring around it, Sherborne House retained its dignified Classical exterior and generous grounds.

Since Autumn 2018, the property has been owned by the Sherborne House Trust. The Sherborne House renovation has seen the site transformed into a landmark Arts Centre, providing space for arts administration, events, education and exhibitions.

6.0 Description of Development

The application is to site a metal container in the service yard on the east side of the building. The container is not to be fixed down in concrete but would be secure. Its purpose is to provide much needed storage for tables, chairs and other equipment, to facilitate the multi-purpose function Sherborne House.

The container would be decorated with a mural on its sides, to a design developed with local school children, and with the approval of the Conservation Officer.

7.0 Relevant Planning History

The planning history of the site is complex, being a school and then following the redevelopment of the site with housing to the north and associated attempts to redevelop & reuse the Main House. Below is a summary of the pertinent main applications, there being a number of associated conditions and variation applications associated with these permissions:

P/FUL/2022/04380 - Decision: GRANT - Decision Date: 12/09/2022
Erection of a store/outbuilding to the northwest of the site (to replace the outbuilding approved under WD/D/20/002080)

P/LBC/2022/04381 - Decision: GRANT - Decision Date: 12/09/2022
Erection of a store/outbuilding to the northwest of the site (to replace the outbuilding approved under WD/D/20/002081)

P/LBC/2023/01323 - Decision: GRANT - Decision Date: 22/05/2023
Carry out repairs to boundary walls

WD/D/20/002080 - Decision: GRANT - Decision Date: 28/05/2021
Re-use of Sherborne House as exhibition, events, function, restaurant and office space, with associated repair and extension

WD/D/20/002081 - Decision: GRANT - Decision Date: 28/05/2021
Re-use of Sherborne House into exhibition, events, function, restaurant and office space, with associated repair and extension

WD/D/15/000444 Change of use from school to offices and retail and to make internal and external alterations - Approved 22/05/2015

1/D/10/001037 Erect 44 residential dwellings together with associated works comprising demolition of part boundary walls & formation of car parking & access ways. Approved 28/09/2011

1/D/10/001035 Change of Use of 1st & 2nd floor to Use Class B1 (business use) & change of use of ground floor to D1/B1 use (non-residential institution/business use). Approved 28/09/2011

1/N/97/000291 Erect extension; enlarge vehicular access; form parking areas; create new pedestrian access; erect gates, railing and boundary wall and make change of use from school, youth club, 2 No. dwellings and 1No. flat to an Arts/Heritage Centre with studio workshop. Approved 02/03/1998

8.0 List of Constraints

Application building would be linked to: Garden walls to rear of Sherborne House listed building grade G2. HE Reference: 1304693

Application building within setting of listed structures in immediate vicinity:

Sherborne House listed building grade G1. HE Reference: 1110694

Within setting of other listed structures, including:

Front garden wall to Sherborne House listed building grade G2. HE Reference: 1324405; 31 Newland, and east range listed building grade G2. HE Reference: 1152586; 41, Newland listed building grade G2. HE Reference: 1110695; The Manor House List Entry: 1110696.0

Application is within Sherborne Conservation Area

Within Defined Development Boundary; Sherborne

Groundwater Source Protection Areas;

DESI - Nutrient Catchment Areas - Somerset Levels Hydrological Catchment (Phosphates) - Distance: 0

Risk of Surface Water Flooding Extent 1 in 1000 - Distance: 0

Areas Susceptible to Groundwater Flooding; Clearwater and Superficial Deposits Flooding; $\geq 50\%$ $<75\%$; $< 25\%$;

Wildlife Present: bat roosts : ST61/BR 0049 - Sherborne, Newland;

Site of Special Scientific Interest (SSSI) impact risk zone; - Distance: 0

Scheduled Monuments: Sherborne Abbey, remains of (List Entry: 1002383); - Distance: 341.32 & The Conduit Cross (List Entry: 1002673); - Distance: 364.35

9.0 Consultations

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

Consultees

Dorset Council - Conservation Officers

No objection – the siting is acceptable

Historic England

The proposal for a container finished with a mural is not suitably justified and does not support this as a permanent solution for storage requirements, the result which would be a large and incongruous addition of a discordant and industrial character. A temporary consent, with a more regressive finish (e.g. timber cladding) would be supported.

Sherborne Town Council

Sherborne Town Council supports Historical England's recommendations and therefore objects to the application

Sherborne East Ward

No comments received from the Ward Member

Representations received

None received

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

| Petitions Objecting | Petitions Supporting |
|---------------------|----------------------|
| 0 | 0 |
| 0 Signatures | 0 Signatures |

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 16 requires that in considering whether to grant planning permission, special regard is to be had 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 Relevant Policies

Adopted West Dorset and Weymouth & Portland Local Plan 2015-2031 (2015)

- INT 1. Presumption in favour of sustainable development
- ENV 2. Wildlife And Habitats
- ENV 4. Heritage Assets
- ENV 5. Flood Risk
- ENV 10. The Landscape And Townscape Setting
- ENV 11. The Pattern Of Streets And Spaces
- ENV 12. The Design And Positioning Of Buildings
- ENV 13. Achieving High Levels Of Environmental Performance
- ENV 15. Efficient And Appropriate Use Of Land
- ENV 16. Amenity

- ECON 1. Provision Of Employment
- ECON 5. Tourism Attractions And Facilities
- COM 2. New Or Improved Local Community Buildings And Structures
- COM 5. The Retention Of Open Space And Recreational Facilities
- COM 6. The Provision Of Education And Training Facilities
- COM 9. Parking Standards In New Development

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making. However, the production of the Draft Local Plan has significant implications for the assessment of housing land supply.

The emerging Local Plan has reached Regulation 18 of the (Town and Country Planning (Local Planning) (England) Regulations 2012 stage and includes a policies map and proposed allocations towards meeting housing need. Therefore, as detailed under Paragraph 226 of the NPPF (December 2023), for decision-making purposes only, the Council is only required to identify a minimum of 4 years' worth of deliverable housing sites.

National Planning Policy Framework December 2023

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

1. Introduction
2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
7. Ensuring the vitality of town centre
8. Promoting healthy and safe communities
9. Promoting Sustainable transport
12. Achieving well-designed & beautiful 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

Other

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

Planning (Listed Buildings and Conservation Areas) Act 1990

Design and sustainable development planning guidelines SPD

Sherborne Conservation Area Appraisal (2007)

Historic England's Good Practice Advice Note 2: Managing Significance in Decision Taking in the Historic Environment

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 Public Sector Equalities Duty.

Officers are unaware of any specific considerations under this Duty which would apply to the consideration of the provision of additional storage for the multi-purpose facility.

14.0 Financial benefits

The ability for the venue to store equipment required for multi-purpose events would ensure The Sherborne can fulfil its objectives as a public arts and events venue. The mixed use of arts centre, community hub, co-working space, shop, café & restaurant, & events space, brings a wide variety of benefits for the economy, inc. employment and associated income from tourists & visitors.

15.0 Environmental Implications

No additional impacts with regards to wider site and prior planning approvals. The unit would be self-contained with power & lighting internally. Landscaping in the service yard is already designed to be permeable, and surface water runoff from the unit could be incorporated into the existing surface water arrangements.

16.0 Planning Assessment

Principle

In Officer opinion, sufficient justification has been provided for the need for an area for storage tables, chairs and other equipment. Other new outbuildings created along the western wall in the rear garden as part of the redevelopment already have a designated use for catering and education spaces. The main Pavilion extension is open plan and there is no provision for storage here, nor is there any feasible rooms within the main house which could practicably be used for storage of this type of bulky equipment.

Heritage impacts

The main consideration for this application boils down to a difference of opinion between Conservation specialists as to the suitability of the solution proposed to facilitate additional storage at the site.

Historic England comments:

Whilst the proposed storage container will sit behind new brick walls, it is still likely to be visible on the approach to the house, particularly from the western entrance gates. Given the quality, coherence and materiality of the other buildings on this site, this will be a large and incongruous addition of a discordant and industrial character.

The application states that it is proposed to cover the container with a painted mural. We consider however, that this would serve to draw greater attention to its presence where it would be more appropriate for it to be as visually recessive as possible. Timber cladding could provide a suitable screening material, subject to detail.

However, the Council's Conservation Officer is of the opinion that the location of proposed unit is well chosen and would have very limited adverse impacts on the setting of the main listed house, listed walls, and would result in no harm to the character and appearance of the Conservation Area.

Discussion of impacts on heritage assets

The location of the proposed container in the service yard area, to the east side of the adjacent, adjacent to the side of the pavilion extension. The service yard is located behind a new brick wall which separates the front sculpture garden from this side service yard area. The main entrance into the site is via the western approach which sweeps visitors into the main entrance between the main house and Tudor & Digby Wings, or into the front entrance to the main house. The container would be set behind the new brick wall, to the side of the Pavillion extension. It is therefore Officer opinion that the container would not be overly visible from the main listed building, nor would it be visible from the western entrance, being set back behind the wall within the service yard to the side and rear of the main building.

The container would be decorated with a mural on its sides, to a design developed with local school children.

As the works proposed will have some impact on the setting of the Grade I listed building, one of the top 2.5% of all listed buildings, and therefore of exceptional interest, the proposal needs to be considered against the national legislation (Planning (Listed Buildings and Conservation Areas) Act 1990) and Chapter 16 of the National Planning Policy Framework.

The garden walls around Sherborne House are separately listed Grade II (List Entry Number: 1324405), and it is confirmed in this listing entry that Sherborne House, its walls and the properties surrounding form a group:

No 31 Newland and east range, Sherborne House, Front and rear garden walls of Sherborne House, No 41, The Manor House, 3 cottages next to The Manor House, 2 cottages adjoining, Nos 57 to 93 (odd) and north-east boundary wall to Newland Close form a group.

The NPPF advises in paragraphs 206-207 that any harm or loss to a designated asset should require a clear and convincing justification – unjustified harm is never acceptable, regardless of the public benefit it brings, if alternative and less harmful options exist.

Historic England are critical that the options/alternatives to the scheme are not fully presented in the application. However, Officers are satisfied that the renovation works as currently permitted does result in unforeseen constraints for storage of bulky and less frequently used equipment such as large numbers of chairs for large seated events etc. The Conservation Officer has discussed the proposed prior to the submission of the application where need for the additional storage was discussed, as were other options such as differing design approaches & layout/locations.

Other new outbuildings created in the rear garden along the western wall as part of the redevelopment already have a designated use for catering and education spaces. The main Pavilion extension is open plan and there is no provision for storage here, nor are there any feasible rooms within the main house which could practicably be used for storage of this type of equipment. Locating a storage unit in

the service yard has the benefit of being away from publicly accessible areas to the side and facilitating easy access from the storage unit into the side of the Pavillion extension, without having to move equipment either through the Main House, or through the gardens.

Having regard to this site visit & discussion of options, it is considered that the justification and the business case for the location of the solution proposed, a storage unit sited in the service yard to the east side of the Pavillions, is considered to be to be the best and most viable option, and therefore acceptable & justified as per the requirements of para 206-207 of the Framework.

