

Application Number:	P/OUT/2021/02187		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Land at E 381150 N 126745, Barnaby Mead to Bay Lane - Footpath, Gillingham		
Proposal:	Develop land by the erection of up to 20 No. dwellings, form vehicular access and associated infrastructure. (Outline application to determine access).		
Applicant name:	The PG Ridgley Trust		
Case Officer:	Ross Cahalane		
Ward Member(s):	Cllr Val Pothecary, Cllr Belinda Ridout, Cllr David Walsh		
Publicity expiry date:	11 March 2022	Officer site visit date:	16 December 2022
Decision due date:	31 January 2022	Ext(s) of time:	31 January 2022

1.0 The application is reported to Committee as Gillingham Town Council have objected to the application (received 24/04/2022).

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 the following:

- 25% affordable housing on site
- Community Facilities Contribution
- Formal Outdoor Sports Contribution
- Formal Outdoor Sports Maintenance Contribution
- Informal Outdoor Space Contribution
- Informal Outdoor Space Maintenance Contribution
- Play Facilities Contribution
- Play Facilities Maintenance Contribution
- On-site Open Space Provision
- Public Footpath Connections

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 6 months or such extended time as agreed by the Head of Planning.

3.0 Reason for the recommendation: as set out in Sections 15.0 to 16.0 at the end of this report.

- The Council cannot demonstrate a 5-year housing land supply in North Dorset, meaning that the ‘presumption in favour of sustainable development’ applies
- The site is located within the defined development boundary of Gillingham in accordance with the Local Plan core spatial strategy.
- The development would provide 25% affordable housing on the site.
- The development would secure economic, social and environmental benefits.
- 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 as the application site is located within the settlement boundary. The site is located within a sustainable location and no material considerations warrant refusal of this application.
Housing Delivery	The development will provide up to 20 dwellings making a valuable contribution to the housing land supply.
Affordable Housing	The development will provide policy compliant affordable housing of 25% on site subject to s106 agreement.
Highways/ Access	The application is outline for access only. The proposed access is considered to be acceptable and Dorset Highway Authority raise no objection, subject to conditions.
Layout	Whilst the layout of development is illustrative at this stage, it demonstrates that there is sufficient space to ensure that the character and distinctiveness of the locality can be respected.
Landscape	There are no in principle objections to the proposals subject to matters being addressed in reserved matters applications.
Impact on amenity	The amenity of adjacent residents can be protected with adequate space between proposed and existing properties.
Heritage/Archaeology	Proposal will result in no harm to designated and non-designated heritage assets.
Flooding/Drainage	It is considered that the flooding and drainage aspects of the scheme can be satisfactorily conditioned to the consent.

Biodiversity	A Biodiversity Plan has been agreed by the Council's Natural Environment Team, which includes mitigation and net gain measures. This can be secured by means of planning condition.
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5.0 Description of Site

The application site is approximately 0.84ha and is situated towards the east of Gillingham, around 400m from the town centre. It is located within the settlement boundary of Gillingham. Access to the site is currently afforded via a gate to the north of the site which is situated along the existing Public Right of Way (PRoW).

There are hedgerows along the north, east and west boundaries of the site; and a chain link fence to the adjacent school tennis courts along the southern boundary of the site. The site has relatively gentle gradient falling towards the north eastern corner.

The site adjoins recently constructed residential development to the north (see Section 7 planning history below), whilst to the south is Gillingham School and Gillingham Primary School and associated facilities.

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).

6.0 Description of Development

Develop land by the erection of up to 20 No. dwellings, form vehicular access and associated infrastructure. (Outline application to determine access).

7.0 Relevant Planning History

There is no planning history for the application site. However, the land immediately to the northwest has been developed for housing as approved below:

2/2016/0149/OUT – Land East of Barnaby Mead. Develop land by the erection of up to 50 dwellings, formation of vehicular and pedestrian access, (outline application with all matters reserved).

Decision: Granted (02/10/2017)

2/2019/1649/REM - Erect 50 No. dwellings, form vehicular and pedestrian access. (Reserved matters application to determine access, appearance, landscaping, layout and scale; following grant of Outline Planning Permission No. 2/2016/0149/OUT).

