

Application Number:	P/OUT/2021/04019		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Land north of 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:	Verity Murphy		
Ward Member(s):	Cllr Pothecary, Cllr David Walsh, Cllr Ridout		
Publicity expiry date:	18 November 2021	Officer site visit date:	
Decision due date:	12 January 2022	Ext(s) of time:	

1.0 The application is reported to Committee as Gillingham Town Council have objected to the application, and application P/OUT/2020/0072 for 80 dwellings on the site was previously refused by Planning Committee in August 2021.

2.0 Summary of minded to recommendation:

Recommendation A: Minded to **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)
- 4.3ha of land for biodiversity net gain
- The northern field (8.05ha) to be offered to and transferred (if accepted) to Gillingham Town Council
- £65,467.20 towards compensatory habitat

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 (8th August 2022) or such extended time as agreed by the Head of Planning.

3.0 Reason for the recommendation: as set out in paras 15.0 – 17.0 at end of this report.

- The Council can demonstrate a five year housing land supply, however the Housing Delivery Test result (2021) means that the ‘presumption’ still applies in North Dorset.
- 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
- The proposed development would secure significant open space and ecological enhancements secured via S106 agreement
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development is considered to be acceptable in light of the latest housing delivery test results (2021) in which the presumption in favour of sustainable development still applies. The site is located within a 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 up to 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. Significant areas of ecological enhancement are proposed and will be secured via S106 agreement. 10% biodiversity net gain will be achieved.
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 would be 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.
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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 Fream 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 Fream 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

This application is a resubmission of an earlier application P/OUT/2020/00472, which was refused by Committee on 24 August 2021 for the following reasons:

1. *The proposed development by reason of its siting outside of the defined settlement boundary of Gillingham and encroachment into the countryside would cause less than substantial harm to the significance of the Wyke Conservation Area, and the non-designated Moat at Thorngrove (MDO3908) and that harm would not be outweighed by the public benefits derived from the residential development"*
2. *The loss of an existing area of informal green amenity space and a formal area of search for new outdoors sports provision. It has not been demonstrated that there is a clear overriding public benefit or that the proposed development could not be reasonably located outside of the area.*
3. *The absence of a completed and signed Section 106 legal agreement to secure affordable housing and community benefits (infrastructure – grey, green and social).*

This application seeks permission for outline planning permission for a residential development of 80 dwellings on the site. As with the previous planning application, all matters are 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 the same indicative site layout plan as refused permission P/OUT/2020/0047, 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 up to 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.

However, this application now provides land of 4.3 ha to the north of the site that will be enhanced as species-rich grassland and delivers a 10% bio-diversity net gain. Furthermore, the whole of the northern field which measures at 8.05 hectares, including the area of biodiversity enhancement, will be offered to Gillingham Town Council. If the offer is accepted, the transfer would contain sufficient covenants to prevent any future development and to guarantee that it is held as publicly accessible green space in perpetuity. By accepting the offer of the transfer, the land would become accessible, could be enjoyed by the town and would be protected from any future risk of development.

The transfer would take place upon or near completion of the new development and liability for maintaining the field would pass to Gillingham Town Council at this point.

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.

7.0 Relevant Planning History

P/OUT/2020/00472 – Develop land by the erection of up to 80 dwellings, form vehicular access, associated open space and infrastructure. (Outline application to determine access). REFUSED 24/08/2021

In relation to this application, the applicant engaged in pre application discussions with the council.

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

SSSI impact risk zone

Agricultural land

9.0 Consultations

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

Consultees

1. Ward Councillor - Gillingham Ward

- No comments received

2. Parish - Gillingham Town Council

- Object to application
- The proposed development is outside the defined settlement boundary
- The proposal would cause harm to the significance of the Conservation Officer which would not be outweighed by public benefits
- The proposed development would result in the loss of an existing area of informal green amenity space and a formal area of search for new outdoors sports provision.
- The provision of s106 monies cannot be considered in all cases to be an appropriate form of compensation for failing to provide for example outdoor sports provision or allotments.
- The site is served by a sub-standard rural lane. There will be an increased danger to pedestrians
- The character and nature of Common Mead Lane presents conditions that are totally unsuitable for the likely increase in vehicular and pedestrian traffic generated by the new development and will adversely impact upon the safety of all existing highway users.
- The proposed development will encourage reliance on private vehicles as there is no public transport available.
- The proposal will result in the loss of the amenity to the neighbouring residential care home.
- The site is within an area designated for formal outdoor sports provision
- Detrimental impact on the natural landscape area
- The proposal would have an adverse effect on ecology and biodiversity

- The proposal fails to accord with the objectives of the NPPF.

