

Application Number:	P/FUL/2022/02397		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Former Coop Store and Car Park High Street Gillingham SP8 4AG		
Proposal:	Demolition of existing former co-op store & redevelopment of the site to provide 42no. residential units, comprising 4no. houses (C3), 30no. apartments (C3) and 8no. assisted living apartments (C2), 83sqm of commercial space (Class E) allotments, landscaping & other associated works		
Applicant name:	Hopkins Estates Ltd		
Case Officer:	Jim Bennett		
Ward Member(s):	Cllr Potheary, Cllr Ridout, Cllr Walsh		
Publicity expiry date:	10 June 2022	Officer site visit date:	06/05/2022
Decision due date:	11 July 2022	Ext(s) of time:	31/08/2023

1.0 The application is presented to Committee as Gillingham Town Council object to the proposal and have requested the application be reported to Committee if the officer recommendation is contrary to their view.

2.0 Summary of 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 primary & secondary education contributions, off-site open space maintenance, outdoor open space provision, healthcare contribution and arrangements for management of open space and landscaping on site.

Recommendation B; **Refuse** permission for failing to secure the obligations above if the agreement is not completed by 31st August 2023 or such extended time as agreed by the Head of Planning.

3.0 Reason for the recommendation:

While there is conflict with the development plan, by reason of the loss of retail floorspace, lack of any affordable housing offer and reduced contributions towards local infrastructure, the application needs to be considered 'in the round' weighing all

material issues in the planning balance. Considering the lack of an identifiable 5 year housing land supply and the presumption in favour of sustainable development, there are significant public benefits derived from the proposed development including:

- Delivery of 34 homes and 8 extra care units in a sustainable town centre location.
- Delivery of 82 sq.m of commercial floorspace
- Reduction in the need to travel by car due to the site’s sustainable location within walking distance of shops, services and transport modes
- Increased spending and support of the local shops and services within the town through regular visits by residents
- Regeneration of a prominent and vacant brownfield site
- Financial benefits through construction and the creation of local jobs
- Open space provision in the village square, village green and green link
- Section 106 agreement to secure financial contributions towards education, open space and healthcare
- New Home Bonus payments and increased Council tax revenue
- Bio-diversity gains from greening of the site

In considering the balance, the proposal is acceptable in its design, scale, layout and landscaping and there are no adverse impacts which would significantly and demonstrably outweigh the benefits identified above. There are no fundamental concerns with regard to the impact on the character and appearance of the area, highway safety, residential amenity, ecology, land contamination or drainage and the water environment. Therefore, in this case there are no considerations of specific policies in the NPPF that weigh against the balance towards housing provision.

Therefore, in this case there are no specific policies in the NPPF that provide a clear reason for refusing the development proposed nor would the adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed the against the policies in the NPPF as a whole.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development is acceptable in light of the latest housing delivery test results 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.
Impact on the character of the area and landscape	The proposal is acceptable in terms of layout, design and scale. It would provide an appropriate setting, including landscaping, natural surveillance, relationships between

	dwelling and parking areas and footpath linkage. The revised scheme provides additional street trees and no important trees will be lost.
Highway safety	The Highway Authority raise no objections on highway safety, policy or capacity grounds.
Residential amenity	The proposal would not lead to adverse impacts on the residential amenity of surrounding neighbours or future occupiers.
Affordable Housing	The development fails to provide a policy compliant affordable housing offer of 25%, which weighs against the proposal.
Ecology	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 Dorset's Biodiversity Appraisal Protocol.
Housing Delivery	The development will provide 42 dwellings making a valuable contribution to the housing land supply.
Drainage and the water environment	Flooding/Drainage The site is wholly in Flood Zone 1 (low risk). Surface water drainage details can be adequately secured by condition.
Economic benefits	Notwithstanding loss of the retail floor space, benefits would be derived from delivery of this scheme, including the provision of jobs during construction, operation of the commercial unit, future residential expenditure and income from Council Tax and Business Rates

5.0 Description of Site

The site lies within Gillingham Town Centre. 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 is situated in the Blackmore Vale and is the most northerly town in Dorset. It sits east of the Cranborne Chase Area of Outstanding Natural Beauty. The town centre is a predominately characterised by a mix of retail and residential buildings, typically 2-3 stories tall, often with commercial at ground level and residential or office above.

The former Co-op is situated just off Gillingham Town High Street and has been vacant for 10 years following fire damage to the building. The site extends to 0.496 hectares and is currently disused, in poor condition and was last used as a store and car park. The site is bound to the east by a four storey residential development; Paris Court and to the South by Buckingham Road, characterised by two storey houses. It lies within the settlement boundary of Gillingham. A tree protected by TPO is located at the south west extent of the site on Buckingham Road.

The site is not subject to Area of Outstanding Natural Beauty (AONB), Conservation Area, Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), or Flood Zone and there are not any listed buildings in close proximity. There are no Public Rights of Way (PRoW) running across the site, and while the site used to be partly used for car parking connected to the Co-op store, this is private land and no longer publicly accessible.

The site is identified in the Gillingham Neighbourhood Plan as being within the Station Road Mixed Use Area, which seeks to provide comprehensive mixed use redevelopment of underutilised land, to comprise a mix of town centre uses including retail, cafés, restaurants, a new hotel, office space, land for informal recreation and around 200 new homes.

6.0 Description of Development

The application is made for full planning permission. It is proposed to demolish the vacant Co-op store and redevelop the site to provide 42 residential units, comprising 4 houses (C3), 30 apartments (C3) and 8 assisted living apartments (C2), 83sqm of commercial space (Class E), landscaping, vehicular accesses and other associated works. The primary access to the site (to 22 parking spaces and the commercial unit) will be via the existing access, from the High Street. This was previously used to access the Co-op and its car park and would be a shared surface to assist with the creation of a 'village square'. A secondary access to a further ten car parking spaces is proposed from Buckingham Road.

Built form would comprise four mews houses and two blocks; one larger block housing 30 homes with commercial space at ground floor level and a smaller block including 8 assisted living units and 4 detached mews dwellings. The height of the development ranges from two to four storeys. The proposals show a mixed palette of materials, with predominantly red brick (Block A), local stone and lime render stone/brick banding, derived from analysis of local materials.

A small play area, planters, planted borders, trees and green roofs will cover approximately a third of the site. Green roofs will accommodate drainage, however, some bio-retention areas have also been identified in the mews houses and the parking area to the north. Down pipes from the roofs of the mews houses will allow for discharge into these features, as well as a raised planter arrangement at or below ground level. In addition to these SUDs features, an attenuation tank is proposed in the southern parking area that lies adjacent to Block B. A new 'village square' will be located adjacent to the High Street and a greened pedestrian route will run through the site to linking with a 'village green' and with Buckingham Road to the south.

7.0 Relevant Planning History

There is no planning history of direct relevance to the current submission.