Decision: Granted (29/06/2020)

8.0 List of Constraints

Remains of East Haines House & Adjacent Section of Deer Park Pale Scheduled Monument, 1465898 (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

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

9.0 Consultations

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

Consultees

Ancient Monuments Society

- No comments received

Historic England

- No objection on heritage grounds

Open Spaces Society

- No comments received

Wessex Water

- Holding objection raised until the applicant has demonstrated how they propose to accommodate the minimum 3m easement required around the existing distribution main

[Officer comment: The applicant has provided an amended illustrative layout to demonstrate that the above easement requirement can be provided]

Dorset & Wiltshire Fire and Rescue Service

- In the event the planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements

Dorset Council – Landscape

- Supportive of application subject to conditions

Dorset Council - Education Officer

- No comments received

Dorset Council - Natural Environment Team

- No objection subject to compliance with Biodiversity Plan

Dorset Council - Rights of Way Officer

- No objection subject to footpath being diverted

Dorset Council - Highways

- No objection subject to conditions

Dorset Council - Dorset Waste Partnership

- No comments received

Dorset Council – Environmental Services

- No objection subject to conditions

Dorset Council - Conservation Officers

- Supports application subject to condition

Dorset Council - Trees

- No comments received

Dorset Council - Urban Design

- No comments received

Dorset Council - Housing Enabling Team

- No objection to application

Dorset Council - Planning Policy

- Supports application

Dorset Council - Economic Development and Tourism

- No comments received

Dorset Council – Flood Risk Management Team

- Holding objection: No evidence of connectivity between the existing ditch and a surface water sewer or the wider river network has been provided within this submission

[Officer comment: In response to this, the applicant has undertaken a further drainage inspection and provided an updated drainage strategy. It is considered that the detailed drainage design of the scheme could be conditioned to the consent to make this development acceptable.]

Dorset Council - Section 106 Team

- No objection

Dorset Council – Archaeology

- No objection subject to condition

Dorset Council – Libraries

- No comments received

Ward Councillor - Gillingham Ward

- No comments received

Gillingham Town Council

- Objection:
 - Loss of an existing area of informal green amenity space
 - Access to and from the proposed development would be reliant on Barnaby Mead and Gillingham High Street. Will exacerbate existing traffic congestion and will result in an increase in danger to highway users
 - Design and layout does not take account of the Bay Character Area and would fail to maintain or improve the character and quality of the area.
 - Proposed road will cross Footpath N64/45 (a walk to school route) which will result in an increased danger to pedestrians using the footpath.
 - Does not provide any environmental benefits or offer any opportunities for securing measurable gains for biodiversity
 - Proposed layout conflicts with the water main and the easement strip.
 - Will exacerbate existing drainage issues and have a detrimental effect to the dwellings downhill of the proposed development.
 - As the town grows there may be a need for Gillingham School to expand, therefore this area should be protected against development and safeguarded for educational purposes.

Representations received

25 letters of representation have been received, of which 22 objected to the proposal, and 3 supported the proposal.

Reasons for objections:

- Loss of green space
- Traffic generation
- No benefit to local residents

- Vehicular access unsuitable
- Noise impacts
- Density of development
- Wildlife impact
- PROW impact

Reasons for support:

- Affordable housing needed across the district
- Development will provide more housing for local young people

10.0 Relevant Policies

Local Plan: The North Dorset Local Plan Part 1 (NDLP) was adopted by North Dorset District Council on 15 January 2016. It, along with policies retained from the 2003 North Dorset District-Wide Local Plan, and the 'made' Gillingham Neighbourhood Plan 2018, 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 NDLP 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 application are:

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

Other material considerations

National Planning Policy Framework (NPPF):

The NPPF has been updated with a revised version published September 2023. The following sections and paragraphs are relevant to this outline application:

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

Current housing land supply

At present the Council cannot demonstrate a five-year Housing Land Supply (HLS) in the North Dorset area (current figures show a 4.27-year HLS) and the Housing Delivery Test (HDT) measurement for North Dorset is below the NPPF required 75% (currently at 69%). In such circumstances, paragraph 11(d) of the NPPF dictates that the basket of policies most important to the determination of the application should be considered to be 'out of date'. For clarity, this refers to policies 2, 6 and 20 of the NDLP. The consequences of this, are that the NPPF's 'tilted balance' is engaged and

planning permission should only be refused if the protective policies of the NPPF provide a clear reason for refusal or if the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