3. Open Spaces Society 1

- No comments received

4. Dorset Police Architectural Liaison Officer

- No comments received

5. Development Control - Landscape

- No in principle objection to the scheme subject to conditions

6. Development Control - Education Officer

- No comments received

7. Development Control - Natural Environment Team

8. Development Control - Rights of Way Officer

- No objection subject to conditions

9. Development Control - Highways

- No objection subject to conditions

10. Development Control - Dorset Waste Partnership

- No comments received

11. Development Control - Conservation Officers

- Supports application subject to conditions
- Proposal will result in less than substantial harm to Wyke Conservation Area and Moat and Thorngrove, however this harm is considered to be acceptable

12. Development Control - Trees (Team B)

- No comments received

14. Development Control - Policy - Urban Design

- No comments received

15. Development Control - Housing Enabling Team

- No objection, subject to S.106
- 16. Development Control - Planning Policy**
- No comments received
- 17. Development Control - Economic Development and Tourism**
- No comments received
- 18. Development Control - Land Drainage**
- No objection subject to conditions
- 19. Development Control - Building Control North Team**
- Site Layout complies with Approved Document ADB Vol1 B5
 - Access and facilities for the fire rescue service as per requirements.
- 20. Development Control - Section 106**
- No objection subject to S106
- 21. Development Control – Archaeology**
- No objection subject to conditions
- 22. Dorset Wildlife Trust**
- Concerns currently regarding the assessment of the habitats present and the subsequent assessment of the impacts of the development
- 23. Development Control - Outdoor Recreation**
- No comments received
- 24. Wessex Water**
- No objection
- 25. Natural England**
- No comments on application

Representations received

136 letters of representation have been received, of which 134 objected to the proposal, 1 supported the proposal and 1 neither objected to or supported application.

Objections:

- Short publicity period
- No need for extra housing in Gillingham
- Houses are unsustainable and not energy efficient
- 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

Support:

- Development fits in with the character of the area and is a suitable size for the plot
- Development will provide much needed affordable homes
- Increased biodiversity enhancements

10.0 Relevant Policies

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

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Core Spatial Strategy

Policy 3: Climate Change

Policy 4: The Natural Environment

Policy 5: The Historic Environment
Policy 6: Housing Distribution
Policy 7: Delivering Homes
Policy 8: Affordable Housing
Policy 11: The Economy
Policy 13: Grey Infrastructure
Policy 14: Social Infrastructure
Policy 15: Green Infrastructure
Policy 17: Gillingham
Policy 23: Parking
Policy 24: Design
Policy 25: Amenity

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

Policy 1.7- Development within Settlement Boundaries
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 import green spaces
Policy 23. The pattern and shape of development
Policy 24. Plots and buildings
Policy 25. Hard and soft landscaping

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 the housing delivery test is not passed, 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 when assessed against the policies of the NPPF as a whole or where specific policies in the Framework indicate that development should be refused.

North Dorset District Council has published its latest housing land supply for 1st April 2021. It confirms that whilst there is a 5.17 year housing land supply, the latest housing delivery test (2021) still means that the policies that are the most relevant to the determination of the application, should be considered 'out of date'.

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.

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

- Removing or minimising disadvantages suffered by people due to their protected characteristics

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

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

Gillingham Town Council have raised concerns with the lack of public transport. However, the application site is located in line with the spatial strategy of the local plan, which seeks to locate development close to services. Occupiers of the dwellings would have access to open space and to health and other facilities that are contained within the town.

Officers have considered the requirement of the duty, and it is not considered that the proposal would give rise to specific impacts on persons with protected characteristics.