8.0 List of Constraints

EA – Risk of Surface Water Flooding Extent 1 in 1000

EA - Areas Susceptible to Groundwater Flooding; Superficial Deposits Flooding

NE - SSSI impact risk zone

HSE - Zone: Outer and Middle

TPO

9.0 Consultations

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

Gillingham Town Council: The amended application was considered by Gillingham Town Council at their Planning Committee meeting on 9 January 2023. Refusal was recommended for the following reasons:

- Failure to bring forward a policy compliant level of affordable housing.
- Inadequate number of parking spaces for the number of proposed residential units which will result in an overspill of parking in neighbouring roads.
- 6 electric vehicle charging points are considered to be inadequate.
- Fails to provide the required parking of 1 space per 20m² retail floor space plus 1 per 100m² for staff, contrary to Policy 23
- Increased traffic and an increased danger to highway users at Buckingham Road, which is not considered suitable as an access road, due to its restricted width, lack of turning head, parked vehicles, poor visibility at junction with Station Road and pedestrian conflicts
- The proposed development is out of scale with its surroundings and will have a poor relationship with neighbouring properties. The size and scale will have an overbearing, overshadowing and damaging effect on the neighbouring properties.
- The design is unsympathetic to the neighbouring properties in Buckingham Road, contrary to Policies 24 and 25 and to the aims of the NPPF
- Loss of Primary Shopping Frontage, contrary to Policy 12 and Policy 7 of the Gillingham Neighbourhood Plan which states that the loss of retail outlets to residential use on the ground floor in areas of primary and secondary shopping frontages will be resisted.
- If the Case Officer is mindful to approve the application, the application should be considered by the Dorset Council Northern Area Planning Committee.

District Valuer – In order to be delivered there must be either a substantial flex in the landowners' expectation, or the target profit level, or a combination of both. In this case, a scheme with no s106 contributions, the target profit would need to be less than 9%, considerably less than the indicated level required to incentivise a scheme. The applicant's assessment is materially worse in terms of viability, concluding that there will be no profit, together with a scheme deficit. The combination of factors that would give way to a viable scheme are considered very remote at the date of this assessment, and the scheme as currently proposed. This may raise wider concern over the deliverability of the scheme. A review clause might

be appropriate as a condition any permission, in line with paragraph 009 of the PPG Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project. Alternatively, and possibly additionally, the Council may consider it appropriate to make it a pre commencement condition that viability is reviewed if construction does not start within a prescribed period of time.

Economic Development - From an economic development perspective as regards jobs and business expansion support this planning application. There appears to be a good amount of Class E in the application and that should suffice. From a retail perspective Gillingham has a very large Waitrose, a Lidl and an Aldi plus it has a good Mole Valley Farmers. The High Street is poorly accessed as the new road bypasses the town centre, giving direct access to Waitrose, Lidl and Mole Valley. Aldi slightly further out of town on the main road to Shaftesbury and therefore offers good parking as do the others. The High Street has been affected by years of poor retail performance, there are still a couple of independents plus the usual opticians, solicitors, accountants etc. This property has been listed as available for many years on Property Pilot Dorset with various agents from 3 June 2015 to 18 October 2021.

Wessex Water – no objection, but raised a query over removal of an existing 300mm diameter surface water sewer. Also give informatives.

DC Archaeologist - Red River Archaeology Evaluation of the site has been undertaken to an appropriate standard. Based on the results (which are clearly negative) it is advised that archaeology is not a constraint that needs to be taken into account when this application is determined.

DC - Environmental Services: No objection, subject to contamination and hours of construction conditions.

DC – Landscape: No objection, subject to additional planting and conditions to ensure Construction Environmental Management Plan, a Landscape Ecological Management Plan and details of hard landscaping including the provision of street furniture are provided.

DC - Natural Environment Team: The applicant is in the process of completing an agreement with NET in accordance with the Dorset Biodiversity Appraisal Protocol to deliver biodiversity enhancements on the site.

DC – Highways: Following receipt of amended plans and information - no objections, subject to conditions and informatives to address highway layout, vehicle access construction (High Street), vehicle access construction (Buckingham Road), access gradients, cycle parking, EV charging points, CTMP and outline Travel Plan.

DC Policy - The proposal is contrary to key policy considerations, namely the loss of retail floorspace in a town centre location and lack of affordable housing being

proposed on site. When making the planning balance, these policy conflicts should be considered against the benefits of the scheme.

DC Urban Design – The massing is considered, with the existing built form taken account of, tallest structures located to the centre of the site and massing broken up through use of architectural devices. The positioning of the built form would see the creation of convivial spaces in the form of the village green and the village square, bound by built form, to provide good natural surveillance to public spaces. The development would promote walking and cycling by providing a “green link” within the town centre. The materials palette is appropriate to Gillingham, although there is some concern over the colour of the brick shown for Block A on the visualisations. However, a materials condition could be applied to any grant of any planning permission to cover this. The proposed dwelling floor plans meet nationally described space standards, though bathrooms and en-suites should be afforded a window where possible. In conclusion, the proposals are supported, as the scheme can create a high quality development, subject (where possible) to the introduction of bathroom fenestration and conditions address materials and the inclusion of street furniture within the open spaces.

DC Housing Enabling Team - No affordable housing contribution is proposed by the applicant for viability reasons (a Financial Viability Appraisal accompanies the application). LPP1 Policy 8 Affordable Housing states that in Gillingham “a development for 11 or more net additional dwellings will be expected to contribute 25% affordable housing.” The Housing Enabling Team would expect this development to bring forward a policy compliant level of affordable housing of and therefore expect the Financial Viability Appraisal to be independently assessed.

DC Trees – One tree on site is protected by Tree Preservation Order ref. TPO/2022/0033, which covers a Norway Maple and was made effective on 24th June 2022. Concerns are raised over the works proposed to the tree to get it to fit into the development and consider it will be under constant pressure from excessive tree surgery works once the development is complete and occupied. The tree will be constrained within a small area of soft landscaping and the lack of water and nutrient availability will restrict gaseous exchange, putting the tree under stress, particularly when coupled with likely tree surgery operations. Also concerned that living conditions for residents located to the north of the dense canopy of the tree will be reliant on artificial light for much of the day.

DC Flood Team - Following the in-principal approval of Wessex Water that they have no objection to the proposed surface water sewer diversion, no objections are raised, subject to surface water management conditions and informatives.

Representations received

Objections received from two neighbours, raising the following concerns:

- Only offering 1 unit for E Class use is poor in the High Street.
- The site should be used to create a hub for the town, akin to Brewery Square in Dorchester, which will bring jobs and town centre foot fall
- Undergrounded car parking should be provided to maximise open space on site

- The main block at four levels tall is excessive, and not in keeping with any other buildings in town. They should be limited to three levels
- Development is out of keeping with the character of Buckingham Road
- Buckingham Road will be overlooked
- Buckingham Road is already an over used and poorly maintained road and the additional traffic would exacerbate its poor condition
- Buckingham Road is a small single file no through road, with no passing spaces and should not be used for access
- Traffic flow will be greatly affected in a negative way in various locations around the town centre lead to an increase in localised pollution
- Emergency services would not be able to access Buckingham Road to reach existing properties.
- Access to/from the development should feed from the High Street, with a large open junction from the old car park already in place.
- Parking on Buckingham Road is already at a premium, the development will only make this situation worse unless more parking spaces are provided.
- Limits should be applied on the hours and days that construction and deliveries are carried out, with no construction traffic using Buckingham Road at any time
- The plans do not specify if units are to be private or social accommodation.