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 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 Financial benefits

What	Amount / value
Material Considerations	
Affordable housing	25% of the number of dwellings.
Quantum of greenspace	On-site public open space to be secured by s106 agreement.
Contributions	The s106 agreement shall secure contributions towards: Community Facilities; Formal Outdoor Sports; Formal Outdoor Sports Maintenance; Informal Outdoor Space; Informal Outdoor Space

	Maintenance; Play Facilities, and; Play Facilities Maintenance.
Employment created during construction phase	The proposal will support local jobs in the construction sector and will bring about 'added value' in the local area through associated spending and economic activity.
Spending in local economy by residents of proposed dwellings	The proposal will support the local economy, providing housing required to support the long-term economic growth in the area with new residents spending on goods and services as they move in.
Non Material Considerations	
Contributions to Council Tax Revenue	According to the appropriate charging bands

14.0 Climate Implications

There will inevitably be trips to and from the site by vehicles with internal combustion engines. Although the proportion of the trips by internal combustion engine powered vehicles will diminish over time as the predicted use of battery electric vehicles (BEVs) increases, their use to access the site must still be considered as part of its carbon footprint. BEVs also have a carbon footprint of their own.

The layout of the dwellings is indicative only at this Outline stage, but does evidence how dwellings can be sited with south and west facing roof slopes to exploit the potential of solar energy.

Notwithstanding the fact that the proposed indicative orientation of the dwellings will allow opportunities for domestic photo-voltaic installations, it is assumed there will be a reliance on the grid for energy (the energy generation for which is still reliant, for now, on non-renewable sources).

There will be embedded energy costs derived from the construction phase (from the production and transport of the materials and the energy consumed during the build itself). There will be a loss of greenfield land arising from the development.

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

The main considerations for this application are considered to be:

- Principle of Development
- Housing Mix and Affordable Housing
- Highways/Access
- Layout
- Landscape
- Residential Amenity

- Heritage/Archaeology
- Flooding/Drainage
- Biodiversity, and
- Infrastructure

Principle of Development

Policy context

Policy 2 (Core Spatial Strategy) and Policy 6 (Housing Distribution) of the NDLP require development to be located in accordance with the spatial strategy, which directs development to the four main towns and larger villages. Gillingham is identified as one of the larger towns and will be a main focus for growth and for the vast majority of housing delivery.

The proposed scheme is for major residential (20 dwellings) on a greenfield site inside the Gillingham settlement boundary. As such, it accords with the spatial strategy in the adopted development plan..

Paragraph 105 of the NPPF states: ‘significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes’. Notwithstanding the fact that the application site is located within the defined settlement boundary, the site is within walking distance of Gillingham town centre, plus schools, a leisure centre, and the railway station. The proposal is therefore considered to be a sustainable location for development.

The Gillingham Neighbourhood Plan (GNP) was made in July 2018. Paragraphs 6.6–6.8 discuss was then the outline approval (2/2016/0149/OUT) for 50 dwellings on the adjacent site between Barnaby Mead and Bay (now completed following approval of Reserved Matters - 2/2019/1649/REM). The above application site was not specifically allocated for housing development within the GNP. However, its Table 6.1 lists policies in the neighbourhood plan that should influence its design requirements. It is considered that this table could apply to the current application site, as it forms a smaller site with through access proposed from this approved site. what

The current application site was submitted for consideration in the Council’s Strategic Housing Land Availability Assessment (SHLAA) in 2019. Within the SHLAA, the site is identified as LA/GILL/001. The Council’s assessment states that site is located within walking distance of shops, a school and employment. It concludes that it has a capacity for 20 dwellings and is a developable site.

Emerging Dorset Council Local Plan

The Dorset Council Local Plan 2021-2038 options consultation was published in January 2021. Figure 2.3 of the document lists Gillingham as a Tier 2 settlement (towns and other main settlements). It also places Gillingham in the Northern Dorset Functional Area. Section 29 of the consultation document discusses Gillingham in more detail but does not provide any draft policies relevant to the application site.

