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DORSET COUNCIL - NORTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 14 MAY 2020

Present: Cllrs Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, Matthew Hall, Carole Jones, Bill Pipe, Val Potheary, Belinda Ridout and David Taylor

Apologies: Cllr Robin Legg

Also present: Cllr David Walsh

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

Lara Atree (Legal Services Manager), Emma Baker (Project Engineer (Democratic)), Robert Lennis (Area Lead (Major Projects) Eastern), Simon McFarlane (Area Lead Planning Officer, Gillingham), Steve Savage (Transport Development Manager), Hannah Smith (Planning Area Manager), Fiona King (Democratic Services Officer), Lindsey Watson (Senior Democratic Services Officer) and Helen Whitby (Senior Democratic Services Officer)

94. **Apologies**

An apology for absence was received from Cllr Robin Legg.

95. **Declarations of Interest**

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

Cllr Val Potheary declared an interest in minute 102 and advised members that as she had voted in favour of the application as a Gillingham Town Councillor she would remove herself from the meeting for this item.

Cllr Belinda Ridout as a Local Member for Gillingham had been advised that as she was not a member of Gillingham Town Council at the time when this application was considered she would not be in conflict with this item and therefore would take part in the debate and decision making.

96. **Minutes**

The minutes of the meeting held on 25 February were confirmed and signed.

97. **Public Participation**

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

98. **Planning Applications**

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

99. **West Of Shaftesbury Road At Land South Of Gillingham, Shaftesbury Road, Gillingham, Dorset - 2/2018/0036/OUT**

The Area Lead Planning Officer introduced the application to 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. This was an outline application to determine access only.

The Area Lead Planning Officer outlined the relevant planning history of the site. Members were advised that the primary reason that this application was back before the Committee was that the Archaeological trial trenching was not completed within 4 months of the resolution to grant planning permission. There had also been rewording and addition of further planning conditions.

Members were advised that there were no objections from Gillingham Town Council and very few local objections. Reference was made to the Neighbourhood Plan which had catered for this growth. There also had been no objections from the Environment Agency and Senior Archaeologist subject to the conditions. A comment had now been received from Environmental Health and the Area Lead Planning Officer outlined the condition he expected to see brought forward and a caveat had been included in the recommendation to allow for this. With regards to the signing of the Section 106, negotiations were ongoing but positive.

Members were reminded that this application was to decide the principle of development along with details relating to access points only.

The Planning Caseworker referred to the update paper which had been circulated to members prior to the meeting which clarified one section on archaeology and the balanced judgement that had been considered regarding the scale of any harm or loss and the sacrifice of the heritage assets, along with a slight change to Recommendation A and B regarding the Environmental Health consultation and Section 106 timescales. There were proposed change to some of the conditions but these were largely wording issues, the rest remained unchanged.

The Transport Development Liaison Manager highlighted the 3 points of access being considered and these were explained to members.

Speakers:

Stephen Hill, local resident.

A statement had been received from Mr Stephen Hill and was read out to the Committee. Mr Hill was speaking against the application and felt that in these changed times and the impact on our priorities, the community will support a decision to refuse. He urged the Planning Committee to refuse this application and by doing so avoid:

- incurring misdirected public expenditure;
- few affordable homes;
- no site financial viability;
- risks of a successful challenge or SoS Call In;
- poor public safety; and
- facilitating a proposal that is flawed in the current economic climate.

He also made reference to a number of pre-conditions and that the Section 106 was not yet completed. The Area Lead Planning Officer advised that officers were trying to secure other offside elements and negotiations were ongoing.

The Planning Caseworker responded to the statement in respect of a number of pre-conditions. The Environment Agency had withdrawn their objections within the stated 10 day period so it was not necessary to come before the Secretary of State.

The Transport Development Liaison Manager responded in respect of Mr Hill's comments pertaining to the use of Woodpecker Meadow to serve a limited level of development. There was no maximum number of dwellings that could be served by a road of the geometry and characteristics of this highway. Highways felt it was a suitable development. The safer route to school was along the main road into the estate and the existing block paved surfacing was laid in the strongest pattern for use on a carriageway. However, the applicant did say that the block paving could be replaced with low-noise surfacing, if needed. In respect of public adoption none of this estate has been formally adopted with the Highway Authority awaiting remedial works to be carried out by Taylor Wimpey. However, adoption was a legal process and was not a planning matter.

Lauren Hawksworth, Montague Evans LLP

A statement had been received from the agents for this application and was read out to the Committee. The written representation was made on behalf of Welbeck Strategic Land, the applicants for the outline application relating to the Newhouse and Ham Farm element of the Gillingham Strategic Site Allocation.

Local Member: Cllr David Walsh

Cllr Walsh was speaking regarding both planning applications before the Committee. He outlined his involvement from the outset with both applications. This was a Community project which was highlighted as an exemplar from the then Community Secretary Savid Javid. He added that there had only been about 20 objections from around 20,000 residents.

Members comments and questions:-

Cllr Val Potheary, felt the application was really just a procedural matter and was pleased to approve the proposal with recommendations as stated.

Cllr Belinda Ridout, felt this application had been a long time coming and was part of the development for Gillingham. There was tremendous local support for the development and she was happy with the proposed changes to the recommendations and conditions. She was content with the affordable element and the Section 106 obligation. This application would be a huge community benefit to the area and was happy to second the proposal.

Cllr Tim Cook, asked about the traffic movement generally towards Gillingham, and what impact had been looked at regarding flows in and through Gillingham. The Transport Development Liaison Manager advised that a 3D model that assessed traffic had produced a baseline traffic model which was agreed with the applicant. The assessment included a number of site highway improvements including cycle links. The overall finding was that at the end of the development journey times would be the same. He highlighted the signal control junctions that would be put in place and assured members that the site has been fully assessed in terms of traffic.

Cllr Tim Cook also made reference to affordable housing and asked what guarantees were there that the 25% would be made up in future development building. He felt that affordable housing should be spread evenly though all developments. The Area Lead Planning Officer advised that officers aimed to get 25%, but viability can be an issue with any large scale development, and planners did discuss viability with developers.

Cllr Jon Andrews, highlighted flooding and were officers sure that the stream on the north-west edge will not cause adverse flooding. The Area Lead Planning Officer advised that the developers were aware of where the flood zones were and intend to build within Flood Zone 1.

Cllr Les Fry, shared concerns regarding the low numbers of affordable housing. He also asked if energy efficiency factors be included as appropriate. The Area Lead Planning Officer advised they are aware of this but as a planning authority cannot insist on the putting in of renewable sources, this forms part of building regulations but is something planners have to pick up on with every aspect of development.

Cllr Fry also made reference to the Section 106 and was disappointed not to see anything regarding Youth Services. Young people would need somewhere to go and would need support in this area and considered whether developers could be asked to make a contribution to youth services overall in this area. The Planning Officer highlighted the amount of community space included with this development and the large areas of public open spaces. The developers would be providing sports pitches and other areas of play and a contribution to the library. Gillingham Town Council and Dorset Council felt this area had been addressed.

Cllr Bill Pipe asked if the Section 106 was likely to be completed by November. The Area Lead Planning Officer felt that in his opinion it would be.

