

**1.0 Application Number – P/OUT/2020/00472**

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

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

**Applicant name** - Fairfax Acquisitions Ltd

**Case Officer** – Simon McFarlane

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

**2.0 Summary of Recommendation:**

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

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

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

Recommendation B; Refuse permission for failing to secure the obligations above if the agreement is not completed by (29 January 2022) or such extended time as agreed by the Head of Planning.

### 3.0 Reason for the recommendation:

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

### 4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The principle of development is considered to be acceptable in light of the lack of 5 year housing land supply and, sustainable location and no material considerations which would warrant refusal of this application.
Loss of Agricultural Land	The loss of this land in the context of the provision of housing and social/economic benefits is considered to be acceptable.
Housing delivery	The development will provide upto 80 dwellings making a valuable contribution to the housing land supply.
Affordable Housing and Infrastructure	The development will provide policy compliant affordable housing at 25% and a suite of s.106 obligations (onsite and offsite).
Points of access/transport	The application is for outline and access only. The proposed access is considered to be acceptable.

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

## 5.0

### Description of Site

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

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

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

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

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

## **6.0 Description of Development**

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

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

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

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

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

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

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

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

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

## **7.0 Relevant Planning History**

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

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

## **8.0 List of Constraints**

Agricultural Land  
SSSI Impact Risk Zone

## **9.0 Consultations**

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

### **Gillingham Town Council**

Objection.

### **Open Spaces Society**

Objection.

### **Conservation Officer**

No objection.

### **Archaeology**

No objection, subject to conditions.

### **Housing Enabling Team**

No objection, subject to s.106.

### **Landscape Officer**

No objection.

### **Urban Design Officer**

No objection.

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

No objection, subject to conditions.

### **Wessex Water**

No objection.

### **Transport Development Management - Dorset Council**

No objection, subject to conditions.

### **Natural Environment Team**

No objection, subject to conditions.

### **Tree Officer**

No objection, subject to conditions.

### **Rights of Way Officer**

No objection, subject to s.106.

**Planning Obligations Officer**

No objection, subject to s.106.

**Education Officer**

No objection, subject to s.106.

**Environmental Health**

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

**Natural England**

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

**Planning Policy**

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

**Fire Safety Officer**

No objection, subject to meeting building regulations.

**Dorset Police Architectural Liaison Officer**

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

**Dorset Travel Plan Co-Ordinator**

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

**Dorset Waster Partnership**

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

**10.0 Representations**

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

**Objections;**

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

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

## 11.0 Relevant Development Plan Policies

**Local Plan: The North Dorset Local Plan Part 1 (LPP1)** was adopted by North Dorset District Council (NDDC) on 15 January 2016. It, along with policies retained from the 2003 North Dorset District-Wide Local Plan, and the 'made' Gillingham Neighbourhood Plan, form the development plan for North Dorset. Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Relevant applicable policies in the adopted North Dorset Local Plan Part 1, January 2016 are as follows:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Core Spatial Strategy

Policy 3: Climate Change

Policy 4: The Natural Environment

Policy 5: The Historic Environment

Policy 6: Housing Distribution

Policy 7: Delivering Homes

Policy 8: Affordable Housing

Policy 11: The Economy

Policy 13: Grey Infrastructure

Policy 14: Social Infrastructure

Policy 15: Green Infrastructure

Policy 17: Gillingham

Policy 23: Parking

Policy 24: Design

Policy 25: Amenity

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

Policy 1.9 - Important Open or Wooded Areas



## **Gillingham Neighbourhood Plan**

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

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

## **Other Material Considerations**

### **National Planning Policy Framework (NPPF):**

The NPPF has been updated with a revised version published July 2021. The following sections and paragraphs are relevant to this outline application:

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
10. Supporting high quality communications
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

*The presumption in favour of sustainable development*

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development. ...

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay...