The suitability of the form & design of the storage unit is a matter of opinion which differs between Conservation Specialists: A metal storage container, would as Historic England point out, be somewhat industrial, but it is Officer opinion that this would be in the spirit of the modern additions which have been sited to the rear of the main house. The container, decorated with a mural would be easily legible in terms of the new interventions, with the primacy of the listed house retained to the front of the site; the container would be sited to the side, adjacent to the new extension, behind a new wall separating the service yard from the front gardens, and away from the main listed house. Materials of timber cladding as suggested by Historic England is in the Council's opinion not a more desirable solution; timber cladding being suitable for rural manor houses, but for this setting within a town centre in an arts, events & cultural centre, does lend itself in your Officer's opinion to a more modern/industrial approach.

It is therefore considered that the harm has been reduced to such a degree, that it cannot be avoided or reduced through any further amendments to the scheme. Nor could it be offset by mitigation of the harm or enhancement of the asset. Officers consider that less than substantial harm would result in this instance, via the introduction of a storage container adjacent (but not connected to) the listed garden walls, and within the setting of the Grade 1 listed house. Although this harm would be less than substantial, it would nonetheless still be material:

Paragraph 205 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 harm would be derived from the proposed siting of a container within the setting of the Grade I Listed House, and the Grade II Listed Garden Walls. As discussed above, it is your Officer opinion that the form of a metal storage container would be in the spirit of the modern additions which have been sited to the rear: the container, decorated with a mural would be easily legible in terms of the new interventions, with the primacy of the listed building retained to the front of the site, the container would be sited to the side, adjacent to the new extension, behind a new wall separating the service yard from the front gardens, and away from the main listed house.

This harm would, in the words of the Framework, be less than substantial and to which considerable importance and great weight must be attributed. Consequently,

the development would conflict with Policy ENV.4 of the Local Plan and the aims in Paragraph 203 of the Framework, these require that proposals consider the desirability of sustaining and enhancing the significance of designated heritage assets. Paragraph 206 of the Framework specifies the need for clear and convincing justification for any development that would cause harm to the significance of a designated heritage asset, however slight the harm, and whether through direct physical impact or by change to its setting. Paragraph 207 requires that where less than substantial harm occurs, as in this case, it should be weighed against the public benefits of the proposal.

Great weight must therefore be attributed to safeguarding the setting of the high-status heritage asset of the Grade I listed House, and also to the Grade II garden walls.

Public benefits

The public benefits of this proposal include the continued support of The Sherborne in allowing it to function successfully as a multi-purpose community, arts & events space.

The extensive renovation works are complete and The Sherborne is open to the public, it is free to enter, and the renovation project as facilitated greater public access and enjoyment of the building and its grounds. The redevelopment of the site has resulted in the regeneration of a previously underused site and has secured a viable and ongoing use for a heritage asset at risk. The redevelopment is to create a community asset in the heart of Sherborne, where it would result in economic, environmental and social benefits for the town. It will have cultural benefit in terms of the use of the building for cultural events and exhibitions, and educational benefits via partnerships with local schools.

The proposal to site a container in the service yard for the storage of bulky equipment would ensure the on-going ability of The Sherborne to host large and high-quality public and private events, ensuring its commercial and financial viability into the future which is the main public benefit that weighs in favour of the scheme.

In addition, the scheme which would be decorated with a mural on its sides, to a design developed with local school children, would continue The Sherborne's community & educational engagement programme.

Therefore taking this into account, the public benefits of the proposal would, in the opinion of your Officers, be sufficient to outweigh the harm that would be caused to the setting of the listed house and listed walls; and as such the application meets the requirements of chapter 16 of the NPPF, in that the less than substantial harm which would result through the proposals, would be outweighed by the public benefits of the scheme. This conclusion has been reached having regards to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Impact on conservation area

It is important to consider the statutory duties in Section 66(1) and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require that special regard shall be had to the desirability of preserving heritage assets or their settings or any features of special architectural or historic interest which they possess. It is also a requirement through those provisions to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

The proposal would be largely screened from main views from the front of the site, the main entrance into the site being from the sweeping entrance from the western gate. Any glimpsed views from the eastern side entrance would be over the new brick wall or through the service doors which separates the service yard from the front sculpture garden, and a container here would be read in context with the modern additions to the rear, and from its location in context with the side service yard (location of car parking etc). It is Officer opinion that this type of structure might be expected in a service yard area of large public building, and therefore the proposals are considered preserve the character or appearance of the Conservation Area, and result in no harm to its significance. This conclusion has been reached having regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Amenity

The container would be sited alongside the existing boundary wall and would not protrude above to any significant degree so as to result in overshadowing or overbearing to occupants of neighbouring dwellings.

Flooding

The majority of the hard landscaping on-site is proposed to be permeable surfacing. A new surface water drainage system, with new gullies and slot drains, is required to contain any surface water runoff from within the site, on-site.

Highway impacts, safety, access and parking

No implications for access nor existing arrangements for vehicle or cycle parking

Trees

The container would be sited outside RPAs of retained trees, and no impact on approved landscaping scheme.

Biodiversity

The scheme has no impact on the implementation of approved Biodiversity Plan

Landscaping

The scheme has no impact on the implementation of approved landscaping & planting plan

17.0 Conclusion

There are no significant views from the main house to this area of the site, which is tucked away to the side and screened from views from the Conservation Area. The location of the proposed container in the service yard area, to the east of the pavilion extension, is not overly visible from the listed building.

The Council's Conservation Officer is of the opinion that the location of proposed unit is well chosen and would have very limited adverse impacts on the setting of the listed building, and would result in no harm to the character and appearance of the Conservation Area.

Any less-than-substantial harm to the setting of the listed building is outweighed by the public benefits of the scheme, to support ongoing viability of Sherborne House by facilitating its multi-function use and to continue community and educational engagement.

18.0 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:

WD-1282-990 C1 Location plan
WD-1282-991 C1 Existing site plan
WD-1282-992 C1 Proposed site plan
WD-1282-993 C2 Floor plan
WD-1282-994 C1 Elevations 1 & 2
WD-1282-995 C1 Elevations 3 & 4

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

Informative Notes:

1. Informative: 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 applicants/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.

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Agenda Item 7

| | | | |
|-------------------------------|---|---------------------------------|--------------------|
| Application Number: | P/RES/2022/07898 | | |
| Webpage: | https://planning.dorsetcouncil.gov.uk/ | | |
| Site address: | West Of Shaftesbury Road (Land on Ham Farm), Land South of Gillingham, Shaftesbury Road, Gillingham | | |
| Proposal: | Erection of 280 dwellings and associated parking, landscaping and infrastructure (reserved matters application to determine appearance, landscaping, layout and scale) following grant of outline planning permission 2/2018/0036/OUT). | | |
| Applicant name: | Places for People Development | | |
| Case Officer: | Kirsten Williams | | |
| Ward Member(s): | Cllr Val Pothecary, Cllr Belinda Ridout, Cllr Carl Woode | | |
| Publicity expiry date: | 10 February 2023 | Officer site visit date: | 31 March 2023 |
| Decision due date: | 05 April 2023 | Ext(s) of time: | For June Committee |

1.0 Referred to committee in view of the strategic nature of the site.

2.0 Summary of recommendation:

2.1 Approve, subject to conditions

3.0 Reason for the recommendation:

- The principle of residential development on this site has already been established.
- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The proposal is acceptable in its design, scale, layout and landscaping.
- There is not considered to be any significant harm to 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 principle of development was agreed through the grant of Outline planning permission (2/2018/0036/OUT) and a Local Plan allocation supported by the Gillingham Neighbourhood Plan. |
| Layout | The layout provides two distinct character areas. It also |

| | |
|---------------------------------------|---|
| | provides sufficient open space, natural surveillance and pedestrian/cycle linkages throughout. |
| Scale | The proposal is of acceptable scale, complying with the three-storey height limit of the Outline parameters. Some taller (2.5 – 3-storey) buildings are now provided along the secondary street rather than along the internal open space, to provide two distinct character areas. |
| Appearance | The materials palette provides variation between the central green space character and the surrounding higher density areas, with chimney features in key locations. Some dwellings along the spine road and at some road junctions have weatherboarded elevations, to add some further distinction to these key areas. |
| Landscaping | The case officer considers that the revised scheme now provides a sufficient amount of street trees and planting throughout the site, having regard to the site's context and constraints. |
| Affordable Housing | As required by the s106 agreement, 100 dwellings of the overall proposal is Affordable Housing - 50 of which are Affordable Rent, and the other 50 are Shared Ownership – all to be managed by a Registered Provider. |
| Highway safety and parking | Following the submission of amended layouts and speed reduction measures, the Highway Authority has raised no objections on highway safety, policy or capacity grounds, subject to compliance with the Outline conditions. |
| Residential amenity | It is not considered that the proposal would lead to adverse impact on the residential amenity of surrounding neighbours. A new planning condition can be imposed to confirm the final acoustic mitigation measures for the dwellings. |
| Flood risk and drainage | The proposed dwellings remain outside of the flood risk zones. The Outline Conditions 16 and 17 governing Ordinary Watercourse crossings, High-Level Drainage Strategy & Flood Risk Assessment have now been discharged under separate application. |
| Biodiversity | The proposal demonstrates that a measurable biodiversity gain is achieved. The biodiversity mitigation, compensation and enhancement/net gain strategy, set out within the Biodiversity Mitigation and Enhancement Plan, can be secured by means of planning condition. |
| Environmental Impact Assessment (EIA) | The outline planning application included an Environmental Statement (ES). It is considered that there would be no material change to the findings of the ES. |
| Other matters | Other key planning issues are controlled by the conditional and s106 legal requirements of the Outline permission. |

5.0 Description of Site

- 5.1 The application site comprises an area of approximately 9.54 hectares, which is wholly within the Gillingham Southern Extension Strategic Site Allocation as set out in the North Dorset Local Plan (Policy 21). Gillingham is located to the north of the North Dorset District Boundary. It is recognised as one of the main towns in North Dorset and serves a wide catchment of surrounding villages and settlements.
- 5.2 The application site is specifically identified as part of 'Land to the South of Ham' under Policy 21 and is located to the southeast of Gillingham town, to the immediate south of Ham and the St Mary the Virgin Primary School. It comprises an area of open fields, divided by a series of mature trees and hedgerows. There are no existing buildings within the site.
- 5.3 The application site slopes down gradually from the northwest of the site in all directions to the site boundaries. In the southern parcels of the site, below the spine road, the site also slopes down from the eastern boundary to the west, with the spine road drainage basin having already been constructed at the low (western) point of the site.
- 5.4 The proposal is submitted as the first phase of the Ham Farm development, which benefits from Outline planning permission (2/2018/0036/OUT) for up to 961 dwellings and a new local centre (please see Section 7 planning history below).
- 5.5 The site will have access from both New Road (B3092) to the west and Shaftesbury Road (B3081) to the east, via the Principal Street which has been granted separate planning permission (2/2020/0379/FUL) and is at the final stages of full completion.
- 5.6 To the south of the site is Cole Street Lane, with open fields beyond. The River Lodden runs along the north-western boundary of the wider Ham Farm site. The land on the other side of this river also forms part of the Gillingham Southern Extension Strategic Site Allocation (SSA), part of which is currently being developed (Lodden Lakes Phase 1 – 90 dwellings). Further permission has been granted (Phase 2 – 115 dwellings) further south nearer to the Ham Farm site.
- 5.7 The other part of the SSA lies to the northeast of the current proposal site, at the other side of Shaftesbury Road (Land at Park Farm/ Kingsmead Business Park). This site benefits from Outline planning permission for 634 dwellings, a primary school and sports pitches.