Figure 29 simply shows the site as being within the settlement boundary, and therefore could be considered an infilling/windfall site under draft Policy DEV4. As this emerging local plan is still in the early stages of production, only very limited weight can be afforded to it.

Conclusion – principle of development

In light of all the above, the principle of development is considered to be acceptable on the site. The proposal accords with the core spatial strategy of the NDLP as it would provide a residential development of up to 20 dwellings within a defined settlement boundary. Other than the settlement boundary, the site does not have any specific policies relating to it, and there are no environmental designations on or near to the site to suggest that development should be constrained.

Housing Mix and Affordable Housing

The proposed development will deliver up to 20 new homes and will contribute towards fulfilling the housing needs of North Dorset and Gillingham. 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 submission.

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 5 no. affordable homes on site (in the event 20 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.

Highways/Access

Access will be gained from the north via the adjacent recently completed 50 dwelling development, as shown on the submitted access plan. The access road will cross footpath N64/45 on the northern boundary, where it is proposed to provide a raised table where pedestrians will have priority over vehicle traffic. This will also act as a gateway and traffic calming measure.

DC Highways originally raised concern with certain aspects of the scheme. In response to this, the applicant has provided an amended transport statement which addresses these concerns. These amendments are set out below.

The submitted access plan has been amended to confirm a width of 2m for the existing footpath by the junction serving the application site. This also shows the location of the ditch and any widening required to take this into account. The pedestrian flat-top road hump with pedestrian crossing has been amended to provide what has been requested by the Highway Authority. In addition, the transport statement has also been revised and re-issued to state 2.0m footways and a minimum width of 5.0m for the internal carriageway.

The proposed new access road will connect with the recently completed 50 dwelling development to the north. The submitted application red line area extends up to the adopted highway shown on the plan included in the Highways comments. The applicants have the rights to provide a vehicular / pedestrian connection off the estate road to the north. The owner of the adjacent has been informed of the application and the application forms have been updated to reflect this.

Concerns have been expressed in relation to the existing footpath. DC Senior Ranger has no objection to the scheme, but requests that the footpath must be diverted under legal order and must be confirmed before any works obstructing the path are commenced. This follows a similar approach to the development granted to the north of the site, under planning application 2/2016/0149. The applicant has confirmed that they are agreeable to this.

Public objections and objection from Gillingham Town Council have been received in relation to the additional traffic and highways safety issues associated with the proposed development. The transport statement includes an assessment of vehicle traffic impact using the national TRICS database; this has shown that the proposed development will have a minimal impact on the highway network. It is not considered that the proposed development would have an impact on the local highway network that would be severe, in accordance with the NPPF.

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.

DC Highways has reviewed the additional information and raise no further objection to the scheme. Planning conditions are recommended to secure the details of construction, visibility spays, layouts/turning/parking areas, cycle parking, electric vehicle charging, travel plans and construction traffic management.

Layout

Whilst layout is a reserved matter and not up for consideration under this Outline application, an illustrative masterplan has been submitted. Gillingham Town Council

have objected to the application on the grounds of layout and design. Whilst the exact layout of the dwellings is to be determined under a subsequent reserved matters application, the illustrative proposal has been designed to provide a mix of 20 market and affordable dwellings at a net density of approx. 32 dwellings per hectare within the developed area. This is consistent with the recently constructed development to north of the site. The density also ensures that the residential dwellings would not appear overly cramped, and the illustrative masterplan demonstrates that dwellings would benefit from good sized gardens, whilst also benefiting from areas of on-site landscaping, open space and flood attenuation.

A simple hierarchy of streets is proposed. There will be a primary street leading through the site from the site access and this links to a mix of private drives, private courtyards and pathways. The streets incorporate traditional carriageways of different widths according to their role in the hierarchy, with footpaths and shared surface streets where greater priority is given to pedestrians and car speeds are consequently lower.

On the northern boundary of the site is an existing PRow. This will form the primary pedestrian and cycle route from the proposed development to local facilities and amenities. The illustrative layout indicates that the proposed dwellings in the northern section of the site will front onto this PRow. Officers consider that an appropriate layout could be provided in a subsequent reserved matters application.

Landscape

Whilst a reserved matter at this stage, DC Landscape Officers have reviewed the proposal and are supportive of the application.