13.0 S106/ Financial benefits

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

14.0 Climate Implications

The following sustainability measures will be incorporated into the proposed development:

- The dwelling target emission rate will be better than the standards determined by Building Regulations, these improvements will be achieved through enhanced levels of thermal efficiency in respect of external walls, windows, roofs and floor construction
- Measures that reduce air permeability of the building fabric will be incorporated as will refined details which will reduce cold-bridging
- Low carbon renewable technologies can be incorporated into the houses, and when determining the most appropriate measures at reserved matters stage, no new properties can have a gas or boiler system in line with the Government 'Future Homes Standard'.
- The dwellings will be designed to ensure that no more than 105 litres of water is used per person per day.
- Environmental sourcing of materials.

- There are other measures which can be incorporated into the scheme, for example, enhanced energy efficient lighting, cycle storage, additional surface water and rainwater collection and attenuation and increased recycling facilities.

It is considered that there is sufficient scope within the proposed development to incorporate a wide range of sustainability measures. These will reduce the impacts of the development on the climate in line with Dorset Council Climate and Ecological Emergency Strategy 2020.

15.0 Planning Assessment

- Location 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

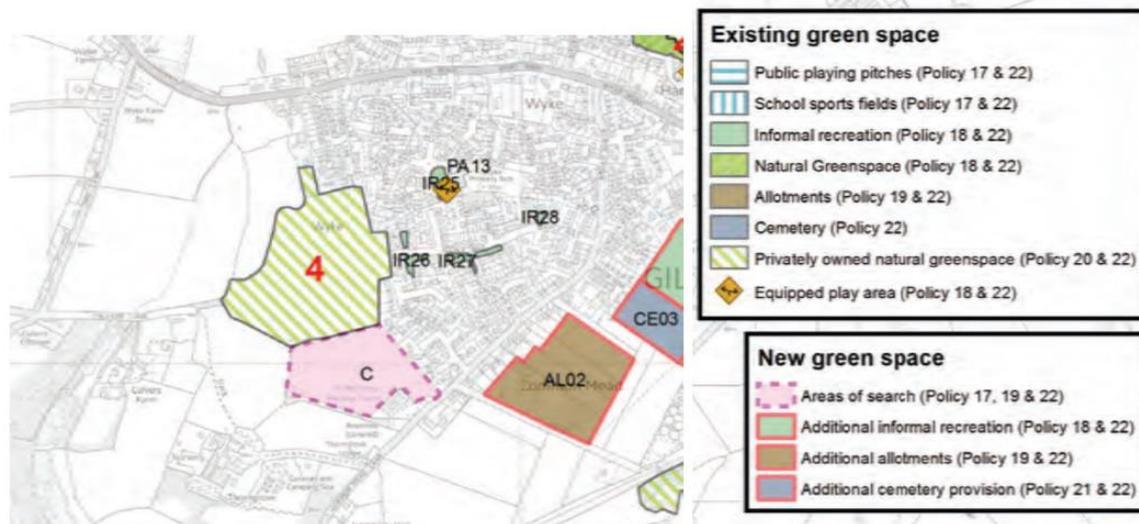
Location of Development

Policy 2 (Core Spatial Strategy) and Policy 6 (Housing Distribution) of the NDLP part 1 require 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. However, the council's Housing Delivery Test result is at 69%, and so the presumption in favour of sustainable development still applies in North Dorset. Policy 6 of North Dorset Local Plan is the most relevant housing policy. Policy 2 and 20 of the local plan are consistent with the aims of the NPPF. Policy 2 is the Council's Core Spatial Strategy, and follows national planning policy which seek to focus significant development on locations which are or can be made sustainable (NPPF para 105), respond to local circumstances and support housing developments that reflect local needs in rural areas (NPPF para 78) and recognise the intrinsic character and beauty of the countryside (NPPF para 174). In recent appeal decisions the strategy was deemed to be "broadly consistent with the Framework and still of significance", and it is not considered as out of date.