6.0 Description of Development

- 6.1 This application seeks approval of reserved matters for appearance, landscaping, layout and scale in relation to outline approval 2/2018/0036/OUT.
- 6.2 This application proposes 280 dwellings within a northern section of the Outline approved residential area, comprising:

Market Housing (64%)

6 x 1-bed apartments

15 x 2-bed units (12 apartments and three flat-over-garage dwellings)

90 x 3-bed houses (6 detached, 59 semi-detached and 25 terraced)

47 x 4-bed houses (31 detached and 16 semi-detached)

24 x 5-bed houses (detached)

Affordable Housing (36%)

- Affordable Rent (50 units)

21 x 1-bed units (9 apartments and 12 maisonettes)

19 x 2-bed units (apartments)

10 x 3-bed dwellings (four semi-detached and six terraced)

- Shared Ownership (50 units)

3 x 1-bed apartments

17 x 2-bed units (7 apartments and ten dwellings)

30 x 3-bed dwellings (18 semi-detached and 12 terraced)

- 6.3 The proposed dwellings would be mainly two storey in form, with some of the terraced and semi-detached units containing second floor front dormers in the roof space. The proposed apartments would comprise six 3-storey buildings dispersed across the site, mainly adjacent to the spine road. The proposed maisonettes would be within three two-storey flat-over-garage buildings. Parking spaces are either located on-plot in front or to the side of the dwellings (many of which also feature garages), or within parking courts mainly located by the apartment buildings.
- 6.4 There will be eight vehicular access points off the secondary spine road crossing through this phase. This spine road would lead southwards through Phase 1 to the Principal Street, which has been approved under 2/2020/0379/OUT and built out. Both junction locations of this spine road with the Principal Street have also been laid out as approved under 2/2020/0379/FUL.
- 6.5 A combined pedestrian and cycle route would run through the proposed central area of public open space, linking into the existing Public Rights of Way network and to the approved Phase 1 kickabout area and LEAP facility to the south of the site. These areas of public open space to be delivered under Phase 1 of the development partially bi-sect the current proposed phase, and would include an informal kickabout open space area of approx. 0.2ha bordering the current application site. Immediately south of this, the LEAP would be approx. 0.12ha and would include impact absorbing surface beneath and around playing equipment, seating and litter bin surrounded by fencing with pedestrian gates and a buffer zone (including planting).
- 6.6 This Reserved Matters application is supported by the following technical documents:
- Planning Statement (including Affordable Housing Statement)
 - Design and Access Statement
 - Arboricultural Impact Assessment, Method Statement and Tree Protection Plan
 - Strategic Landscape Masterplan (and more detailed landscaping plans)
 - Landscape Ecological Management Plan (LEMP)
 - Biodiversity Survey and Report
 - Biodiversity Construction Environment Management Plan (CEMP)
 - Biodiversity Mitigation and Enhancement Strategy (BMES)
 - Site Wide Ecological Mitigation Strategy
 - Energy Statement / Sustainability Appraisal

– Environmental Noise Assessment

Submission of condition details

6.7 The Reserved Matters application includes details submitted to seek discharge of the following conditions that are relevant to this phase of development:

– Condition 7 – Palette of materials;

The submission of reserved matters for appearance for each development phase (or a parcel or parcels therein) shall reflect a palette of materials referenced in the Design & Access Statement, Design Coding Section 8.16 (Material Palettes).

Reason: To ensure provision of a high quality development across the site in the interests of good design and to reflect the local distinctiveness of this rural settlement.

– Condition 8 – Updated Arboricultural Impact Assessment;

The reserved matters for each phase (or a parcel or parcels therein) of the development shall include an updated Arboricultural Impact Assessment for that area. This document shall include details of how the existing trees are to be protected and managed before, during and after development. The development shall thereafter be carried out in accordance with the approved assessment.

– Condition 10 – Landscape Management Plan

The reserved matters for each phase of the development (or a parcel or parcels therein) 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.

- Condition 23 - Landscape and Ecological Management Plan

Prior to the commencement of any development comprised in a phase (or a parcel or parcels therein) a landscape and ecological management plan (LEMP) relating to the relevant phase shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following;

a) Strategic landscaping proposals to deliver the mitigation identified in Chapter 6 (Landscape and Visual) of the WYG Environmental Statement submitted in support of this application, and specifically;

· Clarifying the length and quality of hedgerow to be removed and the amount and location of onsite replanting to be undertaken.

b) Proposals to deliver the biodiversity mitigation identified in Chapter 7 (Ecology) of the WYG Environmental Statement submitted in support of this application, and specifically;

· A method statement for the maintenance and enhancement of the Great Crested Newt population.

· Details of otter holts to be provided along the river Lodden corridor

Unless approved otherwise in writing by the local planning authority, development of the site shall proceed in accordance with the approved LEMP.

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

6.8 The above condition details are considered at Appendix 1 at the end of this report.

Section 106 requirements

6.9 The Outline planning permission is also subject to a completed S.106 Agreement (dated 3rd September 2021) which contains the following planning obligations that must be delivered:

– A 25% provision of affordable homes across the whole development: tenure split - Affordable Rent to Intermediate Units – 50:50

– Public Open Space: Allotments; 2 x Local Areas of Play (LAP); 2 x Local Equipped Areas of Play (LEAP); Incidental Public Open Space; Informal Open Space; 1 x Neighbourhood Area of Play (NEAP); Pavilion no less than 133m² GEA or pavilion financial contribution triggered at 70% occupation of a Phase or Part of a Phase

– Financial contributions towards infrastructure:

- Gillingham Library
- Riversmeet Leisure Centre Community Hall
- Primary and secondary education
- New clinical rooms at Gillingham Medical Centre
- Household Recycling Facilities

- Transport infrastructure:

- improvements to the B3081 Shaftesbury Road / B3092 New Road junction including Old Manse
- improvements to the mini roundabout at the B3081 Le Neubourg Way / Newbury (High Street) junction
- Off-site pedestrian/cycle link improvements (Newbury - High Street - Hardings Lane - Gillingham School)

- Principal Street and Principal Street Footway contributions

- Bus Service and Bus Stop Community Transport contributions

- Gillingham Rail Station improvements, including cycle parking

- Enmore Green link road contribution

- Residential Travel Plan including travel voucher

- SCOOT installation (Split Cycle Offset Optimisation Technique) at the following junctions:

- B3081 Le Neubourg Way / Station Road
- B3081 Le Neubourg Way / Newbury (High Street)
- B3081 Shaftesbury Road / B3092 New Road
- B3081 Shaftesbury Road / King John Road
- B3081 Le Neubourg Way / B3081 Wyke Road

Deed of Variation

6.10 An amendment to the S.106 Agreement has been agreed to simplify the affordable housing requirements to ensure the delivery of a policy compliant 25% quantum across the site as whole, and to amend the approved Phasing Plan. This removes the requirement for a viability assessment for each phase of development, to be replaced with a requirement for a site wide policy compliant 25% affordable housing provision. This will provide far greater certainty to the Council that affordable housing will be delivered across the site, and without the need for viability appraisals. The case officer considers that this proposed amended 106 would not lead to a reduction in community benefits and in all other respects, is considered acceptable.

Amended plans

6.11 Amended plans to the overall layout were received following issues raised by the Council's Landscape, Urban Design, Highway and Tree Officers. These amendments are referred to in the planning assessment below.

7.0 Relevant Planning History

Ham Farm site

7.1 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")

Response Date: 12 December 2014

7.2 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).

Decision: Granted Decision Date: 09/09/2021

7.3 2/2020/0077/SCREIA - Request for EIA Screening Opinion under Section 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 to construct 1.3km long link road between the B3092 New Road, and the B3081 Shaftesbury Road, Gillingham.

Decision: Not EIA Development Decision Date: 05/02/2020

7.4 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.

Decision: Granted Decision Date: 18/11/2020

- 7.5 P/FUL/2020/00282 - Form a temporary access for the construction of the Gillingham Principal Street.
Decision: Granted Decision Date: 13/04/2021
- 7.6 P/FUL/2021/00063 - Form a floodplain compensation area as part of land adjacent to Gillingham Principal Street.
Decision: Granted Decision Date: 09/09/2021
- 7.7 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).
Decision: Granted Decision Date: 29/06/2021
- 7.8 P/NMA/2022/04874 - Non-material amendment to Outline Planning Permission No. 2/2018/0036/OUT to vary Condition No. 4 by substituting the approved plans with amended plans to allow the alignment with the Principal Street (approved under Planning Permission No. 2/2020/0379/FUL) and the approved SuDS infrastructure, and to amend the parameters to be in line with the Reserved Matters submissions.
Decision: Granted Decision Date: 02/11/2023
- 7.9 P/RES/2022/04960 - Erection of 108 dwellings and associated infrastructure including informal and formal public open space pursuant, (reserved matters application to determine access, appearance, landscaping, layout and scale) following the grant of outline planning permission 2/2018/0036/OUT.
Decision: Members resolved to grant permission at 05th March Planning Committee, subject to completion of a Unilateral Undertaking
- 7.10 P/MPO/2022/05586 - Modification of S106 Agreement dated 3 September 2021, on Planning Permission 2/2018/0036/OUT - up to 961 dwellings, to remove the requirement for a viability assessment for each phase of development and instead commit to a site wide policy-compliant 25% affordable housing provision, in accordance with a site wide plan and amendment to approved Phasing Plan.
Decision: Granted Decision Date: 10/04/2024
- 7.11 P/ADV/2022/05420 - Display 2no. non-illuminated totem signs
Decision: Granted Decision Date: 08/12/2022
- 7.12 P/ADV/2022/07358 – Erect 2 No. totem signs.
Decision: Granted Decision Date: 12/01/2023

7.13 P/FUL/2022/07873 - Installation of a Sewage Pumping Station (SPS) [East of Junction between B3092 and Cole Street Lane]

Decision: Granted Decision Date: 20/04/2023

7.14 P/NMA/2023/0156 - Non material amendment - To amend the approved access plan to include a 3m cycleway replacing a 2m footway and the addition of a maintenance bay to outline consent 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 of 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.)

Decision: Granted Decision Date: 18/05/2023

7.15 P/RES/2023/00628 - Construct loop road and associated drainage to facilitate future reserved matters applications in line with grant of Outline Planning Permission No. 2/2018/0036/OUT.

Decision: Granted Decision Date: 08/03/2024

7.16 P/RES/2023/02376 - Erect 34 No. dwellings (including show homes / sales area) and associated infrastructure including formal and informal public open space, following the grant of Outline Planning Permission No. 2/2018/0036/OUT. (Reserved Matters application to determine access, appearance, landscaping, layout and scale).