Cllr David Taylor shared concerns regarding the Section 106 and affordable housing elements. He asked about speed restrictions for construction traffic. The Transport Development Liaison Manager advised that it would be 30mph for the main road and targeting everything else at 20mph.

Following a discussion on affordable housing Cllr Cook asked for an amendment regarding the element of affordable housing and asked if officers could use it as part of the Section 106 agreement. The Area Planning Manager sympathised with members' concerns, but advised that planners had to consider development viability. Officers were not in a situation where they could say you have to provide 25% and that's the end of it, they need to get to a level of agreement and there would be an opportunity to look at the development as it progresses. Cllr Ridout added that she understood the affordable concerns but there was a risk of losing the development for Gillingham if there was a further delay.

Cllr Carole Jones felt members needed to trust in officers that they were doing their best and felt it was time to get to the vote.

Proposed: Cllr Val Potheary

Seconded: Cllr Belinda Ridout

Decision

Recommendation A:

Delegate authority to the Head of Planning to grant conditional planning permission subject to, no adverse comments being received from Environmental Health and the addition of any conditions they consider reasonably necessary, and the completion of a Section 106 legal agreement, as specified in The Town and Country Planning Act 1990 (as amended), in a form to be agreed by the legal services manager to secure the following:

- 50/50% tenure split for all affordable housing
- Minimum of 10% affordable housing in the first phase of development
- A viability review 'mechanism'/clause to review development viability in subsequent phases, seeking to secure policy compliant 25% affordable housing across the development as a whole
- Provision of transport infrastructure compliant with Local Plan Policy 21 requirements
- Provision of green infrastructure compliant with Local Plan Policy 21 requirements
- Provision of Social infrastructure (including education, health, community hall, household recycling, sports field and leisure and library) compliant with Local Plan Policy 21 requirements

And the conditions (and their reasons) listed at the end of the Planning Officers' report.

Recommendation B

If the S106 legal agreement is not completed by 14 November 2020, or such extended time as agreed by the Head of Planning, refuse permission for failing to secure the planning obligations (as set out above) which are considered to be necessary to mitigate the adverse impacts, and secure an adequate provision of affordable housing, of the proposed development.

100. **Land at Park Farm Kingsmead Business Park, Gillingham, Dorset - 2018/0077/OUT**

The Area Lead Planning Officer introduced the application to 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. This was an outline application to determine access only.

The Area Lead Planning Officer made reference to the planning balance and highlighted the heritage assessment that had been undertaken. Historic England were supportive of the application and asked that a planning balance exercise be undertaken in respect of designated heritage assets. Historic England had no objection in principle. It was felt that the Public benefits outweighed any less than substantial harm.

The Transport Development Liaison Manager highlighted the 3 access points along with proposed cycleways.

There were no speakers/written representations for this item.

Members comments and questions:

Cllr Belinda Ridout, was aware of the amended conditions and felt they gave more clarity. She felt there was a lot of local support and had no hesitation in putting the recommendation forward for approval. She made reference to the access points off Cerne Avenue and Trent Square and highlighted some issues with people parking in front of bollards. The Transport Development Liaison Manager advised that if the application was approved officers would look comprehensively at the linkages and could ensure Keep Clear markings and the like would be put in place.

Cllr Val Potheary, advised members that the community of Gillingham were totally supportive of the plans and was happy to second the recommendation.

Cllr Bill Pipe, in the Section106 there was reference to a two-form entry school, what type of school would it be and would that be sufficient? The Planning Officer advised it would be a Primary School and felt there would be probably be an over provision of classroom availability. He understood from Education colleagues this would be a stand-alone new school

Cllr Les Fry, expressed concern that developers could get an upper hand as it is a much needed development by the residents. He was concerned

regarding energy efficiencies and affordable housing as he had previously mentioned.

Cllr David Taylor, made reference to just the one access and asked if there could there be another one? The Transport Development Liaison Manager advised that there were 2 pedestrian accesses and one vehicular one. Local residents were not keen to have a second one and a 6 metre access into the site was adequate.

Cllr Jon Andrews asked that when building regulations changed any houses that were not constructed by then would those measures be able to be put in place then? The Area Lead Planning Officer confirmed they would have the opportunity to review this on numerous occasions over the coming years.

Proposed: Cllr Belinda Ridout

Seconded: Cllr Val Potheary

Decision

Recommendation A

Delegate authority to the Head of Planning to grant conditional planning permission subject to, no adverse comments being received from Environmental Health and the addition of any conditions they consider reasonably necessary, and the completion of a Section 106 legal agreement, as specified in The Town and Country Planning Act 1990 (as amended), in a form to be agreed by the legal services manager to secure the following:

- 50/50% tenure split for all affordable housing
- Minimum of 10% affordable housing in the first phase of development
- A viability review 'mechanism'/clause to review development viability in subsequent phases, seeking to secure policy compliant 25% affordable housing across the development as a whole
- Provision of transport infrastructure compliant with Local Plan Policy 21 requirements
- Provision of green infrastructure compliant with Local Plan Policy 21 requirements
- Provision of Social infrastructure (including education, health, community hall, household recycling, sports field and leisure and library) compliant with Local Plan Policy 21 requirements

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

Recommendation B

If the S106 legal agreement is not completed by 14 November 2020, or such extended time as agreed by the Head of Planning, refuse permission for failing to secure the planning obligations (as set out above) which are considered to be necessary to mitigate the adverse impacts, and secure an adequate provision of affordable housing, of the proposed development.

101. **Traffic Regulation Order**

102. **Gillingham Road and Transport Improvements**

Cllr Val Potheary removed herself from the meeting and did not take part in this item.

The Project Engineer introduced the proposals on Station Road (Higher) to reduce the carriageway to one-way to enable the improvement of the pedestrian environment by widening the footway on the eastern side. Following the advertisement of the proposed One-Way Street restriction on Station Road (Higher) two objections, both from the same household, were received.

The 2 objections that had been received were highlighted to members along with alternative routes for cyclists that had been considered.

Following a question from a member regarding mobility scooters and whether they would be able to travel in the opposite direction, the Project Engineer advised that as they were able to use the pavements if they wanted to go north they could as any pedestrian could. Mobility scooters were not recognised as motor vehicles.

Cllr Belinda Ridout felt this had been a comprehensive presentation which was part of the Gillingham growth project to improve Gillingham. It was part of a much wider scheme of improvements and did not remove any car parking. There had been a lot of work on public engagement and all the main consultees were in agreement. She was happy to propose recommendation for approval.

One member felt it was a long way round for cyclists and queried if the road was really needed. The Project Engineer advised that the High Street was quite heavily used.

Proposed: Cllr Belinda Ridout

Seconded: Cllr Jon Andrews

Decision

That having considered the representations received in response to public advertisement and the officers report, that the Portfolio Holder be recommended to implement the Traffic Regulation Order as advertised.

103. **Urgent items**

There were no urgent items of business.

104. **Update Sheet**

Members received the attached update sheets prior to the meeting.

Duration of meeting: 10.00 am - 12.07 pm

Chairman

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APPLICATION NUMBER: [2/2018/0036/OUT](#)

APPLICATION SITE: West of Shaftesbury Road at Land South of Gillingham, Shaftesbury Road, Gillingham, Dorset.