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

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 above. 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. Under this re-submitted application, the northern field, as identified as Number 4 on Figure 11.2, is to be offered to Gillingham Town Council and, if accepted, the transfer would contain sufficient covenants to prevent any future development and to guarantee that it is held as publicly accessible green space in perpetuity. Whilst the application site would be located in area of search under Policy 22 of the Neighbourhood Plan, the development proposal would take approximately 8.05 hectares of greenspace out of private ownership and would provide open space to the Town Council to be used by the public. This is a significant public benefit which was not proposed under the refused planning permission.

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.

For the reasons outlined above, the proposals conflict with the NDLP and the Gillingham Neighbourhood Plan. However, as Dorset Council's policies for the supply of housing are 'out-of date' for the purposes of the NPPF, paragraph 11d of the Framework is engaged and planning permission should be granted unless the adverse impacts of doing so would **significantly and demonstrably outweigh the benefits** when assessed against the

policies of the NPPF as a whole or where specific policies in the Framework indicate that development should be refused.

Paragraph 14 of the NPPF provides that, for 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**, if **all** of the following apply:

- (a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- (b) 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.

Taking each of these points in turn. 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. The neighbourhood plan does not contain policies and allocations to meet its identified housing requirement. The authority does have 5.17 year housing supply, however the latest Housing Delivery Test in 2021 illustrates that housing delivery was 69% over the last three years. As such the application satisfies parts (c) and (d) but not (a) and (b) of paragraph 14 of the NPPF. The application must therefore be determined in accordance with the provisions of paragraph 11d alone.

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 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

The proposed development will deliver up to 80 new homes and will contribute towards fulfilling the housing needs of North Dorset and Gillingham. 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 a draft S.106 for the previous application has already been drafted, therefore it can easily and swiftly be altered to incorporate the additional open space and ecological enhancements proposed under this application. The S.106 will secure the requisite items (Please see table at section 13.0). 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. The development will be accessed from Common Mead Lane (classified the C108). A new priority junction will be formed to the northeast of the existing access to The Mellowes care home, of sufficient size to allow the two-way movement of all vehicles, confirmed by a full swept path analysis. This access will be provided with visibility splays of 2.4m x 43m in both directions along the nearside carriageway edge, in accordance with the guidance provided by Manual for Streets (MfS). Sufficient inter-visibility between the proposed access and the existing care home access to the south west is available, with this design aspect having been considered by a Stage 1 Road Safety Audit, prepared by independent auditors.

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

The Highway Authority, in their consultation response, refers to the Transport Statement that was submitted in support of the previous application. The Highway Authority considers that the submitted Transport Statement is still relevant to this application, and 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 splays, layouts/turning/parking areas, cycle parking, electric vehicle charging, travel plans and construction traffic management.

Urban Design

Urban design comments have not been received in relation to this re-submitted scheme. There is no proposed change from the indicative layout and the housing density from the refused scheme. Therefore, the previous urban design comments are still relevant to this re-submitted application.

The Council's Urban Designer was satisfied, with the provision of the below which are still proposed under this application, that the application for up to 80 dwellings can be successfully accommodated on the site, whilst also incorporating that required play space, open space and flood attenuation.

- Reduction to from 85 to 80 dwellings (up to)
- Incorporation of a LAP and a LEAP
- Internal estate route 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

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, and officers agree with this conclusion.

The Council's Landscape Officer has no objection in principle to the development on landscape grounds provided the application is subject to a condition with regard to the submission of hard and soft landscape details.

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 are 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 had no objection to the previous application, these comments still stand and require a 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.

The proposals will result in the following impacts on the significance of identified heritage assets. It should be noted that this application is a resubmission of application

P/OUT/2021/00472 and this application does not differ substantially from the content of this latter application.

Designated Heritage Assets: Wyke Conservation Area

NPPF para. 199 requires that 'great weight' be given to the conservation of designated heritage assets and the more important the asset, the greater the weight should be. In addition, para. 200 requires any level of harm to their significance should require 'clear and convincing justification.

