

Application Number:	P/OUT/2023/05838		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Kentom House Bay Lane Gillingham Dorset SP8 4ER		
Proposal:	Erection of 3 dwellings with off street parking, garaging and private outdoor amenity space (Outline application to determine access only).		
Applicant name:	Executors of the Estate of Mrs W Stokes (Deceased)		
Case Officer:	Steven Banks		
Ward Member(s):	Cllr Val Pothecary, Cllr Belinda Ridout, Cllr Carl Woode		
Publicity expiry date:	26 July 2024	Officer site visit date:	N/A
Decision due date:	7 June 2024	Ext(s) of time:	7 June 2024
No of Site Notices:	3		
SN displayed reasoning:	In order to publicise the proposal.		

1.0 Reason for the referral of the application to the committee

The recommendation of officers is contrary to the opinion of Gillingham Town Council. The Chairman and Vice Chairman of the committee requested the consideration of the application by a committee.

2.0 Summary of recommendation:

Grant outline planning permission subject to conditions.

3.0 Reason for the recommendation:

- The application site represents a sustainable location for residential development.
- Three dwellings, sited within the application site, of a design, form and scale, which would not harm the character of the area, could be achieved.
- The application site could accommodate three dwellings of a size and in a position which would not result in an overbearing or overshadowing effect which would cause material harm to the amenity of the occupiers of existing or proposed properties.
- The application site could accommodate three dwellings of designs and in positions that would not result an overlooking effect which would harm the amenity of the occupiers of existing or proposed properties.
- An area of high flood risk which could affect the route to the site is not considered represent a risk which would warrant not granting planning permission.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development, by reason of the location of the application site, within the

	settlement boundary of Gillingham, and the proposed residential use, is supported by policy 2 of the local plan.
Character of the area	Application P/OUT/2023/05838 seeks outline planning permission, only, for the principle of development and the development of an access. Only these matters are being considered. Three dwellings, sited within the application site, of a design, form and scale, which would not harm the character of the area, could be achieved. The proposed density would be in character with the settlement pattern of Bay.
Living conditions	<p>The application site could accommodate three dwellings of a size and in a position which would not result in an overbearing or overshadowing effect which would cause material harm to the amenity of the occupiers of existing or proposed properties.</p> <p>The application site could accommodate three dwellings of designs and in positions that would not result an overlooking effect which would harm the amenity of the occupiers of existing or proposed properties.</p>
Flood risk and drainage	In light of the low probability of a design flood occurring at the junction between Bay Lane and Bay Road and the emergency services needing to and not being able to, safely, reach the application site, and the nature of flooding in the Dorset area, it would not be reasonable to refuse to grant planning permission on the grounds of flood risk. The risk to occupiers of the dwellings is considered to be minimal.
Highways / Parking	<p>The Highway Authority did not object to the proposal, on the grounds that there would be an unacceptable impact on highway safety or that the residual cumulative impacts on the efficiency of the transport network would be severe, subject to the imposition of conditions on any planning permission.</p> <p>A layout which incorporates an acceptable level of parking could be achieved within the application site.</p>

Conservation Area and heritage assets	The proposed development, on this historic land and lane, would not affect, directly, the setting of the town centre conservation area which is some distance from the site. Nor would it impact on the setting of any listed building. Tresilian is a non-designated heritage asset, however, the proposal would not impact, directly, on its setting or harm its significance.
Trees	The proposal would result in the loss of trees. The trees are not protected. It is recommended that a condition, relating to landscaping, should be imposed on any permission.
Biodiversity	A certificate of an approved biodiversity plan has been submitted.

5.0 Description of Site

The site is located within the settlement of Gillingham, in the area known as 'Bay'. It is situated, approximately, 500 metres from the centre of the town of Gillingham.

The site measures circa 0.25 hectares (0.61 acres) and is of an atypical shape. The site is home to an extant dwelling, known as Kentom House, which is set back from the highway in the south-east corner of the site. It has a large building to its rear (east) and two smaller sheds to its north.

Currently, the site access comprises of a private driveway, which runs along the southern boundary of the site. The driveway is derived from Bay Lane to the west of the site. A garden area can be found to the north of the driveway. A narrow section of garden land continues north before meeting Bay Road. The section of garden land that abuts Bay Road sits between 'Morley Place', on Bay Lane, and 'Bay Cottage' and '1 Bay Villas' which can be accessed from Bay Road. Further residential properties are located to the south and southwest of the site. Agricultural land bounds the site's eastern boundary.

The site benefits from road access onto Bay Lane which meets Bay Road, which can be found approximately 65 metres to the north of the extant access. Bay Road provides access to the centre of Gillingham.

There is currently as a small apple orchard on the western area of the site. The site is in an established residential area comprising 2 storey dwellings which vary in their style, age and materials.

6.0 Description of Development

This is an outline application for the erection of 3 dwellings with off street parking, garaging and private outdoor amenity space. Access and principle of development are the considerations at this stage.

It is proposed to access the site from Bay Lane. As part of the proposals the apple trees would be removed.