PROPOSAL: 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:

A) Delegate authority to the Head of Planning to grant conditional planning permission subject to, no adverse comments being received from Environmental Health and the addition of any conditions they consider reasonably necessary, and the completion of a Section 106 legal agreement, as specified in The Town and Country Planning Act 1990 (as amended), in a form to be agreed by the legal services manager to secure the following:

- 50/50% tenure split for all affordable housing
- Minimum of 10% affordable housing in the first phase of development
- A viability review 'mechanism'/clause to review development viability in subsequent phases, seeking to secure policy compliant 25% affordable housing across the development as a whole
- Provision of transport infrastructure compliant with Local Plan Policy 21 requirements
- Provision of green infrastructure compliant with Local Plan Policy 21 requirements
- Provision of Social infrastructure (including education, health, community hall, household recycling, sports field and leisure and library) compliant with Local Plan Policy 21 requirements

And the conditions (and their reasons) listed at the end of the Planning Officers' report as updated.

B) If the Section 106 legal agreement is not completed by 14 November 2020 or such extended time as agreed by the Head of Planning, refuse permission for failing to secure the planning obligations (as set out above) which are considered to be necessary to mitigate the adverse impacts, and secure an adequate provision of affordable housing, of the proposed development.

CONDITIONS:

Time Limits

1. Details of the layout, scale, appearance and landscaping ("the reserved matters") for each development phase (or a parcel or parcels therein) shall be submitted to and approved in writing by the Local Planning Authority before development on that phase begins.

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

2. An application for approval of reserved matters for the first phase of development (or a parcel or parcels therein) shall be made to the Local Planning Authority within two years of the date of this permission. All applications for approval of reserved matters for each subsequent phase shall be submitted to the Local Planning Authority within 12 years of the date of this permission.

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

3. The first phase of development hereby permitted shall be commenced before the expiration of four years from the date of this permission. Thereafter, all subsequent phases shall be commenced within two years of the Local Planning Authority's approval of the last reserved matter for that phase.

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

Approved Plans

4. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Parameter Plan 01: Red Line Plan, 01050_PP_01, Rev P3
 - Parameter Plan 02: Land Use Plan, 01050_PP_02, Rev P4
 - Parameter Plan 03: Density Plan, 01050_PP_03 Rev P5
 - Parameter Plan 04: Building Heights Plan, 01050_PP_04, Rev P3
 - Parameter Plan 05: Access and Movement Plan, 01050_PP_05, Rev P5
 - Parameter Plan 06: Landscape Strategy Plan, 01050_PP_06, Rev P2
 - Parameter Plan 07: Phasing Plan, 01050_PP_07, Rev P5
 - Illustrative Masterplan, 01050_MP02, Rev P2
 - Proposed B3081 Shaftesbury Road/Principal Street Signals, Ref - ITB4057-GA-073 Rev G
 - Principal Street - Proposed Ghost Island Junction With B3092 New Road, Ref - ITB4057-GA-104 Rev C

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

Quantum of Development

5. The development hereby approved shall be limited to a maximum of 961 dwellings only and up to 2,642 sqm of built floor space to include only retail, community, health, and leisure uses in a new local centre.

Reason: To define the extent of the permission and to recognise the calculations to define infrastructure contributions have been calculated on the basis of a minimum of 961 dwellings.

6. Prior to the commencement of any works on site, (excluding the Principal Street) a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing plan unless otherwise agreed in writing by the Local Planning Authority.

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

Materials

7. 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.

Trees/Landscaping

8. 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.

Reason: To ensure retention and appropriate protection of trees and other vegetation that are important to the character of the proposed development.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the 1st occupation of each phase of development (or a parcel or parcels therein); and any trees or plants which, within a period of 5 years from the completion of that phase of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed with the Local Planning Authority.

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

10. 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.

Hours of Operation

11. Before occupation of each unit of non-residential development, details of the hours of operation of those premises, hours of outside use of the premises, and hours of deliveries, shall be submitted to and approved in writing by the Local Planning

Authority. The unit(s) shall thereafter only be occupied in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard residential amenities and to ensure that the development is not unneighbourly

Flooding/Drainage

12. Prior to the commencement of any development (excluding the Principal Street), on any phase a scheme for the disposal of foul drainage, based on sustainable drainage principles in accordance with the AWP Flood Risk Assessment & preliminary Surface Water Drainage Strategy and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. Amongst other relevant details the Foul drainage scheme shall include appropriate arrangements for the agreed points of connection required to serve the proposed development phasing, ownership of the scheme and how it will be maintained and managed after completion. The drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: To minimise the risk of flooding and/or pollution.

13. Prior to the commencement of any development (excluding the Principal Street), a scheme to ensure all new development finished floor levels are set at least 600mm above the future Flood Zone 3 flood level (based on the hydraulic model updated to include the associated Principal Street where it falls within the Flood Zones and any associated floodplain compensation) shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

14. Prior to the commencement of any development (excluding the Principal Street), a scheme that ensures no development or raising of ground levels (permanent or temporary) within Flood Zone 3b, 3a or future Flood Zone 3a derived by the hydraulic model updated to include the associated Principal Street where it falls within the Flood Zones, and any associated floodplain compensation, shall be submitted to, and approved in writing by the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the impact of flooding to the development and surrounding area.

15. Prior to the commencement of any development (excluding the Principal Street) on any phase (which includes the River Lodden within its boundary) a scheme for maintenance access to the River Lodden and associated flood risk management

infrastructure, shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding and ensure future maintenance of the River Lodden.

16. Prior to submission of any Reserved Matters (RM) application on any phase of development, and prior to any application to discharge condition (17), finalised and detailed designs for necessary crossing(s) of any Ordinary Watercourses (including details of culverts, structures, road height and embankments), required by the Principal Street, must be submitted to and approved by the local planning authority. These crossings must be designed such that;
 - a. They remain fully operational and safe during a 1 in 100-year fluvial flood event (Flood Zone 3/ 1% Annual Exceedance Probability).
 - b. They are passable by emergency vehicles during a 1 in 1000-year fluvial flood event (Flood Zone 2 / 0.1% Annual Exceedance Probability).
 - c. Make necessary allowances for Climate Change.
 - d. Be acceptable in wider planning terms i.e. scale, appearance and height.

Construction of the Principal Street must incorporate the necessary crossings and must be built in strict accordance with the approved design(s). The development shall be carried out in accordance with the agreed designs.

Reason: To ensure that the design of the road meets national planning policy requirements and that culvert designs can be incorporated into any modelling required under condition (20).