The layout of the proposal will be a simple grid, referencing rural estate housing and courtyards and utilising simple building forms. Plots will be fronted with low level native species hedgerow and flowering lawn mix. An attenuation basin will be located in the main open space in the north-east corner of the site and will be planted up with marginal and riparian plants. This feature would be surrounded by public open space, including amenity grassland and ornamental tree planting with a wildflower understorey. The existing hedgerows on the east, west and south boundaries will be retained and enhanced with native species where appropriate. The existing hedgerow and drainage ditch along the northern boundary be enhanced to form a habitat corridor.

The proposed attenuation basin will be planted to encourage biodiversity. This will soften its appearance too, so that it contributes to rather than detracts from the open space that it will be located in. It is considered that overall, it is possible to successfully integrate the proposed development into the local setting. The DC Landscape Officer supports the principle of the development, subject to the resolution of detailed design issues at reserved matters stage.

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 of 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 north of the site within the newly constructed development. 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 subject to the final detailed layout proposals to be examined at Reserved Matters stage.

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, 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.

Designated Heritage Assets

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'.

The proposals will result in the following impacts on the significance of identified heritage assets:

Remains of East Haines House & Adjacent Section of Deer Park Pale (Scheduled Monument, 1465898)

The key elements of this monuments' setting are its generally undeveloped surroundings, but also its spatial and functional relationship to the deer park and other sections of pale.

The application site is situated approximately 365 m to the WSW of the asset and has no known spatial or visual relationship with it. The site forms part of what is currently a boundary of built-form formed by Gillingham School and the housing along Bay Lane, and does not form an obvious intrusion into the undeveloped setting of the monument, nor into its spatial or visual setting eastwards into the deer park.

For the above reason, it is considered that the proposals will result in no harm to the asset's significance.

Gillingham Conservation Area ('CA')

The setting of the CA, including the legibility of the landscape setting, has been much diminished by modern development. The distinction between the CA and the hamlet of Bay has been nearly entirely removed, the unification now all but complete with the recent construction at Barnaby Mead. With this in mind, the application site, lying to the south of Bay and immediately adjacent to the large school site, does not form an element which particularly contributes to any vestigial sense of separation.

It is therefore not considered that development of the site to the proposed quantum, or proposed access from the existing Barnaby Mead development, would result in any material harm to the setting of the CA and that any additional heritage issues which could arise (e.g. in scale and materials) could be adequately dealt with at Reserved Matters stage.

For the above reason, it is considered that the proposals will result in no harm to the asset's significance.

Non-Designated Heritage Assets

Bay Farmhouse and Barn

The setting of the asset has been altered by the extent of modern development of Barnaby Mead, most notably by the latest phase recently constructed, and will see the entirety of the land to the west and south of the farmhouse developed in some form. Though the application site forms a pocket of undeveloped land to the south of the farmhouse, it is at some remove from the asset and with intervening modern development. It is therefore not thought that the site contributes to a sense of any vestigial agricultural hinterland around the asset.

For the above reason, it is considered that the proposals will result in no harm to the asset's significance.

Archaeology

The submitted Historic Environment Assessment correctly points out that archaeological remains of various periods and types have been recorded in the vicinity of the present site. The Council's Senior Archaeologist has commented that there is a strong chance that the features identified in the geophysical survey are associated with the archaeological remains of Medieval date found on the adjacent site, not the current proposal site. Hence, in this case it is agreed that further archaeological evaluation is not needed before an informed planning decision can be made. Nevertheless, it is important that those remains that would be disturbed by the proposed development are recorded to an appropriate professional standard beforehand.

A pre-commencement planning condition is therefore proposed requiring the submission of a programme of archaeological work in accordance with a written

scheme of investigation which has been submitted by the applicant to and approved by the Local Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

Flooding/Drainage

A Flood Risk Assessment, incorporating Drainage Strategy, accompanies the application. The site of the proposal is shown to fall within Flood Zone 1, as indicated by the Environment Agency's (EA) indicative flood maps. Whilst according to the EA's Risk of Flooding from SW (RoFfSW) mapping, the site is free from the theoretical risk of pluvial flooding up to the 1-in-100 year rainfall event. The same mapping indicates some theoretical pluvial flood risk along a strip down the western edge of the site during the 1-in- 1000-year rainfall event. Overall, the site is considered to be at very low risk of flooding from rivers and surface water.