10.0 Relevant Policies

Local Plan: The North Dorset Local Plan Part 1 (LPP1) was adopted 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 LPP1 are as follow:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Core Spatial Strategy

Policy 3: Climate Change

Policy 4: The Natural Environment

Policy 6: Housing Distribution

Policy 7: Delivering Homes

Policy 8: Affordable Housing

Policy 11: The Economy

Policy 12 - Retail Leisure Comm

Policy 13: Grey Infrastructure

Policy 14: Social Infrastructure

Policy 15: Green Infrastructure

Policy 17: Gillingham

Policy 23: Parking

Policy 24: Design

Policy 25: Amenity

Gillingham Neighbourhood Plan

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

Policy 3:

Policy 7: Development within the Town Centre

Policy 8: Station Road Mixed Use Area

Policy 12. Pedestrian and cycle links

Policy 14. New and improved health and social care provision

Policy 16. New and improved community, leisure and cultural venues

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

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 application:

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

Supplementary Planning Document/Guidance

Gillingham Town Design Statement (adopted 2012)

Dorset Residential Car Parking Study (DRCPS)

North Dorset Housing Land Supply Report 2021 (version 2, published 1 March 2022)

Dorset and BCP Local Housing Needs Assessment (November 2021)

Joint Retail and Commercial Leisure Study (March 2018)

Emerging Local Plans:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

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.

The site is located in an extremely sustainable location, within walking distance of a wide range of facilities and services in the town centre. The proposed development will not result in any disadvantage to people due to their protected characteristics. Provision is made for 8 no. assisted living units specifically for those with protected characteristics and the form of development proposed will provide housing, retail space, new open space and additional permeability, to ensure the needs of people with disabilities or mobility impairments or pushing buggies are met. Access

arrangements to the new housing, buildings and open space will be subject to the requisite standards upon construction.

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 Financial benefits

What	Amount / value
Material Considerations	
Quantum of greenspace	Open space including provision of LAP, secured by s.106
Contributions	Contributions for open space, education and healthcare all secured by s.106
Employment created during construction phase	The proposal will support jobs in construction and will bring about 'added value' in the local area through associated spending and economic activity.
Spending in local economy by residents of proposed dwellings	The proposed housing will support the local economy and growth in the area with new residents spending on goods and services as they move in.
Employment generated	From retail unit
Non-Material Considerations	
Contributions to Council Tax Revenue	According to the appropriate charging bands
Business Rates	Income from retail unit

14.0 Climate Implications

In May 2019, Dorset Council declared a Climate Emergency and there is a heightened expectation that the planning department will secure reductions in the carbon footprint of developments. The Climate Change Statement addresses the Council's current planning policy requirements and advises that electrical vehicle charging points will be provided. A planning condition is proposed to ensure they are located in appropriate locations and to an appropriate standard. The following sustainability measures are proposed for the development:

- Green roofs
- Native planting and biodiversity enhancements
- Photovoltaic Panels
- Six Electric Vehicle charging points
- Rainwater collection, attenuation SUDs
- Cycle storage
- Provision of a footpath link through the site to promote walking

It is considered that there is sufficient scope within the proposed development to incorporate a wide range of sustainability measures to reduce the impacts of the development on the climate in line with Climate Change Statement.

15.0 Planning Assessment

The main issues of this case are considered to relate to:

- Principle of development
- Loss of Retail Floorspace from the Town Centre
- Impact on the character and appearance of the area
- Highway safety
- Residential Amenity Impacts
- Affordable housing
- Ecology
- Housing Land Supply
- Land contamination
- Drainage and the water environment
- Other matters

The principle of development

The site is identified in the Gillingham Neighbourhood Plan as being within the Station Road Mixed Use Area, which seeks to provide comprehensive mixed use redevelopment of underutilised land, to comprise a mix of town centre uses including retail, cafés, restaurants, a new hotel, office space, land for informal recreation and around 200 new homes. The principle of development is considered to be acceptable, subject to the material planning considerations outlined below.

Loss of Retail Floorspace from the Town Centre

The statutory basis for decision taking in planning is that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.

The Local Plan (LP) and Gillingham Neighbourhood Plan (GNP) show the frontage of the former Co-op store being Primary Shopping Frontage (PSF). The site is also within the Station Road Area and the Town Centre.

The application proposes demolition of a building with 1427 sqm floorspace, last used for A1 (retail) by the Co-op. The building would be replaced with 83 sqm unit for E class use (commercial, business and service) and 42 residential units. It therefore proposes a substantial net loss of retail floor space from a defined PSF, which is noted by the Town Council to be contrary to Policy 12 of the LP and Policy 7 of the GNP. These policies state that the loss of retail outlets to residential use on the ground floor in shopping frontages will be resisted.

Policy 12 states that within the PSFs of town centres, development resulting in the change of use from an existing ground floor A1 Class use, within a unit fronting a street or pedestrian thoroughfare, will not be permitted where this would result in any loss of retail frontage or ground floor net retail floorspace. It is arguable whether the

site is covered by Policy 12, as while it is within the PSF, it does not directly front a street or existing pedestrian thoroughfare. However, it is contrary to GNP Policy 7, which states that retail uses should be focused along the PSFs and the loss of retail outlets to residential use on the ground floor in shopping frontages will be resisted.

The proposal would be compliant with aspects GNP Policy 3 insofar as residential accommodation on upper floor levels in the town centre is concerned. GNP Policy 7 supports new residential dwellings on upper floors or as part of a mix use scheme with other town centre uses, or on sites away from the main pedestrian routes and shopping frontages, to provide a suitably vibrant mix of uses. GNP Policy 8 suggests development should be compatible with the main aims for mixed-use regeneration, which should comprise of town centre uses including retail, cafes, restaurants, offices, informal recreation, around 200 new homes and improved pedestrian linkages. The proposal is also covered by a number of Local Plan policies, specifically Policy 11 which points to economic development opportunities through mixed-use regeneration of sites on the edge of existing town centres. Policy 12 encourages retail and other main town centre uses on sites identified for mixed-use regeneration on the edge of Gillingham town centre. Policy 17 encourages mixed-use regeneration of the Station Road Area to help maintain and enhance Gillingham's role as a main service centre; considering additional retail or office floorspace, with a focus on comparison retail as suitable; together with new homes, particularly flats above shops.

The proposal could provide all of these policy aspirations, albeit with a significantly reduced retail offer. For example, there is support for new residential uses in the Town Centre and Station Road Areas for around 200 new homes, albeit on upper floors, leaving the ground floors available for town centre uses. The proposed E class unit is compatible with the policies, as this will permit retail and offices which are recognised as town centre uses. However, the substantial net loss of retail floorspace in this location is clearly contrary to many of the development plan policies. A mixed-use scheme which provided more town centre uses on the ground floor would better accord with policy, but whether providing additional ground floor commercial units within the scheme would be viable in the current economic climate must be queried.