17. Prior to submission of any Reserved Matters (RM) application on any phase of development, a High-Level Drainage Strategy (HLDS) & Flood Risk Assessment (FRA) for the entire development must be submitted to and approved by the local planning authority and must:
 - a. Use hydraulic modelling (or other reputable method) to consider the land take impact(s), in terms of fluvial flood risk, of culverting any on-site Ordinary Watercourses (OWC) required as a result of the proposed distributor road and finalised crossing design(s) submitted as per condition (2).
 - b. Consider the effect of winter Ground Water levels (and any revised fluvial modelling) upon the proposed drainage basins.
 - c. Show drainage and housing density layouts, that consider the revised modelling submitted and any increased (or reduced) land take required for attenuation.
 - d. Detail the location and specification for any necessary drainage infrastructure required to attenuate fluvial flooding and surface water

All Reserved Matters application(s) must be made in accordance with the approved HLDS & FRA

Reason: To ensure that strategic housing numbers / allocations for each phase, are made on the basis of appropriate flood risk mapping and Ground Water constraints, so as to allow proper implementation of the sequential approach for any subsequent Reserved Matters application, as required within the National Planning Policy Framework 2019.

18. Prior to the commencement of any development on any phase, a detailed Surface Water Management Scheme, including consideration of any construction period, for that phase shall be submitted and approved by the LPA. It shall;
- a. Accord with the approved High-Level Drainage Strategy.
 - b. Fully consider the effect of development within that phase upon any land drainage or Surface Water flow paths, not identified within the high-level strategy.
 - c. Provide detailed designs concerning the proposed drainage infrastructure and makes necessary allowances for climate change.
 - d. Fully consider the effect of development within that phase on each of the other phases
 - e. Include a surface water construction management plan (SWCMP)
 - f. Include details of the maintenance and management of both the surface water sustainable drainage system and existing watercourse(s) within that phase,
 - g. Include measures for the lifetime of the development, arrangements for adoption by any public body or statutory undertaker, and any other arrangements to secure the operation of the surface water drainage system throughout its lifetime.

The development of each and every phase shall be carried out in strict accordance with the approved Surface Water Management Scheme for that phase and maintained in accordance with the approved details for the lifetime of the development.

Reason: To reduce and manage the risk of flooding from watercourses, ensure that development follows the sequential approach as outlined in national policy, ensure that drainage infrastructure causes no worsening, reduces flood risk, improves water quality, ecology and amenity wherever possible.

19. Prior to the commencement of any development (excluding the principal street) on any phase, the infrastructure required for that phase (or a parcel or parcels therein), pursuant to the approved High-Level Drainage Strategy shall be constructed and available for use whether or not that infrastructure is located within that phase.

Reason: To ensure that any offsite infrastructure, beyond any future applicant's ownership, which is critical to the successful, policy compliant, delivery of drainage infrastructure, has been delivered prior to construction of the phase in question.

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

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

Ecology

21. Prior to the commencement of any development (excluding the Principal Street), a scheme for the provision and management of an 8 metre wide buffer zone alongside the watercourse (River Lodden) and any wetland shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and should form part of green infrastructure provision. The schemes shall include:

- a) plans showing the extent and layout of the buffer zone
- b) details of any proposed planting scheme (for example, native species)
- c) details demonstrating how the buffer zone will be protected during development and
- d) managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- e) details of any proposed footpaths, fencing, lighting etc.

Reason: To protect from potentially severe impacts of the development associated with the ecological value of lands alongside the watercourse which are particularly valuable for wildlife and worthy of protection

22. Prior to the commencement of any phase of the development, or a parcel or parcels therein (excluding the Principal Street), no construction or clearance works shall take place within 50 metres of the River Lodden until a plan detailing the protection to populations of water voles and otters and their associated habitats within the site, during construction works through to completion has been submitted and agreed in writing by the local planning authority. Details shall include a timetable for implementation and mitigation of any potential damage. The development shall be carried out in accordance with the agreed details.

Reason: To protect the river corridor habitat from potentially severe impacts of the development.

23. 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 contents 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

Highways/Transport/Construction

24. Prior to the commencement of any development, (excluding the Principal Street) of each phase of the development (or a parcel or parcels therein), details of the access, geometric highway layout, turning and parking areas for each phase (or part therein) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To reduce the risk of accidents

25. Prior to the commencement of any development (excluding the Principal Street), of each phase of the development (or a parcel or parcels therein), the first 15 metres of the access crossing, measured from the nearside edge of the carriageway, shall be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To reduce the risk of accidents

26. Prior to the commencement of any development (excluding the Principal Street), of each phase of the development (or a parcel or parcels therein) the visibility splay areas as required for each access point shall be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas shall thereafter be maintained and kept free from all obstructions.

Reason: To reduce the risk of accidents

27. Prior to the commencement of each phase of the development (or a parcel or parcels therein), a scheme showing precise details of the proposed cycle parking

facilities must be submitted and approved in writing by the LPA. The approved scheme must be constructed prior to the occupation of the relevant building in that phase, and thereafter must be maintained, kept free from obstruction and available for the purpose specified.

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

28. No more than 252 dwellings shall be occupied unless and until the following works have been constructed;

- The B3081 Shaftesbury Road/B3092 New Road junction improvement scheme, as shown on Dwg No ITB4057-GA-027 Rev G (scheme to be submitted and agreed in writing with the Local Planning Authority or implemented directly by Dorset Council).
- A scheme to improve the existing mini-roundabout at the B3081 Le Neubourg Way/Newbury (High Street (scheme to be submitted and agreed in writing with the Local Planning Authority or implemented directly by Dorset Council).
- The implementation of a SCOOT (Split Cycle Offset Optimisation Technique) urban traffic control (UTC) system on the central section of the B3081/B3092 corridor (scheme to be submitted and agreed in writing with the Local Planning Authority, or implemented directly by Dorset Council).

The development shall be carried out in accordance with the agreed schemes.

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

29.

No more than 691 dwellings shall be occupied unless or until the following works must have been constructed to the specification of the Local Planning Authority:

- The provision of the principal street, linking the B3081 Shaftesbury Road to the B3092 New Road.

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

30.

No dwelling hereby permitted shall be occupied (within the relevant phase of development in which the infrastructure listed below is located) until the following works have been constructed to the specification of the Local Authority;

- The provision of a signal-controlled junction on the B3081 Shaftesbury Road, as shown on Dwg No ITB4057-GA-073 Rev G) (scheme to be submitted and agreed in writing with the Local Planning Authority or implemented directly by Dorset Council).

- The realignment and extension of the existing B3092 New Road to the south of Lodden Lakes to form the minor arm of a ghost island right turn lane junction with the principal street, as shown on Dwg No ITB4057-GA-104 Rev C(details to be submitted and agreed in writing with the Local Planning Authority or implemented directly by Dorset Council).
- The extension of Woodpecker Meadow, as shown on Dwg No ITB13010-GA-008 (details to be submitted and agreed in writing with the Local Planning Authority or implemented directly by Dorset Council).
- The provision of a pedestrian/cycle access via Pheasant Way via the existing Footpath N64/33, as shown on Drawing no. ITB13010-GA-010 (to be submitted and agreed in writing with the Local Planning Authority or implemented directly by Dorset Council.).