The SuDS hierarchy has been applied by the applicant and due to the bedrock consisting of mainly Kimmeridge Clay formation, where infiltration rates are likely to be poor, infiltration techniques are being dismissed as a means of surface water management.

The applicant is proposing to discharge surface water runoff into a ditch which runs along the north edge of the site. The surface water discharge will be restricted to greenfield rates and volumes and attenuated within an open attenuation basin on the site. The LLFA have raised a holding objection to the application, on the basis that the applicant had provided no evidence of connectivity between the existing ditch and a surface water sewer.

In response to this, the applicant has undertaken a further drainage inspection and provided an updated drainage strategy. A die trace was used within the headwall to confirm the outfall to the chamber indicated on the submitted drawings. The applicant has confirmed that they have a right to discharge into this sewer. The proposals will maintain the existing catchment and point of discharge, but will also provide improvements to discharge for those critical storm events detailed in the submitted drainage strategy.

Whilst the LLFA holding objection is acknowledged, it is considered that the detailed drainage design of the scheme could be conditioned to the consent to make this development acceptable.

Biodiversity

A suite of ecological surveys were undertaken, consisting of Preliminary Ecological Appraisals and surveys for bat activity and for reptile presence/absence. An ecology update letter has been provided more recently by the applicant. The grassland and hedgerows have not significantly changed since the ecologist's previous visit in October 2020, consisting of the same species and structure, indicating periodic cutting of the sward and hedgerows. The previous results, mitigation and compensation measures therefore still stand. The above findings and recommendations were then submitted within a Biodiversity Plan (BP) under the Dorset Biodiversity Appraisal Protocol (DBAP) for consideration by the Council's Natural Environment Team (NET).

The proposed development would result in the removal of semi-improved species-poor grassland habitat of low ecological value. It is unlikely that the hedgerows would be substantially impacted. The loss of a small area of encapsulated semi-improved grassland is not considered to be ecologically significant.

Reptiles within the site would be translocated to an identified receptor site and a lighting strategy employed to reduce impacts on commuting bats. Recommendations for biodiversity compensation/enhancement include the provision of wildflower meadow grassland, new native hedgerows, wildlife friendly hedgerow management, bird boxes, bat brick boxes, and bee bricks. These measures would compensate for the loss of low value grassland habitat resulting in a net biodiversity gain for the site.

All habitats created as part of the development will be detailed in full within a Landscape Ecological Management Plan (LEMP), which can be conditioned to ensure that it will be submitted to and agreed with the NET prior to the commencement of development. It will include the specification of habitats created at a plan for five years of management.

The indicative layout has now been amended so that it is informed by the results of the surveys. For example, the west and southern boundaries of the site were found to be the most important for commuting bats, which will now be protected as dark corridors. The NET team has now agreed the DBAP submission and has issued a Certificate of Approval, and compliance with the agreed BP can be secured by means of planning condition. It is also considered reasonable for the provision of details of lighting under planning condition, to be provided at the same time as the first submission of Reserved Matters.

Infrastructure

In order to mitigate the impact of the proposed development on surrounding infrastructure, the applicant has agreed the following Heads of Terms:

- 25% affordable housing on site
- Community Facilities Contribution - £2,006.97 per dwelling
- Formal Outdoor Sports Contribution - £1,318.80 per dwelling
- Formal Outdoor Sports Maintenance Contribution - £128.73 per dwelling
- Informal Outdoor Space Contribution - £2,307.36 per dwelling
- Informal Outdoor Space Maintenance Contribution - £1,278.80 per dwelling
- Play Facilities Contribution - £967.52 per dwelling
- Play Facilities Maintenance Contribution - £359.36 per dwelling
- Education Contribution - £6,094.00 per dwelling
- On-site Open Space Provision
- Public Footpath Connections

The above infrastructure contributions will need to be secured under a s106 agreement before planning permission can be granted.

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 no in principle conflict with the development plan, by reason that the proposed development is located within the defined development boundary of Gillingham, in accordance with the Core Spatial Strategy of LPP1. It is also 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, 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.