Decision: Granted Decision Date: 23/11/2023

7.17 P/RES/2023/05868 – Erection of 151 dwellings and associated infrastructure - including informal and formal public open space. (Reserved matters application to determine access, appearance, landscaping, layout and scale following the grant of Outline planning permission 2/2018/0036/OUT)

Decision: Pending

7.18 P/FUL/2024/01702 – Construction of permanent access road serving new sewage pumping station constructed under P/FUL/2022/07873 and P/FUL/2023/03597

Decision: Pending

Other parts of the Gillingham Strategic Site Allocation

Land at Park Farm/Kingsmead Business Park

7.19 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).

Decision: Granted Decision Date: 22/11/2021

- 7.20 P/RES/2023/06629 - Erect 316 No. dwellings with associated open space, access, sustainable urban drainage, and infrastructure. (Phase 1 Reserved Matters application to determine appearance, landscaping, layout and scale; following the grant of Outline Planning Permission No. 2/2018/0077/OUT).

Decision: Pending

Lodden Lakes Phase 1

- 7.21 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

- 7.22 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

Lodden Lakes Phase 2

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

Decision: Granted Decision Date: 06/01/2022

- 7.24 P/RES/2022/00263 - 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) (reserved matters application to determine appearance, landscaping, layout & scale following the grant of outline planning permission P/OUT/2020/00495)

Decision: Granted Decision Date: 14/07/2022

- 7.25 P/VOC/2022/06094 - 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). (With variation of Condition Nos. 4 & 17 of Planning Permission No. P/OUT/2020/00495 to amend the access junction and visibility splays).

Decision: Granted Decision Date: 06/02/2023

7.26 P/VOC/2023/01213 - 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 (variation of condition 2 of planning permission P/RES/2022/00263 to amend layout plans with revised access arrangements, house type elevations & apartment building).

Decision: Granted Decision Date: 11/05/2023

7.27 A Screening Opinion request (P/ESC/2022/06824) was submitted by Wessex Water for upgrade works across all parts of the Gillingham Strategic Site Allocation. The works comprise the proposed installation of 2 No. lengths of water main, 2 No. lengths of sewage rising main, and a Sewage Pumping Station that is subject of application P/FUL/2022/0798 (see 7.12 above). The Local Planning Authority hereby issued a screening opinion on 18th November 2022 that an Environmental Impact Assessment was not required.

7.28 P/MPO/2024/01741 - Modification of planning obligation agreed under S106 of Town & Country Planning Act 1990 dated 22nd May 2015 in relation to planning permissions 2/2014/0968/OUT & 2/2018/0483/REM for plots (numbered 10 to 18 (inclusive), 34 – 37 (inclusive), 39 to 42 (inclusive) & 54 (deleting paragraph 9 and inserting the most recent Property Finance Working Group's standard wording as set out in Enclosure 4 by way of a Deed of Variation).

Decision: Pending

7.29 P/MPO/2024/01512 - Modification of a planning obligation dated 22 May 2015 relating to planning permission 2/2014/0968/OUT to 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) - to modify Paragraph 9 of Schedule 1 of the mortgagee exclusion clause (MEC) ,to bring in line with current funding and lending rates.

Decision: Pending

7.30 P/MPO/2024/01512 - Modification of a planning obligation dated 22 May 2015 relating to planning permission 2/2014/0968/OUT to 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) - to modify Paragraph 9 of Schedule 1 of the mortgagee exclusion clause (MEC) ,to bring in line with current funding and lending rates. Decision: Pending

8.0 List of Constraints

Within Settlement Boundary

Gillingham Strategic Site Allocation

Agricultural Land Grade: 3/4 and Low likelihood of Best and Most Versatile (BMV) agricultural land

Public Rights of Way - Route Code: N64/35 (Footpath)

Public Rights of Way - Route Code: N64/78 (Footpath)

Public Rights of Way - Route Code: N62/1 (Footpath)
Public Rights of Way - Route Code: N64/33 (Footpath)
Public Rights of Way - Route Code: N64/34 (Footpath)
Tree Preservation Order: TPO/2023/0008
EA - Risk of Surface Water Flooding

9.0 Consultations

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

Consultees

9.1 **Historic England:** No comments to make.

9.2 **Natural England:** No comments to make.

9.3 **Wessex Water:** Comments:

- Applicant will need to make temporary arrangements for provision of wastewater and potable water services for any required connections prior to April 2024.

- Unclear where the exact points of connection are for the foul water sewers and how the strategy fits with the wider site. Will require this confirmation to ensure the overall site wide strategy can be realised.

- The surface water scheme shows a piped scheme attenuated by below ground tanks and ponds, discharging to land drainage. Recommend property water butts to accommodate initial rainfall and encourage the use of rainwater for garden watering rather than potable supply. The applicant has indicated that Wessex Water will adopt elements of the surface water network. It must be noted that we are unable to adopt any surface water components without also adopting the foul water network. Confirmation of whether networks are to be adopted by Wessex Water or another Sewerage Undertaker must be confirmed.

[Officer comment: Foul water details have since been submitted to seek discharge of Outline condition 12. The strategy submitted at Outline stage did not include use of water butts and neither was this secured by planning condition.]

9.4 **Dorset Council – Conservation Officer:** No objection.

9.5 **DC - Environmental Protection:** Comments, with conditions recommended *[See Section 16 below – Residential amenity]*

9.6 **DC – Flood Risk Management Team:** No objection

9.7 **DC – Highway Authority:** No objection, subject to the same conditions previously imposed upon the Outline approval.

9.8 **DC - Housing Enabling Team:** Comments *[See Section 16 below – Affordable Housing]*

9.9 **DC – Landscape:** Comments [*See Section 16 below – Landscaping*]

9.10 **DC – Natural Environment Team:** Comments [*See Section 16 planning assessment below*]

9.11 **DC - Senior Ranger:** No objection

9.12 **DC – Street Lighting Team:** Comments:

- Any of the new estate being proposed for adoption as public highway must be lit, for areas where most roads are already lit.

- Roads and footpaths, adoptable as public highway and hence requiring street lighting, on the periphery or outside of the estate should be avoided or minimised where possible. Instead, adoptable roads and footpaths should be kept to within the built area, using the blocking effect of the houses to reduce outward light pollution, the overall visibility of the estate from a distance at night and also its impact upon bats and other species.

- Some areas of the estate have arrangements for off street parking and/or tree planting that will not allow any locations for a system of street lighting to be achieved, which will conflict with the adoption of its roads as public highway.

- The use/absence of generic tree symbols on the highway layout drawings makes the evaluation of their impact on highway lighting difficult. Instead the as planted & mature tree canopy size should both be shown for each tree location and to the same drawing scale.

- The shared surface areas (roads without any pavements) provide no safe locations for street lighting to be installed. Safety legislation requires a minimum separation of vehicles from highway electrical apparatus which, for lighting columns, is taken as 800mm from a full height kerb. These necessary kerbed and raised islands around each light will reduce the useable width of the highway significantly and conflict with pedestrians and vehicle movements.

- The use of a vertical traffic calming features will require permanent all-night street lighting, to comply with the Road Hump Regulations, rather than part night street lighting which would otherwise apply to the estate if horizontal or other measures were employed.

[Case Officer Comment: Amendments have since been made and the Highway Authority has now raised no objection, commenting that the geometry of the layout complies with the guidance provided by Manual for Streets and is considered suitable for public adoption. More detailed landscape plans have also been provided and it appears that no conflicts between the proposed landscaping and street lighting would arise.]

9.13 **DC – Tree Officer:** Comments [*See Section 16 planning assessment below*]

9.14 **DC - Section 106 Lead Project Officer:** Comments:

The outline consent P/OUT/2020/00495 is accompanied by a comprehensive s106 agreement. On the understanding that this application will be determined in accordance with this s106, no further comments.

9.15 DC - Urban Design Officer: Latest comments:

- Satisfied that the applicant has amended parts of the scheme to address my previous concerns.
- Although some of the Gross Internal Areas fall more than 5m² below the national space standards - most notably the 2-bed Affordable units, there is no local policy requirement to meet this standard and it is a small proportion of the overall number of units being provided.
- Other comments I had regarding blank elevations have been addressed so this objection can now be removed.

[See Section 16 planning assessment below]

9.16 Dorset Waste Partnership: Please see our Guidance for Developments.

- Section 5.1 Householders must not carry waste more than 30m and Crews must not move containers more than 10m.
- Section 6.2, The road networks must be designed to create a well-connected flow across and between areas and to future development phases rather than creating multiple cul-de-sac developments. Such a design allows bins to be emptied on one single pass. This is more efficient, saving fuel, time and better for the environment. The layout of streets and houses should generally avoid the need for communal bin collection points. Roads should have a minimum width of 5 metres and allow waste vehicles to continue in a forward direction. Waste vehicles reversing can cause a significant hazard and the maximum reversing distance should be 12 metres in a straight line free from obstacles and visual obstructions and then only in exceptional circumstances. This development does not comply with this section either.

[Case Officer Comment: Amendments have since been made and the Highway Authority has now raised no objection, commenting that refuse collection has been considered.]

9.17 Dorset Ramblers: No objection.

9.18 Gillingham Town Council:

Initial comments 15th February 2023

Recommend refusal:

- Proposed layout of high density housing provides inadequate green areas between dwellings. Does not respect the character and distinctiveness of the locality, nor does it provide a sensitive transition between the urban and rural environment and will have a detrimental effect on the character of surrounding rural areas.
- Proposed landscaping is minimal and will result in a development which will be overbearing. Para. 5.50 of the Masterplan Framework (MPF) refers to green edges and

states that low to medium density housing, generously spaced in an informal loose perimeter block form offering expansive views out of the urban area, connected by a number of green spaces will characterise these areas. Low order intimate streets, resembling country lanes, with landscaping and soft boundary treatments will further emphasise the low key nature of this character area. The MPF also states that lower densities will occupy the outer edges of the development.

- Does not provide any biodiversity net gain and the proposed green infrastructure does not deliver any environmental benefits.
- Does not include any energy efficiency or renewable energy measures, for example the incorporation of solar panels on roofs, nor does it include any measures to mitigate climate change.
- Although every property with an off-street parking space will be provided with electric vehicle charging points, the affordable housing units will not have any off-street parking. Therefore 25% of the proposed properties will not have any off-street parking or electric vehicle charging point.
- Members support the comments of the Tree Officer and agree that a detailed Arboricultural Method statement (AMS) should be submitted.
- Rights of way N64/33 and N64/78 will be directly impacted by the proposed development, and it is proposed that these routes will be re-routed through the public open space surrounding the development. Members supported this proposal.
- Members welcome the 25% affordable housing provision.
- Members are concerned that there are insufficient off-street parking spaces which will lead to residents and visitors having to park on the streets. The proposed width of the streets does not allow for on-street parking and this will result in an increased danger to highway users which may result in emergency vehicles and refuse collection vehicles being unable to access properties.

Members agree that further consultation is required with the town council regarding the proposed public open spaces and play areas. Concerns were raised over some of the proposed enclosed play equipment which could result in plays area which will attract anti-social behaviour. The design of dog waste bins was not supported.