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

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

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

Construction

32. Prior to the commencement of each phase of the development (or a parcel or parcels therein), a Construction Environmental Management Plan (CEMP) for that phase shall be submitted to and approved in writing by the local planning authority. The CEMP shall detail the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. The CEMP shall include details of the following:

- details of the layout of the site including generators, pumps, silos, site office, staff car parks and storage;
- storage of plant, materials and waste;
- the erection and maintenance or security hoarding;
- details of a scheme for the prevention of disturbance/nuisance caused by noise, vibration, dust and dirt to sensitive properties during construction;
- a scheme for recycling/disposing of waste resulting from construction works;
- the operation of plant and machinery associated with engineering operations;
- site security;
- fuel, oil and chemicals storage, bunding, delivery and use;
- how both minor and major spillage will be dealt with; containment of silt/soil contaminated run-off;

- disposal of contaminated drainage, including water pumped from excavations;
- site induction for workforce highlighting pollution prevention and awareness;
- a scheme to dispose of surface water run-off during the construction phase;
- construction operating hours;
- details of intrusive construction practices and methods such as piling and the subsequent control measures that will be implemented;
- the type of plant to be used;
- details of construction methods
- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction works and anticipated deliveries
- timings of deliveries so as to avoid, where possible, peak traffic periods
- a framework for managing abnormal loads
- contractors' arrangement plan showing; compound, storage, parking, turning, surfacing and drainage
- wheel cleaning facilities
- vehicle cleaning facilities
- Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- a scheme of appropriate signing of vehicle route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary

The development shall be carried out in accordance with the agreed CEMP.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site

33. There shall be no access to the development site for construction vehicles or associated contractors and suppliers' vehicles from Woodpecker Meadow.

Reason: To prevent vehicular access by construction vehicles.

Broadband

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

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

Informatives

TBC

Reasons for the Decision:

At the February 2019 North Dorset Planning Committee this application was recommended for approval by officers and was subsequently delegated by members for approval to the Head of Planning subject to pre-conditions and completion of a Section 106 agreement. This application is now back before the Committee as concerns had been raised by the applicant about the wording of some of the proposed planning conditions. The set of conditions below have been amended to ensure they meet the relevant tests set out in the National Planning Policy Framework.

The following reasons were set out previously in the Officer's Report and are still relevant:

- The site is allocated in the North Dorset Local Plan
- The Council cannot demonstrate a five year housing land supply
- The proposal would contribute towards the Council's 5 year housing land supply
- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise. None have been identified
- The location is considered to be sustainable
- The development would secure significant economic and social benefits.
- There are no material considerations which would warrant refusal of this application

APPLICATION NUMBER [2/2018/0077/OUT](#)

APPLICATION SITE: Land at Park Farm Kingsmead Business Park, Gillingham, Dorset

PROPOSAL: 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:

A) Delegate authority to the Head of Planning to grant conditional planning permission subject to, no adverse comments being received from Environmental Health and the addition of any conditions they consider reasonably necessary, and the completion of a Section 106 legal agreement, as specified in The Town and Country Planning Act 1990 (as amended), in a form to be agreed by the legal services manager to secure the following:

- 50/50% tenure split for all affordable housing
- Minimum of 10% affordable housing in the first phase of development
- A viability review ‘mechanism’/clause to review development viability in subsequent phases, seeking to secure policy compliant 25% affordable housing across the development as a whole
- Provision of transport infrastructure compliant with Local Plan Policy 21 requirements
- Provision of green infrastructure compliant with Local Plan Policy 21 requirements
- Provision of Social infrastructure (including education, health, community hall, household recycling, sports field and leisure and library) compliant with Local Plan Policy 21 requirements

And the conditions (and their reasons) listed at the end of the Planning Officers’ report as updated.

B) If the Section 106 legal agreement is not completed by 14 November 2020 or such extended time as agreed by the Head of Planning, refuse permission for failing to secure the planning obligations (as set out above) which are considered to be necessary to mitigate the adverse impacts, and secure an adequate provision of affordable housing, of the proposed development.

Conditions

Time limits

1. Details of the layout, scale, appearance and landscaping (“the reserved matters”) for each phase (or parcels therein) shall be submitted to and approved in writing by the Local Planning Authority before development on that phase or parcel begins.

2. An application for approval of reserved matters for the first phase of development (or parcels therein) shall be made to the Local Planning Authority within two years of the date of this permission. All applications for approval of reserved matters for each subsequent phase shall be submitted to the Local Planning Authority within 12 years of the date of this permission.

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

3. The first phase of development hereby permitted shall be begun before the expiration of four years from the date of the approval of the last reserved matter relating thereto. Thereafter, all subsequent phases shall be begun within two years of the Local Planning Authority's approval of the last reserved matter for that phase.

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

Approved Plans

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

- Access Arrangements ITB13355-GA-001 Rev A
- Access Arrangements ITB13355-GA-002
- Site Access ITB13355-GA-003
- Revised Illustrative Masterplan Framework (Design & Access Statement addendum November 2018) 125_DI_13.2
- Land Use Parameter Plan, Ref - 125_DI_06.9
- Access & Movement Parameter Plan, Ref - 125_DI_07.5
- Building Heights Parameter Plan, Ref -. 125_DI_10.5
- Density Parameter Plan, Ref -125_DI_09.8

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

Quantum of Development

5. The development hereby approved shall be limited to a maximum of 634 dwellings.

Reason: To define the extent of the permission and to recognise the calculations to define infrastructure contributions have been calculated on the basis of a minimum of 634 dwellings.

Phasing

6. Prior to the commencement of any works on site, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing plan unless otherwise agreed in writing by the Local Planning Authority.

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

7. No development shall take place within an approved phase of the development hereby permitted until details of tree and hedgerow protection measures during construction for those trees and/or hedgerows identified to be retained in the Arboricultural Impact Assessment undertaken by Aspect Tree Consultancy and dated December 2017 within that phase have been submitted to, and approved in writing by, the local planning authority. The measures shall accord with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations and shall indicate exactly how and when the trees will be protected throughout the construction period. The development shall be carried out in accordance with the approved details and protection measures.

Reason: To ensure retention and appropriate protection of trees and other vegetation that are important to the character of the area and proposed development.

8.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the 1st occupation of each phase of development (or a parcel or parcels therein); and any trees or plants which, within a period of 5 years from the completion of that phase of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed with the Local Planning Authority.

REASON: In the interest of the amenity and appearance of the location

9. The reserved matters for each phase of the development (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 land within domestic curtilages and the school land.

The scheme shall also include the following elements:

- details of extent and type of new planting of native species
- details of maintenance regimes
- details of any new habitat created on site
- details of treatment of site boundaries and/or buffers around water bodies
- details of management responsibilities

The landscaping shall be managed for the lifetime of the development in accordance with the approved plan.

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

Flooding/Drainage

10. No buildings or roads shall be constructed until a detailed surface water management scheme for the site, based upon the drainage principles set out in the AWP Flood Risk Assessment dated December 2018 and the hydrological and

hydrogeological context of the development has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall include:

- (a) clarification of how surface water is to be managed during construction phases
- (b) details of maintenance & management of both the surface water sustainable drainage scheme and adjacent receiving system; and
- (c) a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime

The surface water scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To minimise the risk of flooding and/or pollution.

11. The construction of the foundations of any building comprised in any phase shall not commence until plans of a scale not less than 1:200 and other particulars showing the finished floor levels of the dwelling(s) in relation to Ordnance Datum in relation to the relevant phase have been submitted to and agreed in writing by the Local Planning Authority, and the development shall be carried out in accordance with those plans.