Since adoption of LPP1 and the GNP, Carter Jonas completed a Joint Retail and Commercial Leisure Study for North Dorset in March 2018. It found that Gillingham had a relatively good and diverse representation of food and convenience stores, but was under-performing as a comparison goods shopping destination in terms of the scale, range and quality of its overall offer. These comments are reflected in the consultation response of the Council's Economic Development Section. It also considered that the PSF drawn around the former Co-op store should be re-defined as a Secondary Frontage. However, it should be noted that the Carter Jonas study is now more than 4 years old and pre-dates the Covid-19 pandemic. It is widely recognised by most retail experts that the pandemic has accelerated various retail trends, particularly the increase in internet shopping and the decline of many traditional high street stores.

The emphasis of the retail protection policies is to ensure that the commercial vitality and function of town centres is retained and where appropriate enhanced. The

existing premises could attract a wide range of appropriate main town centre uses, although the applicant's submitted marketing assessment suggests otherwise, there being little interest in re-using the building. It is therefore questionable whether the amount of floorspace offered by the existing building is in fact needed and unlikely that a convenience retailer would occupy premises of this scale, particularly in light of more modern ASDA, Lidl and Waitrose convenience retail offers, all within a 5 minute walk of the site.

The proposal relates to a building with a very large footprint by comparison with retail units about it. While the proposal would result in a significant loss of town centre retail space, 83 sq.m of commercial floorspace would be provided, which would comply with aspirations to respect the PSF. It could also provide additional comparison retail floorspace, as well as frame the 'village square' element of the proposal with retail units, to provide what would be an enhancement to the setting of the High Street, if executed well.

Paragraphs 119 and 120 of NPPF promote making effective use of land, particularly through mixed-use schemes and using suitable brownfield land. Paragraphs 122 and 123 are also instructive in that they encourage different uses on land in order to meet identified needs. For example, paragraph 123(a) encourages the use of retail land for homes in areas of high housing demand providing this would not undermine key economic sectors or sites or the vitality and viability of town centres. The applicant has put forward the case that the site has been unused for almost ten years despite it being actively marketed for most of that time, which is confirmed by the comments of the Council's Economic Development Section. Officers consider the site has been genuinely marketed for several years without finding an occupier, lending weight to the argument that an alternative use should be accepted in order to bring a brownfield site in a sustainable location back into use.

It is pertinent that from 1st August 2021 new permitted development rights were introduced under Class MA, allowing a change of use of building under 1500 sq.m from Use Class E (retail) to residential, even within key shopping frontages, without a requirement for planning permission. While this proposal is not for a change of use and a building of this ilk is unlikely to be converted successfully to residential, Class MA demonstrates the Government's direction of travel on the future of town centres, where alternative uses need to be sought for land and buildings following the contraction of traditional town centre uses in light of edge of centre developments, rise of internet shopping and pandemic impacts. The principle of this development is fundamentally acceptable under Class MA. Furthermore, the changing circumstances for town centres are highlighted by NPPF paragraph 86, which states that planning decisions "should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation." The paragraph also says that planning policies should promote the long-term vitality and viability of town centres, by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters. Furthermore, importantly in this case, there has been a genuine period of marketing over several years.

Overall, while there is a presumption against the loss of retail floorspace from town centres, the site is earmarked for mixed use regeneration and the proposal represents a significant urban renewal opportunity. It would retain an active retail frontage to the High Street, result in enhancements to the setting of the High Street through provision of public space and green pedestrian link and result in additional footfall within the town centre from future occupiers of dwellings. On balance, the benefits of the proposal are significant, and officers consider that the mix of uses proposed would be complementary to the retailing function and would enhance the overall vitality and viability of the town centre.

Impact on the character and appearance of the area

The site is currently of very limited visual merit, consisting of a fire damaged building of circa 1970's construction surrounded by a hardstanded car park, with peripheral vegetation, which did not form part of any cohesive landscaping scheme. The proposal constitutes an opportunity, through provision of attractive buildings and landscaping to enhance the town centre.

The scheme demonstrates how 42 residential units, 83 sq.m of commercial floorspace, associated infrastructure, network of open space and a greened pedestrian link, connecting to Buckingham Road, library and retailing beyond to the south, would be accommodated on the site.

The Urban Design Officer considers that massing is appropriate. The tallest building would be situated to the centre of the site with scale reducing closer to the site's boundaries where existing built form lies beyond the site. The articulated ridge heights of flat, green roofed buildings throughout the scheme will not be heavily massed and are not considered disproportionate in scale, by comparison with existing built form in the locality, particularly Paris Court, which is in fact higher than the tallest element of the proposal. Massing of the proposed scheme would be broken up through a series of devices such as brick banding, recessed brick panels, recessed balconies, grey metal cladding, recessed downpipes, and the use of maisonettes with dedicated entrance doors.

The proposals show a mixed palette with predominantly red brick (Block A), light brick and render (Block B) with local stone and brick detailing, derived from analysis of local materials. The aerial visualisation in the introduction of the Design and Access Statement is appropriate to Gillingham and shows how slate tile proposed for the mews houses would coalesce with the roof tiling of existing built form within the area. The visualisation depicting the "Proposed Village Link View" illustrates the importance of the type of buff brick used for the mews houses. In this visualisation the brickwork tone has an appearance akin to stonework which provides an aesthetically pleasing street scene. The materials palette is appropriate to Gillingham. While some concern was raised over the colour of the brick shown, submission of specific materials can be addressed by condition.

GNP Policy 8 suggests development should be compatible with the main aims for mixed-use regeneration, which should comprise town centre uses, informal recreation, new homes and improved pedestrian linkages. The proposal is broadly compliant with these aspirations, as the layout would promote walking and cycling by

providing a green link and open spaces within the town centre. The National Design Guide describes well-designed public space as; *“connected into the movement network, preferably so that people naturally pass through it as they move around”*. The Urban Design Officer considers this description can certainly be applied to the design of this scheme. The layout is complicit with Policy 24 of the LP which states; *“Layouts should be designed to promote accessibility and local permeability making connections with neighbouring areas and reinforcing existing connections”*.

Concerns were raised by the Council’s Landscape Officer, in respect of planting. It was suggested more trees be planted in car parking areas, to further increase the amount of green infrastructure, help integrate the development into its setting, provide an enhanced outlook for the assisted living units and enhance the amenity of neighbouring properties. Additional tree and shrub planting and seating in the area of the ‘Town Square’ was also requested to enhance what could be an overtly functional space, and contribute to the street scene along the High Street. The applicant submitted revised plans in response to these comments, which show an increased level of tree planting, particularly on the eastern boundary. Full details of landscaping arrangements including details of street furniture and the Town Square would be finalised by landscaping condition.