11th July 2023 re-consultation comments:

- Recommend approval of Planning Application P/RES/2022/07898 as the adjustment to the pepper potting of affordable homes throughout the site has been improved.

16th February 2024 re-consultation comments:

- Recommend approval of Planning Application P/RES/2022/07898 subject to approval by the Highways Authority.

10.0 Representations received

- 10.1 At time of preparation of this report, one neighbouring representation has been received, providing the following comments:

- Working yard next to proposed development [to the east] is an established use and designated as employment land in the Local Plan.
- Highly likely that there will be issues relating to noise, light and visual impact.
- For the benefit of residents there should be provisions for an earth bund and/or acoustic fencing provided within proposed landscaping.
- Construction methods should allow for additional sound proofing and acoustic properties.

| Total - Objections | Total - No Objections | Total - Comments |
|---------------------|-----------------------|----------------------|
| 0 | 0 | 1 |
| Petitions Objecting | | Petitions Supporting |
| 0 | | 0 |

11.0 Relevant Policies

Development Plan

11.1 The North Dorset Local Plan Part 1 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.

11.2 Relevant applicable policies in the LPP1 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

Neighbourhood Plan

- 11.3 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 Reserved Matters application 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):

- 11.4 The NPPF has been updated with a revised version published in September 2023. 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

- 11.5 The revised NPPF 2023, introduced a reduced housing land supply requirement for local planning authorities that have met certain criteria as set out in paragraph 266 of the NPPF. This reduced the requirement to demonstrate 5 years' worth of deliverable housing sites to a requirement to demonstrate a 4-year supply. The Council's position has been challenged at a number of recent appeals and we are waiting for decisions on those appeals. In the

North Dorset area, the published supply position of 5.02 years means the tilted balance in paragraph 11 of the NPPF is not engaged in any event. However, in a recent appeal in Marnhull, the inspector found that the supply was below 5 years at 4.83 of supply. The delivery of additional housing against the housing requirement should be given weight in planning decisions, especially in view of the most recent appeal identifying a below 5 years supply.

- 11.6 It is important to note that there is a requirement to meet the Council's ongoing housing need. This must be met through development such as this that benefits from Outline approval and accords with the Council's spatial strategy.

Dorset Council Local Plan (Consultation version January 2021)

- 11.7 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

ENVV4: Landscape

ENV8: The landscape and townscape context

ENV11: Amenity

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

- 11.8 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.

- 11.9 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)

11.10 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)

11.11 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

12.1 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

13.1 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.

13.2 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.

13.3 The application site is located in line with the spatial strategy of the local plan, which seeks to locate development close to services. Occupiers of the dwellings would have access to open space and to health and other facilities that are contained within the town.

- 13.4 The proposed change in land use will not result in any disadvantage to people due to their protected characteristics. While there is no specific provision for lifetime homes or accommodation specifically for those with protected characteristics, the form of development proposed will provide housing, additional open space and connections to the local rights of way network, to ensure the needs of people with disabilities or mobility impairments or pushing buggies are met. This will be through accommodation of appropriate off road footpath links, shared surfaces and by ensuring that the access arrangements to the new housing and open space are subject to the requisite standards applied by the Building Regulations and the County Highway Authority.
- 13.5 Officers have considered the requirement of the duty, and it is not considered that the proposal would give rise to specific impacts on persons with protected characteristics.

14.0 Financial benefits

| What | Amount / value |
|--|---|
| Material Considerations | |
| Affordable housing | 140 units - 50% of the number of dwellings within this phase. |
| Quantum of greenspace | This proposed phase includes a central element of public open space with an area of approx. 0.57ha, and is near to the LEAP and informal kickabout area proposed under Phase 1. |
| Employment created during construction phase | The proposal will support local jobs in the construction sector and will bring about 'added value' in the local area through associated spending and economic activity. |
| Spending in local economy by residents of proposed dwellings | The proposal will support the local economy, providing housing required to support the long-term economic growth in the area with new residents spending on goods and services as they move in. |
| Non Material Considerations | |
| Contributions to Council Tax Revenue | According to the appropriate charging bands. |

15.0 Climate Implications

- 15.1 In May 2019, Dorset Council declared a Climate Emergency and there is a heightened expectation that the planning department will secure reductions in the carbon footprint of developments. The submitted Energy Statement / Sustainability Appraisal outlines a "fabric first" approach to address heat loss and ensure low energy use. Air source heat pumps are also recommended and in terms of water consumption, it is advised that the standard of 110 litres of water per person per day can be met.
- 15.2 The Appraisal also advises that although Photovoltaic panels have been noted as a feasible option, the applicant has opted to install air source heat pumps (ASHP) within the

development proposal as the most viable option, reducing site carbon emissions by 57.8% over the 2021 Building Regulations baseline.

15.3 The proposed development would result in change to the nature of the site with increased vehicular movement, domestic noise, and general activity. Matters relating to air quality were assessed at Outline stage and found to be acceptable.

15.4 Outline Condition 31 requires details of a scheme to install infrastructure to facilitate charging for plug-in and other ultra-low emission vehicles to be submitted to and agreed in writing by the Council prior to the commencement of development.

16.0 Planning Assessment

16.1 The principle of development was agreed through the grant of Outline planning permission (2/2018/0036/OUT) and a Local Plan allocation (Policy 21) supported by the Gillingham Neighbourhood Plan. This permission also approved the means of access to the site.

16.2 The main issues of this reserved matters application are considered to relate to:

- Affordable Housing
- Layout
- Scale
- Appearance
- Landscaping
- Highway safety and parking
- Residential amenity
- Flood risk and drainage
- Biodiversity
- Other matters

Affordable Housing

16.3 A total of 100 Affordable homes are to be provided. 50 units are proposed for Affordable Rent (AR) and 50 for Shared Ownership (SO), to be managed by a Registered Provider. This would comprise 36% of this proposed phase, to meet the requirements of the Outline s106 agreement (35%). The wider delivery of 961 dwellings will provide the required 25% affordable housing as also required by the Outline s106 agreement. The Affordable Rent units comprise:

- 21 x 1-bed units (9 apartments and 12 maisonettes);
- 19 x 2-bed units (1 dwelling and 18 apartments), and;
- 10 x 3-bed dwellings (four semi-detached and six terraced).

16.4 The Shared Ownership units comprise:

- 3 x 1-bed apartments
- 17 x 2-bed units (7 apartments and ten dwellings)
- 30 x 3-bed dwellings (18 semi-detached and 12 terraced)

16.5 The Council's Housing Enabling Team (HET) are supportive of the proposal, commenting that the overall bedroom composition of the scheme complies with Local Plan Policy 7. The HET have however also noted that 18 of the 19 proposed 2-bed AR homes are flats, meaning that there is only one AR 2-bed house, and that all 21 proposed 1-bed AR homes

are flats. It is anticipated that further Affordable units will be provided, subject to grant funding. The applicant (Places for People) is a strategic partner of Homes England and has provided additional affordable homes outside of the s106 elsewhere in Dorset. However, this report can only assess the current proposed 100 units at this stage. The case officer considers that the proposed Affordable tenure mix is acceptable. Although this includes a number of flatted units, they are all within easy reach of public open space – including a kickabout area and a Locally Equipped Area of Play that has already been approved as part of the adjacent Phase 1 scheme. Many of the flats and maisonettes would also have some communal open space immediately surrounding these buildings.

- 16.6 The Council's Urban Design Officer also commented that the Affordable Housing is poorly located on the edges of the scheme and overly concentrated in certain areas, particularly along the south-eastern edge, western edge and north-western corner. Ideally these would be 'pepper potted' throughout the scheme in order to create a more balanced and mixed community. However, the case officer considers that the Affordable Housing is sufficiently located throughout the scheme, at five different locations throughout the site - including locations along the spine road and facing other routes within the site.
- 16.7 Whilst 9 of the 24 overall proposed Affordable and open market one-bed flatted units would be slightly below the nationally prescribed minimum space standards for a two person occupancy (ranging from 0.1sq m - 5sq m shortfall), they comply with the standards applicable for a one person occupation. Similarly, 36 of the overall 49 proposed two-bed units would have a shortfall of 6sq m for four occupiers, but would comply with the standards applicable for a three person occupation. It must also be noted that these standards were considered through the North Dorset Local Plan Examination and the Council decided not to incorporate these into the Local Plan.
- 16.8 The case officer considers that the above dwellings, along with the overall proposed Affordable units, would be provided with sufficient internal living space and would also have sufficient private garden space. In this respect, the Affordable Housing complies with Policy 8 of the North Dorset Local Plan. Their design and layout relative to the open market dwellings is considered below.

Layout

- 16.9 As defined in planning legislation, for the purposes of a Reserved Matters application "layout" means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 16.10 The proposed development parcel is north of the Principal Street and the approved LEAP/kickabout areas - west of a secondary vehicular route looping around the north side of the Principal Street. A combined pedestrian and cycle route within the current proposed phase would run through its central area of public open space, linking into the existing Public Rights of Way network and to the approved Phase 1 kickabout area and LEAP facility immediately to the south. The loop road reflects the layout shown on the Outline approved Illustrative Masterplan.
- 16.11 The Outline approved density plan would allow for up to 45 dwellings per hectare (dph) within the current proposal site, reducing to 37.5dph along the eastern and western edges.

The current proposed density across this phase would be 41.3dph and as this falls almost exactly within the middle of the abovementioned Outline approved densities, this is considered acceptable. The proposed Affordable Housing is considered to be sufficiently pepper-potted throughout the site, as the layout includes Affordable dwellings facing the secondary street, open space and some key junction locations. The garden sizes of Affordable dwellings are of similar size to the adjacent open market dwellings.

- 16.12 The Council's Urban Design Officer (UDO) commented that while the secondary and tertiary streets are still more linear and urban in their form, this now provides a greater contrast with the more organic street layout in the southeastern corner. Where the site adjoins an open space, the layout includes more informal building lines with greater spaces between houses and in plot parking providing a more appropriate relationship with the surroundings.
- 16.13 Changes to the design and layout, including reducing the number of cul de sacs and creating more variety in street design, has improved levels of permeability and legibility for all users. Along the main secondary street, the footway is separated from the carriageway with the inclusion of a grassed verge to provide more landscaping and better environment for pedestrians and cyclists.
- 16.14 The UDO also commented that previously, streets were dominated by frontage parking, which had a detrimental impact on the quality of the place and the legibility of the street hierarchy. Although there are still places where the primary parking solution is frontage parking, this is limited to tertiary streets, where it is broken up with landscape features to ensure that the visual impact of parked cars is reduced. Along the secondary street, in-plot parking takes cars away from the street frontage. This enables the easy installation of electric car charging points and also allows for the addition of verges and street trees. Where courtyard parking has been provided, it is now all overlooked by multiple habitable rooms within apartment blocks or nearby dwellings. Visitor spaces have been designed into the carriageway and are in locations where they are likely to be needed the most i.e. near to areas of public open space.
- 16.15 In light of all the above, the proposed layout is acceptable and complies with Policies 7, 21, 24 and 25 of the North Dorset Local Plan, the Gillingham Neighbourhood Plan and the Gillingham Town Design Statement.