Reason: To minimise the risk of flooding

12. No development comprised in a phase shall be commenced until a scheme for the disposal of foul drainage for the relevant phase, , has been submitted to and approved in writing by the Local Planning Authority. Amongst other relevant details the foul drainage scheme shall include appropriate arrangements for the agreed points of connection required to serve the proposed development, phasing, ownership of the scheme and how it will be maintained and managed after completion. The development shall be completed in accordance with the approved details.

Reason: To minimise the risk of flooding and/or pollution and to protect the environment

Ecology

13. Prior to the commencement of any development comprised in a phase 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 on-site 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.

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

14. Prior to the commencement of any phase of the development, or part thereof, a Lighting Strategy to mitigate impacts on bats must be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Lighting Strategies.

Reason: To ensure that the development mitigates negative impacts upon protected species.

Highways/Transport/Construction

15. Prior to the commencement of each phase of the development (or a parcel or parcels therein), a scheme showing precise details of the proposed cycle parking facilities must be submitted and approved in writing by the LPA. The approved scheme must be constructed prior to the occupation of the relevant buildings in that phase, and thereafter must be maintained, kept free from obstruction and available for the purpose specified.

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

16. No more than 167 of the dwellings permitted hereby may be occupied unless oruntil the following works have been constructed:

- The B3081 Shaftesbury Road/B3092 New Road junction improvement scheme, as shown on Dwg No ITB4057-GA-027 Rev G (scheme to be submitted and agreed in writing with the Local Planning Authority or implemented directly by Dorset Council).
- A scheme to improve the existing mini-roundabout at the B3081 Le Neubourg Way/Newbury (High Street) (scheme to be submitted and agreed in writing with the Local Planning Authority or implemented directly by Dorset Council).
- The implementation of a SCOOT (Split Cycle Offset Optimisation Technique) urban traffic control (UTC) system on the central section of the B3081/B3092 corridor (scheme to be submitted and agreed in writing with the Local Planning Authority or implemented directly by Dorset Council).

The development shall be carried out in accordance with the agreed schemes.

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

17.

No more than 408 of the dwellings hereby permitted may be occupied unless and until the principal street, linking the B3081 Shaftesbury Road to the B3092 New Road, has been constructed.

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

18. No dwelling hereby permitted shall be occupied until the following works have been constructed:

- Extension of The Eastern Arm of The Existing Park Farm Roundabout as shown on Drawing no. ITB13355-GA-001 Rev A (scheme to be submitted and agreed in writing with the Local Planning Authority).
- Pedestrian/Cycling/Emergency Access Link Via Eastern End of Cerne Avenue / Cale Way Junction as shown on Drawing no. ITB13355-GA-002 (scheme to be submitted and agreed in writing with the Local Planning Authority).
- Pedestrian/Cycling/Emergency Access Link Via Eastern End of Trent Square / Fern Brook Lane Junction as shown on Drawing no. ITB13355-GA-003 (scheme to be submitted and agreed in writing with the Local Planning Authority).

Reason: These specified works are seen as a pre-requisite for allowing the occupation of the development, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

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

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

Construction

20. Prior to the commencement of each phase of the development, a Construction Environmental Management Plan (CEMP) for that phase (that is in accordance with the approach outlined in the Planning/Environmental Statement), shall be submitted to and approved in writing by the local planning authority. The CEMP shall detail the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing

how the environment will be protected during the works. The CEMP shall include details of the following:

- details of the layout of the site including generators, pumps, silos, site office, staff car parks and storage;
- storage of plant, materials and waste;
- the erection and maintenance of security hoardings;
- details of a scheme for the prevention of disturbance/nuisance caused by noise, vibration, dust and dirt to sensitive properties during construction;
- a scheme for recycling/disposing of waste resulting from construction works;
- the operation of plant and machinery associated with engineering operations;
- site security;
- fuel, oil and chemicals storage, bunding, delivery and use;
- how both minor and major spillage will be dealt with; containment of silt/soil contaminated run-off;
- disposal of contaminated drainage, including water pumped from excavations;
- site induction for workforce highlighting pollution prevention and awareness;
- a scheme to dispose of surface water run-off during the construction phase;
- construction operating hours;
- details of intrusive construction practices and methods such as piling and the subsequent control measures that will be implemented;
- the type of plant to be used;
- details of construction methods
- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction works and anticipated deliveries
- timings of deliveries so as to avoid, where possible, peak traffic periods
- a framework for managing abnormal loads
- contractors' arrangement plan showing; compound, storage, parking, turning, surfacing and drainage
- wheel cleaning facilities
- vehicle cleaning facilities
- Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- a scheme of appropriate signing of vehicle route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary

The works shall be carried out in accordance with the approved CEMP.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site

Broadband

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

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

Informatives

TBC

Reasons for the Decision:

At the February 2019 North Dorset Planning Committee this application was recommended for approval by officers and was subsequently delegated by members for approval to the Head of Planning subject to pre-conditions and completion of a Section 106 agreement. This application is now back before the Committee as concerns had been raised by the applicant about the wording of some of the proposed planning conditions. The set of conditions below have been amended to ensure they meet the relevant tests set out in the National Planning Policy Framework.

The following reasons were set out previously in the Officer's Report and are still relevant:

- The site is allocated for a mixed use development as set out in Policy 21 'Gillingham Strategic Site Allocation' of the North Dorset Local Plan Part 1 (January 2016);
- The Council cannot at present demonstrate a five year housing land supply;
- The proposal would contribute towards the Council's 5 year housing land supply;
- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise. None have been identified
- The proposed development site is considered to be in a sustainable location;
- The development would secure significant economic and social benefits;
- There are no material considerations which would warrant refusal of this application.

Application Number – 2/2018/0077/OUT

Site address - Land at Park Farm Kingsmead Business Park, Gillingham, Dorset

Proposal - 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).

1.0 FURTHER CLARIFICATION ON IMPACT UPON HERITAGE ASSETS

It is noted in the Committee report under 'key planning issues' that;

On balance, the proposed development is considered to result in 'less than substantial harm' to the significance of both King's Court Palace Moated Site Scheduled Monument and Park Farmhouse Grade II Listed Building. This harm is outweighed by the public benefits of the proposal. Historic England raise no objections.

Officers have fully considered the weighing balance required when assessing a development proposal which leads to 'less than substantial harm' to designated heritage assets. However it is appropriate to elaborate on this point further to ensure this matter has been adequately recorded.

Through the submission of supporting heritage documentation submitted with the application, public records, and consultation with Historic England, the significance of heritage assets has been assessed and special regard has been given to the preservation of those assets in the balancing exercise.

Through the submission of amended plans throughout the application period, the 'lozenge' of housing in the North West corner of the site has been removed, the development parcel immediately to the East was 'rounded off', the allotments and formal orchard replaced with an informally planted community orchard, the reduction in storey heights to 2 storey only and provision of pedestrian footpaths has enabled appreciation and views of the Scheduled Monument. These measures enabled Historic England to remove their objection on the basis that the amendments reduced the visual impact of the proposed development on the setting and significance of the monument.