The Tree Officer does not have any issues with the removal of peripheral trees and vegetation from the site, although notes that one tree (Norway Maple) is protected by Tree Preservation Order ref. TPO/2022/0033, at the south west extent of the site, which was made effective on 24th June 2022. This is the only tree considered worthy of statutory protection and the only one scheduled for retention within the development as the rest are of poor quality. The Tree Officer was unable to support the initial proposal due to concerns over the proximity of groundworks to the tree, likely pressure from tree surgery works once the development is occupied and that it will restrict light to the development. It was therefore requested the design be amended to reduce pressure on the tree. To this effect Block B was moved by 2.5m to the north and two car parking spaces deleted to give the tree more space and a better medium for healthy growth. Unfortunately, the Tree Officer was unable to support the amended scheme as the RPA was still impacted and due to the limited space afforded the tree by the development.

In this instance a view needs to be taken by the Council by balancing the health of the tree against the benefits of the proposal. It is considered the applicant has gone to reasonable lengths to secure the continued health of the tree by moving Block B and reducing the amount of hardstanding around the tree. The impact of parking space no. 1 on the RPA may be addressed through use of appropriate groundworks, i.e., permeable paving and a cellular confinement system, details of which would be finalised by condition. Overall, the benefits of the scheme, in terms of urban renewal, extent of tree planting across the site, housing provision and provision of a green and pleasant pedestrian link through the site, outweigh the potential harm to the retained tree. If the health of the tree suffers, a further condition is proposed, to ensure its replacement, as well as a condition to ensure the continued health of newly planted trees is addressed.

Provision of and long-term maintenance of the landscaping, along with play area will be ensured by the section 106 agreement and conditions.

In light of the above, the proposed layout, scale and appearance as amended would be acceptable, in compliance with Policy 24 of the LP and the NPPF.

Highway Safety

Vehicular access to the site would be from two points; from the existing point of access to the Co-op from High Street and from Buckingham Road to ten parking spaces. Parking for 32 cars would be provided for occupiers of the development.

The Dorset Parking Standards suggest the optimum level of residential car parking provision for this scheme would be a total of 37 parking spaces. The proposed layout would provide 10 allocated parking spaces for the extra care units and mews dwellings, with 22 unallocated spaces for the remainder of the residential occupiers. No parking provision is made for the commercial element. Total on site parking provision would be 32 spaces, some 5 spaces short of the required standard. While parking is under the requisite standard, the under-provision would not significantly impact highway safety, considering the site's accessibility to town centre jobs, amenities and services by modes other than the private motor car. This view is reflected in the consultation response of the Highway Authority. Consequently under-provision of car parking is not considered sufficient to substantiate a reason for refusal. The proposed parking, for both cycles and cars is appropriate.

The development site is within the town centre and therefore represents a good opportunity to support a sustainable development with amenities and services easily accessible. A key pedestrian/cycle link is also proposed as part of the scheme, from the High Street linking with Buckingham Road. This will be a green link and facilitate attractive walking opportunities from the site between the town centre and the river, library and retail opportunities to the south. Provision of the link would meet the aims of GNP Policy 8 and paragraph 105 of the NPPF by focusing development in sustainable locations, thereby limiting the need to travel by motor car.

In response to the initial concerns of the Highway Authority, amended plans and information were provided. The Highway Authority note that the submitted Transport Statement compares the historic use of the site as a food superstore with the proposed use in terms of traffic movements. The conclusion is that there is predicted to be a net reduction during the peak periods, which is accepted by the Highway Authority. The fall-back position, ie for retail use of the site would therefore result in more vehicle movements than the proposed use. Whilst the internal road layout is to remain private, swept path analysis shows that refuse vehicles and cars could circulate readily within its confines. An acceptable level of on-site car parking would be provided. A suitable number of electric vehicle charging points (six) would be provided, along with appropriate cycle parking, details and provision of which will be ensured by condition.

The proposal would result in a net traffic reduction during the peak periods, when compared to the fall-back position and the residual cumulative impact of the development in relation to highway and parking impacts would not be severe when consideration is given to paragraphs 110 and 111 of the NPPF. This would be subject to conditions to address highway layout, vehicle access construction (High

Street), vehicle access construction (Buckingham Road), access gradients, cycle parking, EV charging points, CTMP and an outline Travel Plan.

Residential Amenity Impacts

The existing Co-op building directly abuts the boundary of properties on Paris Court. The Co-op building is a large and unattractive building, poorly separated from existing dwellings. The footprint of Block A has been moved away from the western elevation of Paris Court by comparison with the footprint of the existing building. While Block A would be higher than the existing building the separation introduced would be a net benefit to occupiers of Paris Court in terms of reducing oppressive impacts. The proposed development would be set back from the Paris Court, providing a degree of separation between new and existing properties to ensure no overshadowing and overbearing impacts can occur. On this basis, the amenity of many of the residents of Paris Court will be improved due to removal of the Co-op store. The east elevation on Block A is largely un-fenestrated and the fenestration in the rear elevation of Paris Court is secondary, so loss of privacy will not be encountered. Additional fenestration was requested in this elevation to provide ventilation for bathrooms, but this will be obscure glazed, ensured by condition.

There is potential for overlooking where new buildings are in closer proximity to existing flats to the south, however Block A is at an oblique angle to the existing properties to remove any direct window to window overlooking. Windows would overlook a parking area to the rear here and some rear garden curtilages, but overall, the degree of separation in this urban area is acceptable and any intervisibility can be reduced by bolstered boundary planting, to be finalised by condition.

Block B is reduced in scale compared to Block A, to respect the reduced scale of properties on Buckingham Road. Additionally, the block is set back within the site to provide sufficient separation distances which help prevent overlooking/overbearing impact. The location of this new building relative to the existing properties to the south means that no significant overshadowing will occur either. Additional planting around the car parking area here will soften any impacts.

Other than the four mews dwellings, the flats would not have private outdoor amenity space. However, most would benefit from balconies and the occupiers would be afforded with an appropriate level of communal and public open space and green link through the site. Private outdoor space arrangements are typical of flatted developments in tightly grained town centre locations. The positioning of built form would see the creation of convivial spaces in the form of the village green and the village square. These spaces would be bound by built form, to provide good natural surveillance. Provision of the open space, including a play area is consistent with GNP Policies 8 and 12 which supports "land for information recreation including an equipped play area". The Gillingham Neighbourhood Plan includes a list of places where the pedestrian and cycle network could be improved in the town including to "Establish a footpath right of way from the west end of Buckingham Road across the "Co-op" car park to the High Street." This application provides such a link, which should be seen as a benefit.

The proposed dwellings meet nationally described space standards which is a further positive of the scheme, although light and ventilation should be provided for bathrooms and en-suites by introducing windows where possible. The applicant provided appropriately amended plans to address these matters.

The proposal includes provision of raised communal planting beds. Allotments were originally proposed in line with GNP Policy 19 and while this may have been in line with policy, the extent to which they would be overshadowed by surrounding buildings and poor accessibility to anyone other than occupiers of the development dictated they should come forward as communal beds for use by future occupiers.

The Environmental Health Team recommend that due to the close proximity of existing residential dwellings to this site, demolition and construction works should be subject to a condition to restrict the days and hours of operation to protect residents from nuisance.