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 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
- Temporary construction jobs
- Open space provision
- Bio-diversity gains

It is important to note that there are no adverse impacts which would significantly and demonstrably outweigh these benefits. Therefore, in this case there are no considerations of specific policies in the NPPF that weigh against the balance towards allowing the proposed housing provision.

16.0 Conclusion

The application demonstrates that up to 20 dwellings can be accommodated within the site with acceptable access, whilst also responding acceptably to the existing public right of way along its northern boundary. The proposal accords with the core spatial strategy of the NDLP and other than the settlement boundary in which it is within, does not have any specific policies relating to it. There are also no environmental designations on or near the site that constrains the proposal. In the

absence of any Footnote 7 (of the NPPF) reasons for refusal, Officers consider that the “tilted balance” detailed in paragraph 11 d) ii) of the NPPF should be engaged. There are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal. The recommendation is to therefore grant Outline planning permission, subject to the conditions as outlined below, and a S106 agreement to secure Affordable Housing and infrastructure contributions.

17.0 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 on site
- Community Facilities Contribution
- Formal Outdoor Sports Contribution
- Formal Outdoor Sports Maintenance Contribution
- Informal Outdoor Space Contribution
- Informal Outdoor Space Maintenance Contribution
- Play Facilities Contribution
- Play Facilities Maintenance Contribution
- On-site Open Space Provision
- Public Footpath Connections

Or,

B) Refuse permission for failing to secure the obligations above if the agreement is not completed by 6 months or such extended time as agreed by the Head of Planning.

Conditions

Reserved Matters

1. Approval of the details of the layout, scale or appearance of the buildings 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. The development shall be carried out in accordance with the approved Reserved Matters.

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:

Site Location Plan 200801 L 01 01 A
Proposed Road Extension and Raised Crossing 4632-001-REV D

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

Quantum and Parameters of Development

5. The development hereby approved shall be limited to a maximum of 20 dwellings only and shall allow for the provision of the public open space and ecological buffer zone areas as shown on the Illustrative Layout (Drawing No. 200801 L 02 02 F).

Reason: To define the extent and parameters of the permission.

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 laid out 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.

Ecology

7. The development hereby approved shall be undertaken in accordance with the ecological mitigation and net gain measures as set out in the Biodiversity Plan dated 01st September 2023 and agreed by Dorset Natural Environment Team on 06th September 2023.

Reason: To conserve and enhance biodiversity.

8. 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. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management, including management of the retained and new hedgerows, wildflower grassland and other habitats.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) 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.

9. The submission of reserved matters for appearance and layout shall include a scheme showing precise details of all external lighting (including appearance, supporting columns, siting, technical details, power, intensity, orientation and screening of the lamps). Any such scheme shall comply with the Bat Conservation Trust lighting guidelines (Guidance Note 08/18 Bats and Artificial Lighting in the UK. Bats and the built environment series) and the mitigation requirements as set out in the agreed Biodiversity Plan.

Reason: In the interests of the visual and residential amenity of the area, public safety, protected species and biodiversity.

Highways

10. No development of the access, highway layout, turning and parking areas hereby approved shall commence until details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Planning Authority.

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

11. Before the development hereby approved is occupied or utilised the following works must have been constructed to the specification of the Planning Authority:

- The proposed raised table crossing of Footpath N64/45 as shown on Dwg No 4362-001 Rev D (or similar scheme to be agreed in writing with the Planning Authority).

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

12. 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 approved in writing by the Planning Authority. The approved scheme must be constructed before the development is commenced 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 sustainable transport modes.

Flooding/Drainage

13. 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, along with 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 surface water management and maintenance 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, ensure future maintenance of the surface water drainage system, and prevent the increased risk of flooding.

Heritage

14. The reserved matters should be informed with particular regard to the attributes of the various character areas established in the Gillingham Neighbourhood Plan (especially Tables 12.3 and 12.6) and Gillingham Town Design Guide (2012) insofar as they pertain to this site.

Reason: To preserve or enhance the character and appearance of the surrounding heritage assets.

Construction

15. 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.

Archaeology

16. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant to and approved by the Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results. The archaeological work shall be implemented in full in accordance with the approved scheme.

Reason: To safeguard and/or record the archaeological interest on and around the site

Potential Contamination

17. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority, and implemented as approved. On completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.