Scale

- 16.16 "Scale" is defined as meaning the height, width and length of each building proposed within the development in relation to its surroundings.
- 16.17 The Outline approved Building Heights Plan permits dwelling heights of up to 3 storeys (12m to top of ridge line) within the application site area, along each side of the bisecting public open space and along the north-western edge facing the River Lodden corridor. This reduces to 2.5 storey (12m to top of ridge line) for the rest of the site.
- 16.18 Three of the proposed six apartment buildings would be three storey in height and would be sited adjacent to the loop road, which accords with the above Outline parameters. Two of the 2.5 storey apartment buildings would be located west of the spine road and would be well-contained within the surrounding building parcel. The other 2.5 storey apartment building would face the spine road at the site's western edge, at a location that would not lead to a cramped or over-dominant appearance in the streetscene.

- 16.19 Most of the proposed dwellings would be 2 storey in form and height, with some of the terraced and semi-detached units containing second floor front dormers in the roof space – mainly along or within views from the loop road. This provides some variation in scale and additional formality along the spine road. It is noted that the dwellings facing the bisecting public open space are detached and two storey in form, whereas the Outline parameters allows for up to a three storey height in this area. However, this allows for the creation of a separate character area along this open space, which is noticeably lower in density and avoids a hard urban edge facing this open space.
- 16.20 The proposed scale is therefore considered to be acceptable and complies with Policies 7, 21 and 24 of the North Dorset Local Plan, the Gillingham Neighbourhood Plan and the Gillingham Town Design Statement.

Appearance

- 16.21 “Appearance” is defined as meaning the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- 16.22 The Council’s Senior Urban Design Officer has commented that the initial submission lacked character, with a blanket approach to design across the site. However, the amendments to the scheme have created more variety in the street design and built form that creates more distinctive areas throughout the site, with a clear and logical arrangement of development blocks. The amended scheme design has also ensured that there is a clearer street hierarchy, which also supports the creation of different character areas within the scheme.
- 16.23 The proposed dwellings have a unity of features and materials that create a clear identity to different character areas with an overall cohesion across the site. While the design of dwellings is simple, the use of stone facing materials at prominent locations facing the open space ties the scheme into the local context, while the use of timber boarding gives a more contemporary character that complements the use of stone and brick elsewhere. Chimney features have also been added to give interest and variety to the roof line in key focal point locations.
- 16.24 Many dwellings facing key corner plot or junction locations contain dark weatherboard elevations which provide some landmark features and variation. Use of render is limited to front gable features on the stone dwellings facing the public open space, which assists in creating a different character area. All dwellings at corner plots, or with side elevations facing open space or a street/parking court, now provide sufficient natural surveillance on each side through the provision of additional windows. This means that the street scenes will now positively engage with their surrounding public setting.
- 16.25 Boundary treatments have been designed to support the street hierarchy and provide an area of defensible space between the public highway and the front of the dwelling. Along the secondary street, railing and low hedges are proposed in keeping with the more formal character of the street. Dwellings at the edges of the site and those that front onto open space have low hedges that support a more informal character in these areas.
- 16.26 The Affordable units have very similar design cues as the open market units and although the only apartments proposed are Affordable, they too have similar fenestration and roof

forms to the open market dwellings. While the Affordable dwellings are inevitably smaller than the proposed detached open market units, they are of similar scale as the other proposed dwellings. It is therefore considered that a sufficiently tenure-blind appearance would be achieved.

16.27 The proposal therefore complies with Policies 21 and 24 of the North Dorset Local Plan, the Gillingham Neighbourhood Plan and the Gillingham Town Design Statement.

Landscaping

16.28 “Landscaping” is defined as meaning the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features.

16.29 The Council’s Senior Landscape Architect (LA) still does not consider that the proposed secondary street is tree-lined in terms of having a row of trees on each side. The LA however notes that revised proposals represent a marked improvement in the quantum of tree planting along the secondary street when compared to the previous iterations. The case officer considers that the proposed tree planting in the public open space edges would also effectively create tree-lined streets for the secondary street. The service routes restrict the amount of street trees that can be provided, along with the development parameters that have already been approved at Outline stage.

16.30 The Councils Senior Landscape Architect (LA) reviewed the tree analysis plan and raised concerns regarding the provision of structural tree cells in the proposals. It appears that a greater number of trees would need structural soils cells to provide them with sufficient tree soil volume according to the GreenBlue Urban Tree Soil Guide. The applicant since reviewed their proposals and amended the provision for structural tree cells in line with the Landscape Officers advice. Some conflicts which were identified between lighting columns and trees have also been addressed. This initially resulted in the removal of some proposed trees, which have since been added back in where lighting columns have been moved to avoid a conflict.

Tree impacts

16.31 No trees will be removed as part of the proposed development. In order to allow the construction of the development it will be necessary to remove a total 382 linear metres of hedgerow from within the site interior. This removal comprises of the complete removal of H4, H14, H16 and H20, (totalling 344 linear metres) along with the partial removal of H6, H10 and H23 (totalling 38 linear metres). These removals are however broadly in line with those shown on the parameter plans (Landscape Strategy Plan) approved at outline stage.

16.32 Following initial concerns raised by the Council’s Tree Officer, an amended Arboricultural Impact Assessment was provided. This states that no pruning of retained trees is required

to facilitate the implementation of the proposed development. Nor is any pruning to retained trees proposed at this stage. However, given the lack of recent maintenance of the hedgerows across the site it is anticipated that some general hedgerow maintenance will be required. This will likely take the form of reducing some of the hedgerows in height to their former levels. No services, construction compounds/areas or ground level changes are proposed within the root protection areas of retained trees. At the request of the Councils Tree Officer an Arboricultural Method Statement was provided. This states that the storage compound, parking and working space will be decided at the pre-commencement meeting. It is key that this meeting takes place and that the Project Arboriculturist and Local Planning Authority tree officer are on site for the meeting.

Highway safety and parking

- 16.33 The proposed layout would provide 493 allocated parking spaces, 76 allocated garages, along with 98 visitor spaces distributed throughout the site. This amounts to 287 parking spaces within the site (excluding garages), at a ratio of 2.1 spaces per dwelling. A planning condition can be imposed to ensure that each dwelling is also provided with dedicated and secure cycle parking space.
- 16.34 The vehicular access points to this phase will be from the loop road, which would itself lead from the newly constructed principal street beyond the phase's southern boundary. The design of the roads within the development encourages low vehicle speeds, through the use of curves and raised tables/surface changes. Some "pinch point" features are also employed along the peripheral edge street/lane routes. The outline consent identified that the neighbouring cul-de-sac of Woodpecker Meadow to the north could be extended to form a vehicular and pedestrian access to serve up to 100 dwellings. However, it is now proposed to instead provide a 3m wide cycle/pedestrian route only to Woodpecker Meadow.
- 16.35 Dorset Council Highway Authority has commented that the amendments requested in their initial consultation response have been made, and the geometry of the layout meets with both adoptive criteria and the guidance provided by Manual for Streets. Refuse collection has been considered and on-site parking numbers, for both cycles and cars, are considered to be appropriate for this location. The Highway Authority has therefore raised no objection, subject to the same conditions previously imposed upon the Outline approval. 16.36 No adverse impacts are therefore envisaged in terms of highway safety, capacity or policy. Matters regarding: vehicle access and visibility splay provision; improvement works to the B3081 Shaftesbury Road and B3092 New Road; pedestrian/cycle access; cycle parking details, and; electric vehicle charge point details, are subject to the conditions attached to the Outline planning permission and where necessary, also secured by the s106 agreement (which also requires a Travel Plan).

Residential amenity

Impact on neighbours

- 16.37 The nearest dwellings to the proposal site would comprise those along and off Kingfisher Avenue to the north (including Woodpecker Meadow and Pheasant Way), and dwellings along and off Shaftesbury Road to the northeast. The proposed dwellings along the northern and eastern edges would be sited at sufficient distance from these neighbouring

dwellings to avoid any adverse impacts in terms of loss of light, outlook, privacy or overbearing impact.

- 16.38 The Council's Environmental Health Officer (EHO) has commented that the applicant's updated Environmental Noise Assessment has considered noise from the existing school, builders' merchant and the proposed kickabout Soccer area as requested. The assessment of both traffic and the other noise sources needs to be considered together in relation to a final layout, in order that an appropriate acoustic design scheme can be provided.
- 16.39 A planning condition to secure a final Acoustic Design Statement for the dwellings can be imposed, in order that the necessary noise mitigation measures can be agreed, implemented and maintained. The Outline noise assessment was undertaken on an indicative basis before the housing design was available. The noise model therefore needs to be run on the proposed layout of houses and roads, to ensure that noise mitigation chosen is suitable and sufficient for both internal and amenity areas. The Acoustic Design Statement will also need to ensure that the mitigation won't conflict with ventilation requirements.
- 16.40 If air source heat pumps (ASHP) are to be installed, a noise assessment will also be needed to demonstrate there will be no adverse noise effect from the proposed ASHP. This can also be secured by planning condition.
- 16.41 Condition 32 of the Outline permission requires the submission of a Construction Environmental Management Plan (CEMP) to be agreed upon by the Council to include, amongst other things, hours of construction, construction vehicle and delivery details and measures to control noise, vibration, dust and dirt. A CEMP has been submitted with this application, but this only covers biodiversity matters and doesn't cover impacts such as noise and dust on nearby residents. As such, the above outstanding Condition 32 requirements are still to be agreed before development commences. A planning condition can also be imposed to ensure that the hours of demolition and construction are limited to Monday – Friday 0700 – 1900 Saturday 0800 – 1300, with no activity on Sundays or Bank Holidays, to ensure neighbouring amenities are protected.
- 16.42 The EHO has commented that the Air Quality Assessment (AQA) undertaken for the Outline application has not been updated with current data. At Outline stage, the conclusions of the AQA were accepted by the Council. The AQA did not inform a conditional requirement of the Outline permission, nor was a condition imposed requiring an updated AQA. As such, the case officer considers that it would be unreasonable to impose a planning condition requiring an update to the AQA.
- 16.43 The EHO has also commented that if artificial lighting is to be installed for the kickabout area adjacent the current proposal site, the applicant will need to demonstrate that there will be no adverse impact on nearby future receptors. However, the 34 dwelling Reserved Matters permission that includes this kickabout area does not include any lighting, and includes a pre-commencement planning condition requiring submission of precise details of all external lighting within all of the public open space areas within that approved site.

Impact on future occupiers

16.44 Overall, it is considered that future occupiers would be afforded with sufficient internal living and storage space. Officers also consider that the built form relationships within the scheme would afford future occupiers with sufficient light, outlook and privacy.

Flood risk and drainage

16.45 The proposed residential development will continue to avoid development in Flood Zones 2 and 3 plus a climate change sensitivity buffer. Surface water attenuation will be achieved via attenuation basins and an underground crated storage unit beyond this site.