Overall, the proposal would afford existing and future occupiers with sufficient light, outlook, privacy, and open space in accordance with the amenity provisions of Policy 25 of the Local Plan.

Viability and Affordable Housing

Studies show that the need across Dorset is largely for affordable rented or social rented housing. This high level of housing need is reflected by the current number of households registered on Dorset Home Choice. The register demonstrates, not only that there is a high level of recorded housing need across the area, but that a variety of dwelling sizes is required across the range of sizes, with a high need for family homes.

The Council's Housing Enabling Team note that no affordable housing contribution is proposed by the applicant for viability reasons (a Financial Viability Appraisal accompanies the application). LP Policy 8 Affordable Housing states that in Gillingham "a development for 11 or more net additional dwellings will be expected to contribute 25% affordable housing." The Housing Enabling Team would expect this development to bring forward a policy compliant level of affordable housing and therefore expect the Financial Viability Appraisal to be independently assessed.

Paragraph 58 of the NPPF states that 'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'

National Planning Policy Guidance (PPG) Paragraph: 007 Reference ID: 10-007-20190509 explains with regard to changes in site circumstances that 'Such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or where a recession or similar significant economic changes have occurred since the plan was brought into force.'

Due to the age of the plan and the brownfield nature of the site, it is considered appropriate to consider the viability of the proposal through a site-specific viability assessment.

The site is occupied by a vacant building, where 'vacant building credit' is pertinent to consideration of the affordable housing situation. NPPF paragraph 64 states: "To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. Vacant building credit is calculated using a formula based on existing and proposed floorspace. The full policy compliant affordable housing contribution is 10.5 units. The applicant suggested the affordable housing offer should be 3.9 units, the Council's view is that 6.6 units should be sought, having taken account of vacant building credit.

In light of the applicant's submitted viability assessment, the District Valuer was appointed to independently assess its content and to give the Council their view as to the deliverability of the proposal, if the full suite of contributions was required. The District Valuer took it that 6.6 affordable units should be provided on the basis of vacant building credit.

The DV concluded that in order to be delivered there must be either a substantial flex in the landowners' expectation, or the target profit level, or a combination of both. In this case, a scheme with no s.106 contributions, the target profit would need to be less than 9%, considerably below the standard rule of thumb of between 15% and 20% and considerably less than the indicated level required to incentivise a scheme. The applicant's assessment is materially worse in terms of viability, concluding that there will be no profit, together with a scheme deficit.

In respect of the applicant's forecast of limited profit and deliverability concerns, the applicant states that the developer is the owner of the land, so they will see a small return from the land. Furthermore, the store is currently a financial liability in terms of maintenance and security and still attracts business rates. Even if there is little profit, the site needs to be reused to avoid this liability, or the building will need to be demolished, the site levelled and mothballed which is not considered an appropriate outcome for the town centre. In respect to the S106 contributions, the scheme cannot bare these in full because, as the DV sets out, profit margins are almost non-existent. However, the applicant is aware of the need to provide a reasonable degree of supporting infrastructure to ensure the development does not generate unacceptable adverse effects and, notwithstanding the viability situation, have offered contributions in respect of the following:

- Education - Primary & Secondary, £22,078.10
- Off-site open space maintenance - £9,124.92
- Outdoor open space provision - £16,450.24, Gillingham Town Council request funding for the Garden of Remembrance renovation and funding for a new cemetery.
- Health - £722 per dwelling, totalling £30,324
- Arrangements for management of LAP and Landscaping on site

The DV considers that a review clause might be appropriate as a condition on any permission, in line with paragraph 009 of the PPG Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project. This approach would ensure that if the development overperforms, following the developer successfully arguing for lower levels of affordable housing, then planning authorities can attach a 'clawback' mechanism. It is considered that this would more appropriately applied to the associated S106 agreement. The clawback captures the financial gains of overperformance to spend on affordable housing. Not only does this encourage developers to be accurate in their initial viability assessments, but it also protects against S106s based on unrealistic assumptions.

In light of the above and the conclusion of the District Valuer, officers accept that the proposed development cannot viably support any affordable housing. However, contributions in respect of education, open space and healthcare have been offered and will be incorporated into a Section 106 agreement, prior to any decision for approval being issued.

Ecology

The development would result in the loss of some shrubs, urban habitat, and a total of 8 trees, all considered to be of low ecological value. However overall, the development would compensate by increasing the amount of ecological habitats on the site through the provision of a play area, amenity grassland, planted beds, green roofs and the planting of native trees. The planting of trees, inclusion of plant beds and green roofs (which cover 1/3 of the site) results in a scheme that provides a net gain in biodiversity of 230.10%. The Preliminary Ecological Appraisal confirms this and a BMEP is in the process of being finalised with the Council's Natural Environment Team.

In light of these mitigation and enhancement measures to be secured through a LEMP and S.106 agreement, conditions for biodiversity and protected species will be adequately safeguarded and enhanced in compliance with Policy 4.

Housing Land Supply

The Housing Land Supply Report 2021 shows that between 2011 and 2031, an estimated 7,012 dwellings are likely to be completed in North Dorset. Of those, 1,452 dwellings are likely to be in Gillingham. This is through a combination of known completions, extant consents, and local/neighbourhood plan allocations. Therefore, the Local Plan 5,700 homes target is likely to be exceeded, however the projected number of completions for Gillingham is estimated to be below the local plan target.

The Housing Land Supply Report shows that between 2011 and 2021, there were 101 net completions at Gillingham, or approximately 10 every year. The 'deliverable' 5-year housing land supply at Gillingham on 1st April 2021 was estimated to be 435 dwellings, however the recent Stalbridge appeal decision reduces this by 150 units, so the latest estimate is now 285 dwellings. Our latest monitoring work suggests that there were 30 dwelling completions in Gillingham between 1st April 2021 and 31 March 2022, which although is higher than previous years, is still well below the level needed to achieve 2,200 homes during the local plan period.

NPPF paragraph 74 tells us that "Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old. At present the Council cannot demonstrate a five-year housing land supply in the North Dorset area (current figures show a 4.87 year housing supply) and the Housing Delivery Test Measurement for North Dorset is below the required 75% (currently at 69%). In such circumstances, paragraph 11(d) of the NPPF, which is afforded significant weight as a material consideration, dictates that the basket of policies most important to the determination of the application should be considered to be out of date. The consequences of this, are that the NPPF's tilted balance is engaged and planning permission should be granted unless:

- i. specific policies in the framework indicate that development should be refused; or
- ii. the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

Criterion (i) are the "footnote 7" reasons detailed in the NPPF. None of these protective policies are engaged in respect of this application. The matter therefore falls to be considered under criteria (ii) of paragraph 11d permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

There has been an undersupply of new homes delivered in North Dorset and Gillingham specifically. At present, the Council cannot demonstrate a 5-year housing land supply for North Dorset. This should be given great weight in the planning balance in order to support the Government's objective of significantly boosting the supply of homes (NPPF para 60).