The proposed development will also result in the loss of pasture land in the immediate vicinity of the listed farmhouse, including land historically associated with the farm: the urbanisation of the presently rural land forming the application site would act to diminish the remaining historic context between the farmhouse and its historic holdings.

When this level of 'less than substantial' harm is identified, an assessment must be carried out to weigh this harm against the public benefits of the proposal.

Officers consider that there are significant public benefits derived from this proposed development which would include, the delivery of up to 634 new homes on an allocated site (at a time when the Council cannot demonstrate a five year housing land supply), the delivery of local transport infrastructure improvements, short and long term economic benefits for Gillingham, and the collection of the New Homes Bonus. These significant public benefits are considered to outweigh the less than substantial harm to the setting of the heritage assets.

2.0 PROPOSED CHANGES TO THE RECOMMENDATION

Recommendation A

Delegate authority to the Head of Planning to grant conditional planning permission subject to, no adverse comments being received from Environmental Health and the addition of any conditions they consider reasonably necessary, and the completion of a Section 106 legal agreement, as specified in The Town and Country Planning Act 1990 (as amended), in a form to be agreed by the legal services manager to secure the following:

- 50/50% tenure split for all affordable housing
- Minimum of 10% affordable housing in the first phase of development
- A viability review 'mechanism'/clause to review development viability in subsequent phases, seeking to secure policy compliant 25% affordable housing across the development as a whole
- Provision of transport infrastructure compliant with Local Plan Policy
- 21 requirements
- Provision of green infrastructure compliant with Local Plan Policy 21 requirements
- Provision of Social infrastructure (including education, health, community hall, household recycling, sports field and leisure and library) compliant with Local Plan Policy 21 requirements

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

Given the current difficulties being presented with COVID-19 with regard to travel, meeting persons from outside your household, the possible delays in the purchase of the 'Manse', and in the spirit of a positive working relationship with the applicants, it is recommend that part B) is amended as follows;

Recommendation B

If the Section 106 legal agreement is not completed by 14 November 2020 or such extended time as agreed by the Head of Planning, refuse permission for failing to secure the planning obligations (as set out above) which hare considered to be

necessary to mitigate the adverse impacts, and secure an adequate provision of affordable housing, of the proposed development.

3.0 PROPOSED CHANGES TO CONDITIONS

(Conditions 2, 3, 4, 11, 17, 18, 19, 20 remain unchanged)

Time limits

1. ~~Approval of d~~Details of the layout, scale, appearance and landscaping (“the reserved matters”) for each phase (or parcels therein) shall be submitted to and approved in writing by the Local Planning Authority before development on that phase or parcel begins.

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

Trees/Landscaping

7. ~~In relation to those trees and/or hedgerows identified to be retained in the Arboricultural Impact Assessment undertaken by Aspect Tree Consultancy and dated December 2017, no~~ No development shall take place within any ~~approved~~ phase of the development hereby permitted until details of tree and hedgerow protection measures during construction for those trees and/or hedgerows identified to be retained in the Arboricultural Impact Assessment undertaken by Aspect Tree Consultancy and dated December 2017 for within that phase ~~during construction~~ have been submitted to, and approved in writing by, the local planning authority. The measures shall accord with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations and shall indicate exactly how and when the trees will be protected throughout the construction period. The development shall be carried out in accordance with the agreed details and protection measures.

Reason: To ensure retention and appropriate protection of trees and other vegetation that are important to the character of the area and proposed development.

8. ~~All planting, seeding or turfing comprised in a phase and set out in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of each phase of development; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.~~

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

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the 1st occupation

of each phase of development (or a parcel or parcels therein); and any trees or plants which, within a period of 5 years from the completion of that phase of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed with the Local Planning Authority.

REASON: In the interest of the amenity and appearance of the location

9. The reserved matters for each phase of the development (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 land within domestic curtilages and the school land.

The scheme shall also include the following elements:

- detail extent and type of new planting of native species
- details of maintenance regimes
- details of any new habitat created on site
- details of treatment of site boundaries and/or buffers around water bodies
- details of management responsibilities

The landscaping shall be managed for the lifetime of the development in accordance with 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.

Flooding/Drainage

10. No buildings or roads shall be constructed until a detailed surface water management scheme for the site, based upon the drainage principles set out in the AWP Flood Risk Assessment dated December 2018 and the hydrological and hydrogeological context of the development has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall include:

- (a) clarification of how surface water is to be managed during construction phases
- (b) details of maintenance & management of both the surface water sustainable drainage scheme and adjacent receiving system; and
- (c) a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime

The surface water scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. ~~These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water.~~

Reason: To minimise the risk of flooding and/or pollution.

12. No development comprised in a phase shall be commenced until a scheme for the disposal of foul drainage for the relevant phase, ~~based on sustainable drainage principles in accordance with the AWP Flood Risk Assessment and an assessment of the hydrological and hydrogeological context of the development,~~ has been submitted to and approved in writing by the Local Planning Authority. Amongst other relevant details the foul drainage scheme shall include appropriate arrangements for the agreed points of connection required to serve the proposed development, phasing, ownership of the scheme and how it will be maintained and managed after completion. The development shall be completed in accordance with the approved details.

Reason: To minimise the risk of flooding and/or pollution and to protect the environment

Ecology

14. Prior to the commencement of any phase of the development, or part thereof, a Lighting Strategy to mitigate impacts on bats must be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Lighting Strategies.

Reason: To ensure that the development mitigates negative impacts upon protected species.

Highways/Transport/Construction

15. ~~Prior to the occupation of any dwelling in any phase a scheme showing details of the proposed cycle parking facilities for that phase shall be submitted to and agreed in writing by the Local Planning Authority.~~

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

Prior to the commencement of each phase of the development (or a parcel or parcels therein), a scheme showing precise details of the proposed cycle parking facilities must be submitted and approved in writing by the LPA. The approved scheme must be constructed prior to the occupation of the relevant buildings in that phase, and thereafter must be maintained, kept free from obstruction and available for the purpose specified.

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

16. No more than 167 of the dwellings permitted hereby may be occupied unless or until the following works have been constructed:

- The B3081 Shaftesbury Road/B3092 New Road junction improvement scheme, as shown on Dwg No ITB4057-GA-027 Rev G (scheme to be submitted and agreed in writing with the Local Planning Authority or implemented directly by Dorset Council).
- A scheme to ~~convert~~improve the existing mini-roundabout at the B3081 Le Neubourg Way/Newbury (High Street) ~~to a signalised junction, as shown on Dwg No ITB4057-GA-066 Rev E~~ (scheme to be submitted and agreed in writing with the Local Planning Authority or implemented directly by Dorset Council).
- The implementation of a SCOOT (Split Cycle Offset Optimisation Technique) urban traffic control (UTC) system on the central section of the B3081/B3092 corridor (scheme to be submitted and agreed in writing with the Local Planning Authority or implemented directly by Dorset Council).

The development shall be carried out in accordance with the agreed schemes.

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

Broadband

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

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

Application Number – 2/2018/0036/OUT

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

Proposal - 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).