16.46 The Council's Flood Risk Management Team (FRMT) considers that the proposed estate layout is compatible with the mapped fluvial and surface water flood risk. The pipe drainage layout indicates that the north-eastern part of the site would have the required gradient to drain to the detention basin. The layout is generally consistent with the High-Level Drainage Strategy & Flood Risk Assessment as already agreed under Condition 17 of the Outline Scheme.

16.47 The FRMT do not object to the reserved matters layout, which remains subject to the Outline drainage conditions 18 and 19 requiring submission of a Surface Water Management Scheme and provision of the infrastructure required for the approved High-Level Drainage Strategy.

Biodiversity

16.48 Following initial comments raised by the Council's Natural Environment Team (NET), a Biodiversity Net Gain (BNG) Assessment and Metric has been provided, along with a Biodiversity Mitigation and Enhancement Strategy (BMES) and an Ecological Mitigation Strategy for the wider Outline approved site.

16.49 The NET has commented that the BNG Assessment and Metric documents clearly demonstrate a gain in habitat units of 42.68% and a gain in watercourse units of 28.44%. The gain in hedgerow units is less substantial, at 0.26%, as there is a significant loss of hedgerow in this particular phase. However, this was consented by the outline approval and across the whole site, each habitat will experience an uplift which is sufficient to demonstrate that a measurable biodiversity gain is achieved. The biodiversity mitigation, compensation and enhancement/net gain strategy set out within the Biodiversity Mitigation and Enhancement Plan can be secured by means of planning condition.

16.50 Regarding lighting, against the current plans there appears to be some incursion into the dark corridors. This is however very limited and mitigated by the overall gain in areas which are protected from light spill, and therefore not a point of contention. The Adoptable Lighting Plan (P23722-01) is also acceptable in this case. The BMES has been amended to reflect the previous NET comments on this phase, and is also acceptable.

16.51 The NET has also advised that as part of the Great Crested Newt District Licence requirements, a conservation payment of £113,659.63 towards the Great Crested Newt licensing scheme is required for the whole of the Outline approved Ham Farm site. The Great Crested Newt District Licence has been secured on Phase 1 and the Section 106 agreement is in progress.

16.52 In light of all the above and subject to conditions and the Great Crested Newt District Licence requirements, the proposal complies with Policies 4 and 21 of the North Dorset Local Plan and the Gillingham Neighbourhood Plan.

Other matters

16.53 Matters governing: foul drainage; finished floor levels; maintenance access to River Lodden and associated flood risk management infrastructure; River Lodden buffer zone; protection of water voles and otters; access and visibility splay provision; Construction Environment Management Plan; superfast broadband, and; management of potential contamination, are also still subject to the conditions attached to the Outline planning permission.

17.0 Conclusion

17.1 Outline planning permission for the construction of 961 dwellings and a local centre, with details of access and the provision of 25% affordable housing, was granted with s106 legal agreement in September 2021. The principle of development is therefore established subject to the details of reserved matters relating to layout, scale, appearance, and landscape – all of which make up this application.

17.2 The applicant has amended the details of the original submission to take account of concerns and comments raised in consultation. It is considered that the revised proposal accords with the terms of the Outline permission, along with the overall aims of the Development Plan, supporting guidance and the NPPF, having due regard to the context of this site. This proposal therefore complies with the Development Plan as a whole.

18.0 Recommendation

A) Approval of Reserved Matters, subject to the following conditions:

1. The development to which these reserved matters and accompanying details relates shall be begun not later than two years from the date of this permission.

Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990 (as amended).

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

P22-0615_DE_0005-01N Site Layout
P22-0615_DE_0005-02D Materials Plan
P22-0615_DE_0005-03G Boundaries and Surfaces
P22-0615_DE_0005-04E Adoption Plan
P22-0615_DE_0005-05E Parking Plan
P22-0615_DE_0005-06E Refuse Plan
P22-0615_DE_0005-07E Building Heights
P22-0615_DE_0005-08F Affordable Plan
P22-0615_DE_0005-013 E Housetype Pack
P22-0615_DE_0005-0014_D Apartments
P22-0615_15B Design and Access Statement

P22-0615_DE_0005-16A Design and Access Statement Addendum
P22-0615_EN_004G Landscape Masterplan
P22-0615_EN_005G Concept On-Plot Landscape Proposals
P22-0615_EN_006D Landscape and Ecology Management Plan
P22-0615_EN_009E Street Plot Tree Analysis
P22-0615_EN_10C Detailed On-Plot Landscape Proposals
P23722-01G Adoptable Lighting Calculation
P23722-02G Private Lighting Calculation
P23722-03E Lighting Calculation
SW3007-C-3020-P06 S38 Agreement Plan
SW3007-C-3021-P06 S38 Agreement Plan
SW3007-C-3022-P05 S38 Visibility and Chainages Plan
SW3007-C-3023-P05 S38 Visibility and Chainages Plan
SW3007-C-3511-P03 Proposed Drainage Sheet 1
SW3007-C-3512-P03 Proposed Drainage Sheet 2
SW3007-C-3513-P03 Proposed Drainage Sheet 3
SW3007-C-3601-P03 Proposed Levels Sheet 1
SW3007-C-3602-P03 Proposed Levels Sheet 2
SW3007-C-3603-P03 Proposed Levels Sheet 3
SW3007-C-3620-P03 Ditch Crossing Level Agreement
SW3007-C-3001-P05 Refuse Vehicle Swept Path Analysis Sheet 1
SW3007-C-3002-P05 Refuse Vehicle Swept Path Analysis Sheet 2
SW3007-C-3003-P05 Refuse Vehicle Swept Path Analysis Sheet 3

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

3. The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Method Statement dated April 2024 setting out how the existing trees are to be protected and managed before, during and after development. Note the requirement for a preconstruction meeting to be arranged with the Project Arboriculturist and Local Planning Authority tree officer on site. In addition, adequate Arboricultural supervision is required when the following activities take place;

- Excavation to establish the formation level for the kerb edging.
- Pouring of concrete (unless a concrete free installation method is to be used).
- The installation of cellular confinement systems, and interior road creation etc.

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

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

5. No development shall proceed beyond damp proof course level until full specification details of all external facing materials (including, walls, roofs and fenestration detail) has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with the approved materials and shall also comply with the approved materials distribution plan (P22-0615-DE-0005-02D Materials Plan).

Reason: To ensure a satisfactory visual appearance of the development.

6. Before installation of any air source heat pumps or similar equipment, a noise report from a suitably qualified/experienced person shall be submitted to and agreed in writing by the Local Planning Authority. The written report shall follow the BS4142:2014 format and contain details of background sound measurements at times when the plant is likely to be in operation, against the operational plant sound level(s). The report shall predict the likely impact upon sensitive receptors in the area and all calculations, assumptions and standards applied shall be clearly shown. Where appropriate, the report shall set out appropriate measures to provide mitigation to prevent loss of amenity and prevent creeping background noise levels. The agreed mitigation measure shall be fully implemented and permanently retained thereafter.

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

7. Prior to any occupation of development hereby approved, a final Acoustic Design Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall demonstrate how occupiers of the approved dwellings will be protected from their noise climate, including anticipated traffic noise and where necessary, noise mitigation measures for the dwellings. Any such noise mitigation measures must be fully established, implemented, and maintained for the lifetime of the development, and avoid conflict with ventilation requirements.

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

8. The development hereby approved shall be undertaken in accordance with the detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the Biodiversity Mitigation and Enhancement Plan (RSK Biocensus – Project No. 2485999 Rev 03 11/12/2023).

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

9. Prior to use or occupation of 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 details shall be maintained, kept free from obstruction and available for the purpose specified.

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

10. The construction of the development hereby approved shall be limited to between the hours of 07:00hrs – 19:00hrs on Mondays to Fridays, 08:00hrs – 13:00hrs on Saturdays, with no activity on Sundays or Public Holidays.

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

Informatives

11. 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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
- The applicant was provided with pre-application advice.
- The application was acceptable as submitted and no further assistance was required.

12. The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at dli@dorsetcc.gov.uk, or in writing at Development team, Dorset Highways, Environment and the Economy, Dorset Council, County Hall, Dorchester, DT1 1XJ.

13. Street Naming and Numbering

The Council is responsible for street naming and numbering within our district. This helps to effectively locate property for example, to deliver post or in the case of access by the emergency services. You need to register the new or changed address by completing a form. You can find out more and download the form from our website www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering

Appendix 1 – Details submitted to seek discharge of Condition nos. 7 (Palette of materials), 8 (Updated Arboricultural Impact Assessment), 10 (Landscape Management Plan) & 23 (Landscape and Ecological Management Plan) of Outline Planning Permission No. 2/2018/0036/OUT

As set out above, the case officer considers that the proposed external material types are sufficient to discharge Outline Condition 7, given this parcel's context between the Principal Street and the countryside edge. A new condition (No. 5 above) is proposed to secure the precise specifications for these external materials.

The case officer considers that the amended Arboricultural Impact Assessment is sufficient, for Condition 8 to be discharged.

Condition 10 requires Reserved Matters to include a landscape management plan, to include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The case officer considers that the landscape management details submitted with this application are sufficient to discharge Condition 10.

Condition 23 requires Reserved Matters to include a landscape and ecological management plan (LEMP). The Council's Landscape Architect and Natural Environment Team has raised no objection to the submitted LEMP for this phase. Condition 23 can therefore be discharged.

A Biodiversity Construction Environment Management Plan (CEMP) for this parcel has also been submitted to seek part-discharge of Condition 32. This is considered acceptable by the Council's Natural Environment Team and therefore discharges the biodiversity requirements of Condition 32.

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Agenda Item 8

| | | | |
|--------------------------------|--|---------------------------------|---|
| Application Number: | P/FUL/2024/00958 | | |
| Webpage: | https://planning.dorsetcouncil.gov.uk/ | | |
| Site address: | The Tree House Duck Lane Stalbridge DT10 2LP | | |
| Proposal: | Change of use of part of garden to school land for education use, including installation of fencing to site boundary | | |
| Applicant name: | Dorset Council | | |
| Case Officer: | Jamie Francis | | |
| Ward Member: | Cllr Vitali | | |
| Publicity expiry date: | 7 May 2024 | Officer site visit date: | 11 th March & 16 th April |
| Decision due date: | 7 June 2024 | Ext(s) of time: | 7 June 2024 |
| No of Site Notices: | 3 | | |
| SN displayed reasoning: | <ul style="list-style-type: none"> - On telegraph pole at entrance to school - On telegraph pole opposite school - On railings on Church Hill | | |

1.0 Applicant is Dorset Council

2.0 Summary of recommendation:

GRANT permission subject to conditions

3.0 Reason for the recommendation:

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The location is considered to be sustainable.
- The proposal is considered to result in no harm to the setting of heritage assets.
- 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.

- The proposal is to accommodate better educational facilities and learning environment.