Land contamination

Public Health's records indicate that the proposed development lies within 250m the material consideration zone of an area identified with historic potentially contaminative land uses. Conditions are therefore suggested by the Environmental Health Team, requiring development to be undertaken in accordance with the submitted remediation scheme and requiring remedial action, should unidentified contamination be experienced, in accordance with the NPPF.

Drainage and the Water Environment

A Flood Risk Assessment, incorporating a Drainage Strategy for the site, 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 surface water drainage strategy includes five green roofs, bio-retention systems and an attenuation tank. The D&A Statement indicates that the proposals will result in a significant betterment compared to existing runoff rates generated by the site, which is largely hardstanded, and that the development will appropriately manage water and deliver improvements when compared with the existing situation.

The Council's Flood Risk Management Team initially raised a holding objection pending confirmation from Wessex Water that they have no objection to the proposed surface water sewer diversion. This was provided in Wessex Water's correspondence to the applicant dated 11 November 2022, providing in-principal approval for the proposed sewer diversion. Wessex Water raise no objections, following resolution of their query over diversion of the existing 300mm diameter surface water sewer, which must be subject to formal approval, where the developer must prove satisfactory hydraulic conditions and that there will be no loss in capacity within the diverted sewer. No objections are raised by the Flood Risk Team, subject to surface water management conditions and informatives.

16.0 Conclusion and the 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, which 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 Development Plan should be approved; and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

There is conflict with the development plan, by reason of the loss of retail floorspace, lack of any affordable housing offer and reduced contributions towards local infrastructure. 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 the shortage of housing land supply. 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. Considering the lack of an identifiable 5 year housing land supply and the presumption in favour of sustainable development, officers note that there are significant public benefits derived from the proposed development and include the following:

- Delivery of 42 homes in a sustainable town centre location.
- Delivery of extra care units.
- Delivery of 82 sq.m of commercial floorspace
- Reduction in the need to travel by car due to the site's 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
- Regeneration of a prominent and vacant brownfield site
- Financial benefits through construction and the creation of local jobs
- Open space provision in the village square, village green and green link
- Section 106 agreement to secure financial contributions towards education, open space and healthcare
- New Home Bonus payments and increased Council tax revenue
- Bio-diversity gains from greening of the site

In considering the balance, there are no adverse impacts which would significantly and demonstrably outweigh the benefits identified above. There are no fundamental concerns with regard to the impact on the character and appearance of the area, highway safety, residential amenity, ecology, land contamination or drainage and the water environment. Therefore, in this case there are no considerations of specific policies in the NPPF that weigh against the balance towards housing provision.

The applicant has amended the details of the original submission to take account of concerns and comments raised in during consultation.

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; primary & secondary education contributions, off-site open space maintenance, outdoor open space provision, healthcare contribution and arrangements for management of open space and landscaping on site.

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 31st August 2023 or such extended time as agreed by the Head of Planning.

Recommendation: Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

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

21035-0100-P Rev 2 - Location Plan
21035-0100-P Rev 2 - Site Plan
21035-2100-P Rev F - Masterplan Ground Floor Plan – Proposed
21035-2101-P Rev C - Masterplan First Floor Plan – Proposed
21035-2102-P Rev C - Masterplan Second Floor Plan – Proposed
21035-2103-P Rev C - Masterplan Third Floor Plan – Proposed
21035-2104-P Rev C - Masterplan Fourth Floor Plan - Proposed
21035-2201-P Rev 2 - Masterplan Section/Elevation - Proposed
21035-2110-P Rev B - Block A - Ground Floor Plan – Proposed
21035-2111-P Rev B - Block A - First Floor Plan – Proposed
21035-2112-P Rev B - Block A - Second Floor Plan – Proposed
21035-2113-P Rev B - Block A - Third Floor Plan – Proposed
21035-2114-P Rev B - Block A - Fourth Floor Plan - Proposed
21035-2211-P Rev 1 - Block A - Section A1/C1 – Proposed
21035-2212-P Rev 1 - Block A - Section A2 – Proposed
21035-2213-P Rev 1 - Block A - Section A3/C4 – Proposed
21035-2214-P Rev 1 - Block A - Section A4/C3 – Proposed
21035-2215-P Rev 1 - Block A - Section A5/C5 – Proposed
21035-2216-P Rev 1 - Block A - Section A6 – Proposed
21035-2311-P Rev C - Block A - North Elevation – Proposed
21035-2312-P Rev C - Block A - East Elevation – Proposed
21035-2313-P Rev C - Block A - South Elevation – Proposed
21035-2314-P Rev C - Block A - West Elevation - Proposed
21035-2120-P Rev A - Block B - Floor Plans – Proposed
21035-2217-P Rev 1 - Block B - Section B1 – Proposed
21035-2218-P Rev 1 - Block B - Section B2 - Proposed
21035-2219-P Rev 1 - Block B - Section B3 – Proposed
21035-2321-P Rev 1 - Block B - North and East Elevation – Proposed
21035-2323-P Rev 1 - Block B - South and West Elevation – Proposed
21035-2130-P Rev A - Block C - Floor Plans – Proposed
21035-2220-P Rev 1 - Block C - Section C2 – Proposed

21035-2331-P Rev A - Block C - North, East, South and West Elevation –
Proposed
21035-5000 - Proposed Bin Store 1
21035-5001 - Proposed Bin Store 2
21035-5002 - Proposed Cycle Store

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

3. Prior to development above damp proof course level, details and samples of all external facing materials for the walls and roofs shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

4. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 21035-2100-P Rev D must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

5. Before the development is occupied or utilised the first 10.00 metres of the vehicle access from the High Street, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

6. Before the development is occupied or utilised the first 5.00 metres of each vehicle access from Buckingham Road, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that suitably surfaced and constructed accesses to the site are provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

7. Before the development is occupied or utilised, the first 5.00 metres of any access, access crossing and drive must be constructed to a gradient not exceeding 1 in 12.

Reason: To ensure that the public highway can be entered safely.

8. Before the development is occupied or utilised the cycle parking facilities shown on Drawing Numbers 21035-2100-P Rev D and 21035-5002 must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

9. The development hereby permitted must not be occupied or utilised until the precise technical details of the electric vehicle charging points and parking bays shown on Drawing Number 21035- 2100-P Rev D are submitted to the Planning Authority. These details require approval to be obtained in writing from the Planning Authority. The approved scheme must be constructed before the development is occupied or utilised and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of plugin and ultra-low emission vehicles.

10. Before the development hereby approved commences 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
- a framework for managing abnormal loads
- 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.

11. Before the development hereby approved is occupied or utilised, a Travel Plan must be submitted to and approved in writing by the Planning Authority. The Travel Plan, as submitted, will include:

- Targets for sustainable travel arrangements.
- Effective measures for the on-going monitoring of the Travel Plan.
- A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development.
- 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.

- 12.No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.

REASON - To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

- 13.No development shall take place until details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

- 14.The development hereby approved must be carried out in full accordance with the terms and findings of the Phase 1 Desk Study by AG Geo-Consultants Ltd dated 7th March 2022, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, having regard to the National Planning Policy Framework March 2012.