1.0 PROPOSED ADDITION TO THE SECTION ‘ARCHEOLOGY’

The significance of non-designated heritage assets (archaeological remains) have been taken into account in proposing this recommendation (NPPF Para 197). The scale of the harm/loss has been taken into account and regard has been given to the desirability of preserving these features of interest. Officers are satisfied that the proposed mitigation ‘preservation by record’ involving excavation, recording, production of a site archive and publication of the excavation results, secured by planning condition would provide sufficient mitigation. The benefits of the proposed development (set out under ‘Planning Balance’) would also weigh heavily in a balanced judgement in this regard.

2.0 PROPOSED CHANGE TO THE RECOMMENDATION

Recommendation A

Delegate authority to the Head of Planning to grant conditional planning permission subject to, no adverse comments being received from Environmental Health and the addition of any conditions they consider reasonably necessary, and the completion of a Section 106 legal agreement, as specified in The Town and Country Planning Act 1990 (as amended), in a form to be agreed by the legal services manager to secure the following:

- 50/50% tenure split for all affordable housing
- Minimum of 10% affordable housing in the first phase of development
- A viability review ‘mechanism’/clause to review development viability in subsequent phases, seeking to secure policy compliant 25% affordable housing across the development as a whole
- Provision of transport infrastructure compliant with Local Plan Policy
- 21 requirements
- Provision of green infrastructure compliant with Local Plan Policy 21 requirements

- Provision of Social infrastructure (including education, health, community hall, household recycling, sports field and leisure and library) compliant with Local Plan Policy 21 requirements

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

Given the current difficulties being presented with COVID-19 with regard to travel, meeting persons from outside your household, the possible delays in the purchase of the Manse, and in the spirit of a positive working relationship with the applicants, it is recommend that part B) is amended as follows;

Recommendation B

If the Section 106 legal agreement is not completed by 14 November 2020 or such extended time as agreed by the Head of Planning, refuse permission for failing to secure the planning obligations (as set out above) which have considered to be necessary to mitigate the adverse impacts, and secure an adequate provision of affordable housing, of the proposed development.

3.0 PROPOSED CHANGES TO CONDITIONS

(Conditions 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, 21, 23, 25, 26, 27, 30, 31, 33, 34 remain unchanged.)

Conditions

Time Limits

1. ~~Approval of d~~Details of the layout, scale, appearance and landscaping (“the reserved matters”) for each development phase (or a parcel or parcels therein) shall be submitted to and approved in writing by the Local Planning Authority before development on that phase begins.

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

Trees/Landscaping

8. 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.

Reason: To ensure retention and appropriate protection of trees and other vegetation that are important to the character of the proposed development.

16. Prior to submission of any Reserved Matters (RM) application on any phase of development, and prior to any application to discharge condition (17),

finalised and detailed designs for necessary crossing(s) of any Ordinary Watercourses (including details of culverts, structures, road height and embankments), required by the Principal Street, must be submitted to and approved by the local planning authority. These crossings must be designed such that;

- a. They remain fully operational and safe during a 1 in 100-year fluvial flood event (Flood Zone 3/ 1% Annual Exceedance Probability).
- b. They are passable by emergency vehicles during a 1 in 1000-year fluvial flood event (Flood Zone 2 / 0.1% Annual Exceedance Probability).
- c. Make necessary allowances for Climate Change.
- d. Be acceptable in wider planning terms i.e. scale, appearance and height.

Construction of the Principal Street must incorporate the necessary crossings and must be built in strict accordance with the approved design(s). The development shall be carried out in accordance with the agreed designs.

Reason: To ensure that the design of the road meets national planning policy requirements and that culvert designs can be incorporated into any modelling required under condition (20).

22. Prior to the commencement of any phase of the development, or a parcel or parcels therein (excluding the Principal Street), no construction or clearance works shall take place within 50 metres of the River Lodden until a plan detailing the protection to populations of water voles and otters and their associated habitats within the site, during construction works through to completion has been submitted and agreed in writing by the local planning authority. Details shall include a timetable for implementation and mitigation of any potential damage. The development shall be carried out in accordance with the agreed details.

Reason: To protect the river corridor habitat from potentially severe impacts of the development.

Highways/Transport/Construction

24. Prior to the commencement of any development, (excluding the Principal Street) of each phase of the development (or a parcel or parcels therein), details of the access, geometric highway layout, turning and parking areas for each phase (or part therein) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To reduce the risk of accidents

28. No more than 252 dwellings shall be occupied unless and until the following works off-site highway works Before the 253rd dwelling is occupied the following works must have been constructed;

- The B3081 Shaftesbury Road/B3092 New Road junction improvement scheme, as shown on Dwg No ITB4057-GA-027 Rev G (scheme to be submitted and agreed in writing with the Local Planning Authority or implemented directly by Dorset Council).
- A scheme to ~~convert~~improve the existing mini-roundabout at the B3081 Le Neubourg Way/Newbury (High Street) ~~to a signalised junction, as shown on Dwg No ITB4057-GA-066 Rev E~~ (scheme to be submitted and agreed in writing with the Local Planning Authority or implemented directly by Dorset Council).
- The implementation of a SCOOT (Split Cycle Offset Optimisation Technique) urban traffic control (UTC) system on the central section of the B3081/B3092 corridor (scheme to be submitted and agreed in writing with the Local Planning Authority, or implemented directly by Dorset Council).

The development shall be carried out in accordance with the agreed schemes.

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

29. No more than 691 dwellings shall be occupied unless or until Prior to the occupation of the 692nd dwelling the following works must have been constructed to the specification of the Local Planning Authority:

- The provision of the Principal Street, linking the B3081 Shaftesbury Road to the B3092 New Road.

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

Construction

32. Prior to the commencement of each phase of the development (or a parcel or parcels therein), a Construction Environmental Management Plan (CEMP) for that phase shall be submitted to and approved in writing by the local planning authority. The CEMP shall detail the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. The CEMP shall include details of the following:

- details of the layout of the site including generators, pumps, silos, site office, staff car parks and storage;
- storage of plant, materials and waste;
- the erection and maintenance or security hoarding;
- details of a scheme for the prevention of disturbance/nuisance caused by noise, vibration, dust and dirt to sensitive properties during construction;
- a scheme for recycling/disposing of waste resulting from construction works;
- the operation of plant and machinery associated with engineering operations;
- site security;
- fuel, oil and chemicals storage, bunding, delivery and use;
- how both minor and major spillage will be dealt with; containment of silt/soil contaminated run-off;
- disposal of contaminated drainage, including water pumped from excavations;
- site induction for workforce highlighting pollution prevention and awareness;
- a scheme to dispose of surface water run-off during the construction phase;
- construction operating hours;
- details of intrusive construction practices and methods such as piling and the subsequent control measures that will be implemented;
- the type of plant to be used;
- details of construction methods
- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction works and anticipated deliveries
- timings of deliveries so as to avoid, where possible, peak traffic periods
- a framework for managing abnormal loads
- contractors' arrangement plan showing; compound, storage, parking, turning, surfacing and drainage
- wheel cleaning facilities
- vehicle cleaning facilities
- Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- a scheme of appropriate signing of vehicle route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary

The works-development shall be carried out in accordance with the agreed CEMP.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site.