4.0 Key planning issues

| Issue | Conclusion |
|--|--|
| Principle of development | The principle of a change of use from residential garden to school land is acceptable and supported by policy 14 (Social Infrastructure) of the Local Plan. The installation of fencing to the site boundary is considered acceptable. |
| Scale, design, impact on character and appearance | For security and safeguarding reasons, fencing is required around the Application site perimeter, inside the existing stone wall. This is considered acceptable. |
| Impact on the living conditions of the occupants and neighbouring properties | The land in question is sufficiently distant from The Tree House to not give rise to any amenity issues such as noise and disturbance or overlooking. The fact that the garden already adjoins the school is also considered, and given this, is not considered to result in any significant any harm to residential amenity of the Tree House. Other surrounding land uses are Agricultural to the North and East, with a small area of the North boundary to shared with The Byre. The small area of shared boundary with the Byre is screened by trees and an outbuilding, and sufficiently distanced from the house. |
| Impact on landscape or heritage assets | <p>The proposed development would have limited impact on the surrounding landscape, as operational development will be limited to installing fences.</p> <p>Due to the distance from the associated listed building (approx. 50 metres away), the change of use and erection of fencing is not considered to result in any harm to the setting of the listed building. Furthermore, the land is not visible from any public view within Stalbridge Conservation Area</p> |
| Flood risk and drainage | The site is largely considered to be at no risk of flooding from any source. The Northeast corner of the site is designated as low risk of surface water flooding. Low risk means that this area has a chance of flooding of between 0.1% |

| | |
|---|---|
| | and 1% each year. This is considered acceptable. |
| Highway impacts, safety, access and parking | The proposal has no impact on Highways. |
| Impact on trees | Dorset Council's Arboricultural Team carried out an inspection of all the trees on site. The application provided a detailed Tree Schedule, outlining that 28 of the 31 trees will be retained, with the 3 to be removed assessed to be either dying or dead. |
| Biodiversity | The application included a Biodiversity Plan, which has been approved by Dorset Natural Environment Team. |

5.0 Description of Site

The Tree House is located at the North West end of Duck Lane, at the junction of the High Street and Church Hill. The building is along the North-side of the road. The application site forms part of the rear garden of The Tree House. The site is broadly rectangular and is an area of approximately 1744m².

The existing site could be described as informal garden area, featuring a mixture of mature trees and shrubs, long grass and scrub, with mown grass paths through it. The southwestern half of the Application site is more maintained than the north eastern half, which contains mature scrub, ground flora and a variety of mature trees.

The site is on one level. The existing access to the rear garden of the property is via a private gated access off Duck Lane, between The Tree House and Stalbridge Primary School.

The site is bordered by dry stone walls along the property boundaries. The house and garden share a boundary with Stalbridge Primary School, which is adjacent to the south of the property. The site is largely bounded by agricultural land to the East and North, with a small portion of the Northern boundary shared with the garden of neighbouring residential property The Byre. The application site also bounds the more domesticated portion of the Tree House's garden to the west, at the immediate rear of the dwelling.

6.0 Description of Development

The proposed development involves a material change of use of the land, from residential garden to school land.

The development also involves the erection of several types of fence, to border the school land, and the insertion of an access in the existing fencing from the school onto the newly acquired land.

7.0 Relevant Planning History

None

8.0 List of Constraints

Public Right of Way: Footpath N51/20; - Distance: 44.78m away.

Risk of Surface Water Flooding Extent 1 in 1000 (low risk)

Site of Special Scientific Interest (SSSI) impact risk zone

Radon: Class 2: 1 - 3%

Grade II listed building – Glydestore and The Tree House – List no: 1153027 (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Within the Stalbridge Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

9.0 Consultations

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

Consultees

Stalbridge Town Council

Unanimously strongly support the application in terms of the provision of a future education facility for the town.

Support (received 27th March 2024)

Cllr Carr-Jones Ward Member (comments of previous Ward Cllr) – Stalbridge and Marnhull Ward

As the local Ward Member, I fully support this application and endorse the visions for Stalbridge Primary School. The opportunities are tremendous for the school to grow at last.

No comments received from Cllr Vitali.

DC Rights of Way Officer

No comments received

DC Highways

The development has no highway safety implications. The Highway Authority has no objection to the proposal.

DC Trees

I have studied the Arboricultural documentation supplied I can confirm that I have no objections to the tree surgery operations proposed and consider that the attached Arboricultural Impacts Assessment and associated plans should be made a condition of any planning consent. I would also ask that during the time of trial hole digging (for the new fencing) that Arboricultural supervision is provided by the report writer or other suitably qualified Arboriculturist. Contemporaneous notes should be made and these be forwarded as part of a later discharge of condition application.

DC Archaeology

No comments received

DC Public Health Dorset

No comments received

DC Conservation

The proposed change of use will have no detrimental effects upon the setting of the listed building or wider Conservation Area.

Ramblers Association

No comments received

Other Representations received

1 comment was submitted through the online portal. This comment was in support of the application:

'Fully support this extension to the existing school while limiting impacts on the character of the town'

10.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 16 requires that in considering whether to grant planning permission, special regard is to be had 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 Relevant Policies

Development Plan

The following North Dorset Local Plan Part 1 policies are relevant: -

- 1 – Presumption in Favour of Sustainable Development
- 2 – Core Spatial Strategy
- 4 – The Natural Environment
- 5 – The Historic Environment
- 14 – Social Infrastructure
- 20 – The Countryside
- 24 – Design
- 25 – Amenity.

Material Considerations

Emerging Local Plans:

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making. However, the production of the Draft Local Plan has significant implications for the assessment of housing land supply.

National Planning Policy Framework

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

NPPF – Para 89: Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

NPPF – Para 99: It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

29 a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications;

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 Public Sector Equalities Duty.

The proposal impacts on a protected characteristic, in this case age. There would be a specific impact on the children if the proposal did not proceed, as those attending this school would not have access to external areas within the recommended size.

14.0 Planning Assessment

Location of the development

The site is located outside of the settlement boundary of Stalbridge, and therefore in terms of Local Plan Policy 2 (Core Spatial Strategy) is considered to be in the Countryside, and therefore the Local Plan’s Countryside Policy is applied.

Policy 20 (the Countryside) states that “Grey, social or green infrastructure projects, which may be considered to have an overriding need for a countryside location include... certain social infrastructure projects such as essential additional facilities”, and that the acceptability would also be considered against all other relevant planning policies in the development plan.

Stalbridge School’s external areas; (playing field, games court, hard and soft play areas) are undersized for the size of school, falling short of the Building Bulletin 103 recommended minimum areas by approximately 2000m². Therefore, the acquisition of this adjoining land, will alleviate the deficit of recommended minimum area by 1744m², significantly contributing to bringing the facilities towards the recommended standards. Therefore, on this basis it is considered that despite being in a countryside location, the expansion of the school is considered to demonstrate the overriding need for the development in this countryside location, especially

considering the site is constrained from expanding in any other direction by residential development.

The principle of a change of use from residential garden to school land is acceptable and supported by policy 14 (Social Infrastructure) of the Local Plan.

Policy 14 states that in relation to educational facilities, the Council will ensure that a) the needs of existing pre-school facilities and providers in the towns and villages are met; and b) provision is made to accommodate the additional forms of entry required at primary and secondary school levels across the district. With the growth and further anticipated growth of Stalbridge, increased education facilities will be beneficial.

Character of the area and heritage assets

The proposed development involves new fencing around the site perimeter, on three sides; southwest; northwest and northeast boundaries in order to secure the site for school use. This fencing will be erected inside of the existing stone wall that borders the site.

The northwest boundary will be fenced with a weldmesh panel fence, 1800mm high. This will be installed inside of the existing garden boundary wall. It will be polyester powder coated black as this is the least visually intrusive colour in a landscape setting. This fence will return through 90° to secure the north-eastern end of the site and will join the existing school fencing on the other side. The new property boundary at the extreme eastern end of the site will be fenced with a 1100mm high post and rail timber fence, with stockproof mesh. The fencing on the southwest side of the site will form the new boundary to the shortened garden of The Tree House. This will be a combination timber and metal screen fence, which provides privacy for The Tree House and security for both the school and The Tree House. The type of fence proposed is an attractive fence which suits the garden setting and is visually unintrusive in the wider setting. Therefore, the proposal is considered to comply with Local Plan Policy 24 (Design).

The land which is the subject of this application to change use is situated to the rear of the Tree House, a Grade II listed building.

Owing to the fact that the parcel of land subject of this application is situated approximately 50 metres from the Tree House, it is not anticipated that the change of use or new fencing will result in any harm to the setting of the listed building. Considering the house is already located next to the school, with modern school buildings and associated paraphernalia, the addition of some further school land at this great a distance from the building has little to no impact on the setting. Therefore, it is considered that there will be no harm to heritage assets.

In addition, the plot of land is not visible from within any public view from within the Conservation Area. Thus, the development is not considered to result in any harm to the special character or appearance of Stalbridge Conservation Area.

The proposal is therefore compliant with Policy 5 (the Historic Environment) of the Local Plan, and the aims and objectives of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on amenity

As stated earlier, the land in question is sufficiently distant from The Tree House to not give rise to any amenity issues such as noise and disturbance or overlooking. The fact that the garden already adjoins the school is also considered, and given this, is not considered to result in any significant any harm to residential amenity of the Tree House. Other surrounding land uses are Agricultural to the North and East, with a small portion of the North boundary shared with The Byre (a dwellinghouse). The small area of shared boundary with the Byre is screened by trees and an outbuilding, and sufficiently distanced from the house itself. The proposal would comply with Policy 25 of the Local Plan.

Flood risk

The site is largely considered to be at no risk of flooding from any source. The Northeast corner of the site is designated as low risk of surface water flooding. Low risk means that this area has a chance of flooding of between 0.1% and 1% each year. This is an acceptable level of risk for the proposed development.

Trees and landscaping

Dorset Council's Arboricultural Team carried out an inspection of all the trees on site. The application provided a detailed Tree Schedule, outlining that 28 of the 31 trees will be retained, with the 3 to be removed assessed to be either dying or dead. The Tree Officer is satisfied with the application subject to conditions to protect the trees during the course of development. The suggested conditions form part of the officer recommendation.

Biodiversity

The application included a Biodiversity Plan, which has been approved by Dorset Natural Environment Team.

The proposed development therefore complies with Policy 4 (the Natural Environment) of the Local Plan.

15.0 Conclusion

In summary, this is a development plan compliant proposal, and no material considerations suggest the application is unacceptable. It is considered that there will be no harm to heritage assets. There would be social benefits through the provision of better amenity space at the school, and no material considerations have been identified that would indicate that the decision should be taken other than in accordance with the development plan.

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:
L7000 P1 Location plan
L-7001 P1 Existing site plan
L-7002 P1 Proposed site plan

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

3. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 17/11/2023 must be implemented in accordance with any specified timetable and completed in full (including photographic evidence of compliance being submitted to the Local Planning Authority in accordance with section J of the Biodiversity Plan) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

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

4. The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Impact Statement dated December 2023 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

5. Prior to first use of the site in association with the school, the new fences as detailed on approved plan numbered L-7002 P1 Proposed site plan, shall be erected in full. The fences shall be permanently maintained and replaced as necessary.

Reason: to safeguard privacy and amenity of The Tree House and pupils of Stalbridge Primary School.

Informative Notes:

1. Informative: 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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant was provided with pre-application advice.

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