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be submitted to and approved by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, having regard to the National Planning Policy Framework March 2012.

16. Due to the close vicinity of existing residential dwellings to this site, demolition and construction works should have regard to the following to protect residents from nuisance:

- Hours of work are to be limited to Monday – Friday 0700 – 1900, Saturday 0800 – 1300 and no noisy activity on Sundays or Bank Holidays. No bonfires

Reason: To protect the amenity of adjoining residents during the course of construction

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

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

18. Prior to the commencement of development on the site, a Construction Environmental Management Plan (CEMP) (Biodiversity) must be submitted to and approved in writing by the local Planning Authority. The CEMP must include the following:

a) Risk assessment of potentially damaging construction activities.

- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs

The development shall take place strictly in accordance with the approved CEMP.

Reason: To protect biodiversity during the construction phase.

19. Prior to the commencement of any development hereby approved, above damp course level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include where relevant:

- (i) proposed finished levels or contours;
- (ii) means of enclosure;
- (iii) car parking layouts;
- (iv) other vehicle and pedestrian access and circulation areas;
- (v) hard surfacing materials;
- (vi) minor artefacts and structures (eg street furniture, play equipment, refuse or other storage units, signs, lighting, etc);
- (vii) proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines, etc indicating lines, manholes, supports, etc);
- (viii) the species, size, number and spacing of planting, including heavy standards, raised planters and details of the green roofs
- (ix) retained landscape features and proposals for their continued retention.

If within a period of 5 years from the date of completion of the development any tree or plant is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree/plant of the same species and size as that originally planted shall be replanted in the first available planting season unless the Local Planning Authority agrees in writing to any variation.

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

20. A Landscape Management Plan, including long term design objectives, management responsibilities, maintenance schedules and a timetable for

implementation and/or phasing; for all landscape areas (other than small, privately owned domestic gardens,) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner. Thereafter the Landscape Management Plan shall be implemented as approved.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation or historical significance.

Informative Notes:

1. The applicant is advised that, notwithstanding this consent, the Town Police Clauses Act 1847 requires that the projecting sign must be not less than 2.44 metres above ground level. Provision of the sign at a lesser height could give rise to complaint, inconvenience or actual injury and, furthermore, might render the owner of the site and/or the sign liable to prosecution.
2. As the new road layout does not meet with the Highway Authority's road adoption standards it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.
3. Dorset Highways advise that the vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.
4. The Council's Lead Flood Authority advise the applicant that the following items should be updated/addressed for future detailed design and discharge of conditions.
 - The latest climate uplift for the upper end 2070s epoch is 45%. This allowance should be used for the detailed design (discharge of conditions stage) of the attenuation feature.
 - At discharge of conditions stage we will expect to see evidence of infiltration testing and whether the ground conditions will support infiltration. If infiltration testing alone proves that a soakaway is unfeasible, then this will be adequate information. If infiltration testing indicates that a soakaway may be feasible then the applicant should go on to undertake groundwater testing and monitoring to determine if ground water conditions will also support infiltration. If this additional information is not provided at detailed design stage, then we will request it at that time; it should be noted that the testing required may have a significant lead in time.
 - If the applicant wishes to offer for adoption any highways drainage to DC, they should contact DC Highway's Development team at DLI@dorsetcouncil.gov.uk as soon as possible to ensure that any highways drainage proposals meet DCC's design requirements.

5. Wessex Water offers the following informatives:

Existing Services

The following Wessex Water Assets are located within the proposed site boundary: -

225mm diameter public foul sewer

225mm diameter public surface water sewer

300mm diameter public surface water sewer

150mm diameter private surface water sewer.

In accordance with Wessex Water Policy, there must be no buildings within a minimum of 3m either side of the public foul and surface water sewers and no tree planting within a minimum of 6m. This includes no surface water attenuation features and associated earthworks in the easement strip. The public sewers must not run through enclosed private rear gardens, they must be within a 6m (3m either side) open access easement strip or roads. Wessex Water require unrestricted access to maintain and repair our apparatus. The applicant will need to agree protection arrangements for the existing public foul and surface water sewers which crosses the site (easement requirements detailed above). Any damage to our apparatus by third parties will result in a compensation claim. All apparatus must be accurately located on site and marked on deposited drawings.

A map showing all known Wessex Water Assets within the area of the proposed site is available to view on the Council's website. Additional maps can be obtained from our website Mapping enquiries (wessexwater.co.uk)

Foul Drainage

Wessex Water will accommodate domestic type foul flows in the public foul sewer with connections made on a size for size basis, Developers fund the cost of connecting to the nearest 'size for size' sewer and Wessex Water will manage the sewer network to accommodate foul flows from granted development. We fund this through our infrastructure charging arrangements.

Wessex water has capacity to accept the proposed domestic type flows into the public network. Connection should be made to the network located on High Street to the north of the site. The point of connection to the public network is by application and agreement with Wessex Water and subject to satisfactory engineering proposals constructed to current adoptable standards. The developer should contact the

local development team development.south@wessexwater.co.uk to agree proposals for the Section 104 adoption and submit details for technical review prior to construction. Please Note: No surface water runoff or land drainage will be accepted into the foul sewer either directly or indirectly.

Surface Water Drainage

The applicant has proposed a connection to the existing public surface water sewer and has agreed a discharge rate of 46.2 l/s for all storm events up to and including the 1 in 100 year event plus CC, with Wessex Water.

Adoption

Wessex Water can adopt SuDS features as part of a surface water sewer network, SuDS schemes will be required to have full S104 technical approval and full planning approval before construction work begins. All drainage design requirements for the site (discharge rates, attenuation, climate change etc.) must be agreed, in consultation with the Local Planning Authority / Lead Local Flood Authority, prior to the submission of a formal S104 application. Adoption is by agreement with Wessex Water and subject to satisfactory engineering proposals constructed to current adoptable standards. More detailed information and guidance for adoptable standards can be found on our Developer Services Web Pages Sector guidance on sewerage and water adoption agreements (wessexwater.co.uk) Please Note: No surface water runoff or land drainage will be accepted into the public foul sewer either directly or indirectly.

Water Infrastructure

Wessex Water will provide a point of connection for new water mains to be laid into the development site, either through a Section 41 agreement or a self-lay arrangement. Developers may connect to our water network on a size for size basis at their cost and Wessex Water will undertake any network reinforcement that may be required to accommodate granted development, this is funded through our infrastructure charging arrangements. Upon grant of planning Wessex Water will undertake a modelling exercise to determine the impact on our network and manage any necessary improvements.

Please note: On site private storage and pump systems will be required for buildings greater than 2 storeys high. No guarantee can be given on a specific pressure or to maintaining that pressure. Normally it will be no less than 10m head of water. (1 bar pressure at 9 litres a minute) on the property boundary. For more details and guidance for applying to connect to our networks please see our website:

<https://www.wessexwater.co.uk/services/building-and-developing/building-multiple-properties-or-largedevlopments>

Case Officer Signature:	Jim Bennett	Authorising Officer Signature:	
Date:	10/07/2023	Date:	