### **Current housing land supply**

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

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

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

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

Relevant Policies;

DEV4: Growth in the northern Dorset functional area

DEV9: Neighbourhood plans

ENV1: Green infrastructure: strategic approach

ENV2: Habitats and species

ENV3: Biodiversity and net gain

ENVV4: Landscape

ENV5: Heritage Assets

ENV8: The landscape and townscape context

ENV11: Amenity

ENV12: Pollution control

ENV13: Flood risk

ENV14: Sustainable drainage systems (SuDs)

HOUS1: Housing Mix

HOUS2: Affordable housing

COM4: Recreation, sports facilities and open space

COM8: Parking standards in new development

COM9: Provision of infrastructure for electric and other low emission vehicles

COM12: The provision of utilities service infrastructure

GILL3: Land at Common Mead Lane

### **North Dorset District Council Landscape Character Assessment (2008)**

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

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

### **Gillingham Town Design Statement (adopted 2012)**

The Gillingham Town Design Statement (TDS) was adopted by Cabinet on 19 March 2012 and endorsed by Council on 30 March 2012, as an evidence base study. It was developed to safeguard the local characteristics of the Town, and to encourage sensitive, high quality design where new development occurs. It details distinctive local features and policies to inform those applying for planning permission what should be considered when preparing a scheme for submission.

## **12.0 Human rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## **13.0 Public Sector Equalities Duty**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

## 14.0

## s.106/Financial benefits

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

## 15.0

### Planning Assessment

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

#### **Principle of development**

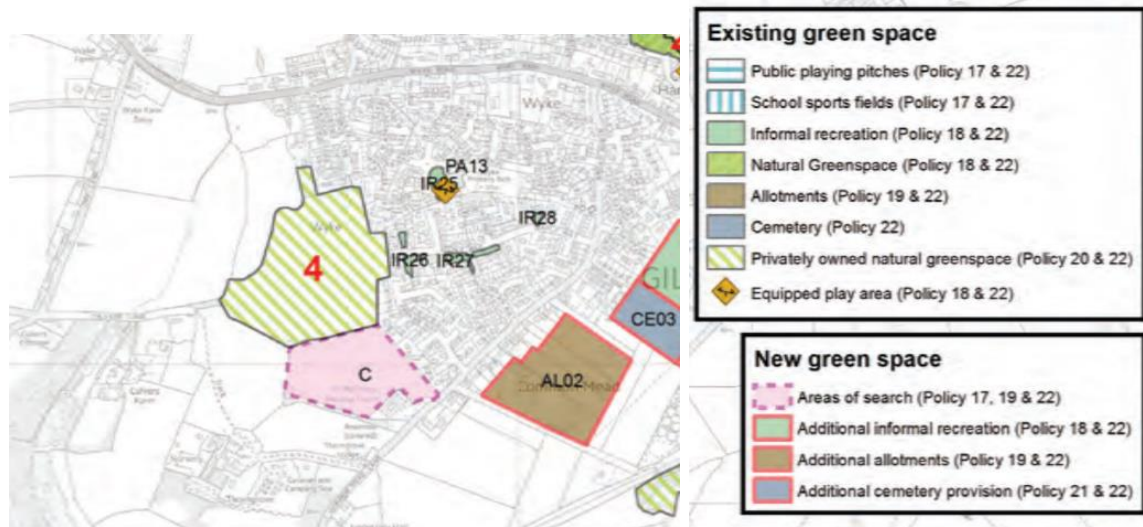
Policy 2 (Core Spatial Strategy) of the NDLP part 1 requires development to be located in accordance with the spatial strategy which directs development to the 4 main towns and larger villages. Gillingham is identified as one of the larger towns and will be a main focus for growth and for the vast majority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

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

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

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

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



(Figure 11.2)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**GILL3: Land at Common Mead Lane**

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

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

The NPPF requires local authorities to identify and update annually a five year supply of specific deliverable housing sites. Currently Dorset Council is unable to demonstrate a five year housing land. In the area that was North Dorset DC, it has only a 3.3yr housing land supply (as stated in the latest AMR).

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

The Framework seeks to encourage residential development in sustainable locations. The proposed dwellings would be located within very reasonable



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

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

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

### **Loss of Agricultural Land**

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

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

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

### **Housing Delivery**

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

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

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

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

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

### **Affordable Housing and Infrastructure**

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

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

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

### **Points of access/Transport**

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

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

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

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

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

### **Urban Design**

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

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

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

### **Landscape**

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

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

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

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

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

### **Trees**

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

Paragraph 7.135 of the Local Plan states that:

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

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

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

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

### **Residential Amenity**

There will be an inevitable change to the nature of the site from its current use as an open field. The proposed built form, increased vehicular movement, increased domestic noise and activity will all have an impact upon the neighbouring dwellings and the level tranquillity currently enjoyed. However this is unlikely to adversely impact adjacent neighbours to the extent that would warrant the refusal of this application.