There are long views within, through and into the Conservation Area (CA) from the W, 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 E of the site, which is also visible in these views. For these reasons, it is considered that 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, whose importance is reflected in the assessment of significance above. However, it is considered that the nature and extent of that harm to be minimal and the development will not impinge upon the important open gap identified in the Neighbourhood Plan. The application site's position alongside existing development and its elevated position behind a mature tree screen provides some distinction and separation between its character and that of the valley floor between the site and the CA.

The proposals will result in **less than substantial harm** to the significance of a designated heritage asset, meaning that para. 202 of the NPPF is engaged, requiring the harm to be weighed against the public benefits of the proposal (including, where appropriate, securing optimum viable use), though taking into account the need to give 'great weight' to the asset's conservation. Taking these considerations and the nature and extent of harm set out above, it is considered that the harm would be outweighed by the significant public benefits outlined in Sections 2.0 and 13.0 of this report, which are sufficiently substantial.

Non-Designated Heritage Assets: Moat at Thorngrove

NPPF paragraph 203 requires that the effect of an application on the significance of a non-designated heritage asset be taken into account in determining the application. A balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

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 a non-designated

heritage asset, (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. As the proposal will result in less substantial to the Moat at Thorngrove, paragraph 203, of the NPPF is engaged, requiring a balanced judgement taking into account the significance of the affected asset and the scale of harm or loss. Taking these matters into account, the harm is considered to be acceptable.

Archaeology

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

This application contains significant bio-diversity enhancements, not contained within the refused permission. The proposal includes 4.3ha of land to the north-west of the site to be enhanced as species-rich grassland. This land would be secured and protected through the Section 106 agreement. The extent, nature and condition of this habitat will provide a 10% biodiversity net gain. A financial contribution of £65,467.20 will be secured in the S106 for compensatory habitat.

0.48ha of species-rich grassland will be provided within the application site, towards the western edges of the site, which will be further enhanced to create a wildlife corridor and will benefit biodiversity by providing a foraging habitat for bats, birds amphibians, reptiles and invertebrates. The proposal will also include bat tubes and bird boxes into the new buildings within the site.

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 to be secured through a LEMP and S.106 agreement 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.

It is accepted that the tilted balance should be applied in the decision-making process on this application, given that the policies referred to in footnote 7 of the NPPF are not engaged. In accordance with paragraph 11 d) of the Framework, as directed by Footnote 8, 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. As such, Policy 6 of North Dorset Local Plan, which seeks to deliver housing, is tempered. The application needs to be considered 'in the round' weighing all material issues in the planning balance.

Officers consider that there are significant public benefits derived from the proposed development and include the following:

- Delivery of affordable and market housing, which are both in significant need to boost delivery.
- 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
- Open space provision in the field to the north of the application site
- Financial contributions towards education, public transport, health, leisure, library and waste.
- Significant bio-diversity gains

It is important to emphasise at this stage that although this application has been refused previously, this re-submission contains significant additional public benefits in terms of the open space and biodiversity net gains which adds greater weight to the recommendation to grant this application. This is because the entire of the northern field, measuring at approximately 8.05ha, will be offered to Gillingham Town Council to be used for public recreation/open space and this re-submitted scheme will result in significant enhancement in bio-diversity improvements.

The key material planning issues include:

- 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
- 8.05ha of greenspace to be offered to Gillingham Town Council
- Ecological enhancements and 10% biodiversity net gain.

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.

16.0 Conclusion

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

17.0 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)
- 4.3ha of land for biodiversity net gain
- The northern field (8.05ha) to be offered to and transferred (if accepted) to Gillingham Town Council.
- £65,467.20 towards compensatory habitat

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 (8th August 2022) or such extended time as agreed by the Head of Planning.

Conditions

1. Approval of the details of the layout, scale or appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter “the Reserved Matters”) 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 the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this outline 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 final approval of the Reserved Matters or, in the case of approval on different dated, the final approval of the last Reserved Matter 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. No dwelling hereby approved shall be first occupied or used until details of the onsite public open space has been submitted to and approved in writing by the local planning authority. The submission 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 for the lifetime of the development.

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 first occupation and/or use 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.

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 for the lifetime of the development.

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 and maintained for the lifetime of the development.

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, their agent or successors in title 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 which requires 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 and maintained for the lifetime of the development.

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 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.