The most affected residents will be the properties adjoining immediately to the east of the site on Freame Way and to the South of the site at the Mellows care home. The illustrative layout indicates that sufficient distance can be achieved which will mitigate the impact and adequately protect the amenity of the neighbouring residents. This will be re-examined through the reserved matters application(s) and the final detailed layout proposals.



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

### **Heritage/Archaeology**

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

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

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

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

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

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

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

*Wyke Conservation Area;*

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

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

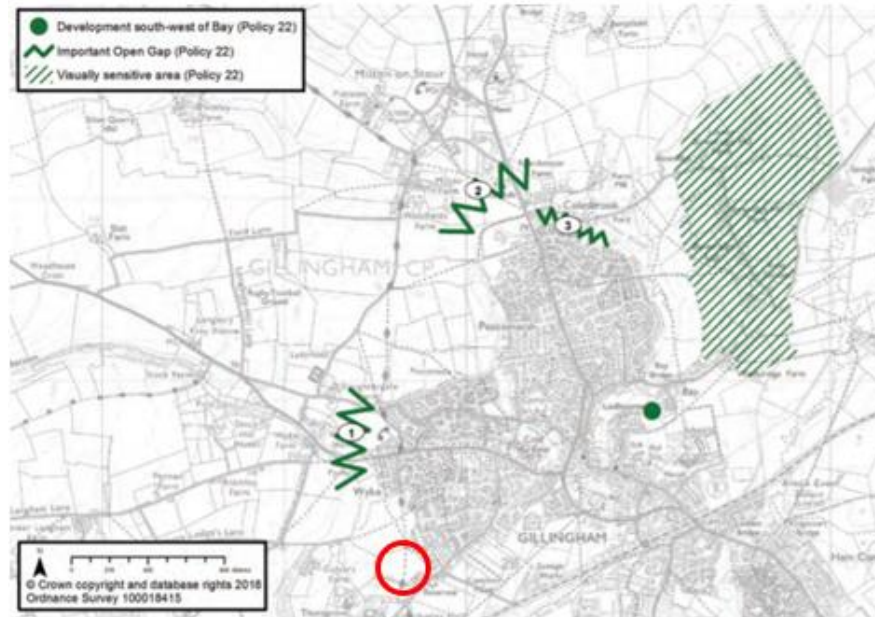


Figure 11.7 Important Open Gaps and Bowridge Hill visually sensitive area

#### *Moat at Thorngrove (MDO3908)*

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

When the level of harm is considered to be classified as 'less than substantial harm' it should be afforded great weight in the decision making process. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should then be balanced against the public benefits of the proposal.

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

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

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

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

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

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

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

### **Biodiversity**

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

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



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

### **Flooding/Drainage**

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

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

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

### **Planning Balance;**

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

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

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

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

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

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

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

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

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

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

## 17.0 Conclusion

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

## 18.0 RECOMMENDATION

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

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

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

Recommendation B; **Refuse** permission for failing to secure the obligations above if the agreement is not completed by (29 January 2022) or such extended time as agreed by the Head of Planning.

### Conditions

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

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

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

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

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

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

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

#### **Approved Plans**

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

- Location Plan, drawing ref – 2040/PL.01 Rev B
- Access design and visibility splays, drawing ref – 020.0572.001

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

#### **Quantum of Development**

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

Reason: To define the extent of the permission

#### **Trees/Landscaping**

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

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

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

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

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

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

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

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

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

## **Drainage**

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

Reason

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

11. Prior to the commencement of the development details of maintenance and management of the surface water sustainable drainage scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These shall include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason

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

## **Heritage**

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

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

## Ecology

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

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

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

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

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

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

### **Lighting**

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

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

### **Highways/Transport/Construction**

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

Reason: To reduce the risk of accidents

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

Reason: To reduce the risk of accidents

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

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

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



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

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

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

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

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

### **Construction**

20. Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:
- construction vehicle details (number, size, type and frequency of movement)
  - a programme of construction works and anticipated deliveries
  - timings of deliveries so as to avoid, where possible, peak traffic periods
  - contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
  - wheel cleaning facilities
  - vehicle cleaning facilities
  - inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
  - a scheme of appropriate signing of vehicle route to the site
  - a route plan for all contractors and suppliers to be advised on
  - temporary traffic management measures where necessary

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

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

### **Contamination**

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

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

The scheme shall be implemented as approved.

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

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

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

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

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

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

#### **Broadband**

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

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

#### **Informatives**

TBC