7.0 Relevant Planning History

- 2/1974/0370 - Decision: REF - Decision Date: 28/08/1974
Erect detached house
- 2/1984/0047 - Decision: GRA - Decision Date: 22/03/1984
Demolish existing house and build new dwelling
- 2/1986/0880 - Decision: REF - Decision Date: 02/12/1986
Develop land by the erection of a dwelling.
- 2/1989/0855 - Decision: GRA - Decision Date: 31/08/1989
Develop land by erection of a house and garage, form vehicular access thereto
- 2/1989/0599 - Decision: REF - Decision Date: 17/07/1989
Develop land by erection 2 No. dwellings, form vehicular access
- 2/1991/0655 - Decision: REF - Decision Date: 13/11/1991
Develop land by erection of a dwelling, form vehicular access
- 2/1992/0484 - Decision: GRA - Decision Date: 19/08/1992
Develop land by erection of a dwelling, form vehicular access thereto
- PRE/2014/0241/PREAPP - Decision: UNN - Decision Date: 30/07/2014
Erection of 2 storey house on side garden of Bay Cottage
- 2/2015/0159/FUL - Decision: REF - Decision Date: 21/04/2015
Erect 1 No. dwelling, form new vehicular and pedestrian access and 2 No. parking spaces.
- P/PAP/2023/00219 - Decision: RES - Decision Date: 06/06/2023
Creation of a new access and the erection of 3no. dwellings

8.0 List of Constraints

Area of Local Character - GH3

Within Settlement Boundary

Gillingham Neighbourhood Plan - 'Made' 27/07/2018

Risk of Surface Water Flooding Extent 1 in 100

Risk of Surface Water Flooding Extent 1 in 1000

Right of Way - Footpath N64/37 - Distance: 37.47

Scheduled Monument - Remains of East Haines House and the adjacent section of the deer park pale (List Entry: 1465898.0) - Distance: 332.42

Locally Important Heritage Assets: Bay Villas

Locally Important Heritage Assets: Bay Cottage

Locally Important Heritage Assets: Tresillian

Locally Important Heritage Assets: Meadowsweet

Locally Important Heritage Assets: Prospect

Locally Important Heritage Assets: Primrose Cottage

9.0 Consultations

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

Consultees

1. Environment Agency

I have checked our records and we have assessed the above application and can confirm that we have no comments to make as this consultation did not fall within a category to which we required a consultation on.

2. Ramblers Association

No comments received

3. Dorset Fire & Rescue Service

No comments received

4. SGN (Southern Gas Networks)

The response included a plan which confirmed the location of pipes.

5. DC - Natural Environment Team

A certificate of an approved Biodiversity Plan has been submitted.

6. DC - Rights of Way Officer

No comments received

7. DC - Highways

No objection, subject to the imposition of conditions on any permission.

8. DC - Dorset Waste Team

No comments received

9. DC - Building Control North Team

No comments received

10. DC – Drainage

No objection subject to the imposition of a condition, relating to a detailed drainage strategy, on any permission.

Confirmed that the level of flood risk on the access roads is minimal and that there are relatively few places in Dorset where a road would not have the potential to be blocked by water.

11. DC - Conservation Officers

The proposed development on this historic land and lane does not directly impact on the conservation area or on the setting of a listed building. Whilst Tresilian could be considered a non-designated heritage asset the proposal does not directly impact on its setting.

As such, I'm afraid I cannot make any comments on a proposal that does not directly harm a designated or non-designated heritage asset.

12. Gillingham Town Council

Recommend refusal

The application was considered by the Planning Committee on 13th November 2023 where it was agreed and resolved to recommend refusal of Planning Application P/OUT/2023/05838 for the following reasons:

- *The proposals, which will result in the loss of an historic orchard, will have a damaging effect on the historic character of Bay which is designated as an Area of Local Character; therefore, the application is contrary to Saved Policy GH3 of the North Dorset Local Plan.*
- *Bay Lane is a busy pedestrian route to Gillingham School and the proposals will result in an increase in danger to highway users.*
- *The proposals will exacerbate existing parking problems along Bay Lane.*
- *The proposals are considered to be an overdevelopment of the site.*
- *The application is considered to be contrary to Policy 23 of the Gillingham Neighbourhood Plan which states: new developments should respect the more historic street layouts where these are still evident. The importance of the historic routes into the town and the mix of uses along these routes should be acknowledged in the layout and design of any new developments. All new developments adjoining or close to the rural edges of the town (including the river corridors) should be planned and designed to maintain the sensitive transition between the urban and rural environment, and opportunities taken to make this accessible to the public and protect important views from within the town to these more rural areas.*
- *The application is considered to be contrary to Policy 24 of the Gillingham Neighbourhood Plan which states: The density of new developments should respect the surrounding context and setting. The amount the building is set back from the road should take into account the degree of enclosure and front gardens typical of that area*

... Any new development should provide a positive face onto (and primary entrances visible from) the road (or both roads in the case of corner plots), in a style in keeping with the character of the local area. Blank elevations facing the street or public realm are to be avoided. Parking provision should be carefully considered to ensure that it does not dominate the street scene or detract from the degree of enclosure provided by the general pattern of development. Sufficient space should also be available on site to provide space to store recycling containers, amenity areas and storage associated with the building/s.

Representations received

Total - Objections	Total - No Objections	Total - Comments
15	0	1

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

Summary of comments of objections:

The authors of the statements of objection, to the proposed development, expressed, in their statements, concerns that the proposed development would harm: the character of the area; highway safety; and biodiversity.

References, in the statements, were also made to: no consultation of neighbours; an insufficient level of parking; the setting of a precedent; the drainage of the site; and a lack of a need for the proposed housing.

10.0 Duties

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Section 66 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

11.0 Relevant Policies

Development Plan

Adopted North Dorset Local Plan Part 1 2011-2031 (January 2016):

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 17 - Gillingham

Policy 23 - Parking

Policy 24 - Design
Policy 25 - Amenity

Retained Policy From The North Dorset District-Wide Local Plan (1st Revision) (2003)

GH3 - Areas of Local Character

Gillingham Neighbourhood Plan

Policy 23 – The Pattern and Shape of Development
Policy 24 – Plots and Buildings
Policy 25 – Hard and soft Landscaping
Policy 27 – Protection of Locally Important Heritage Assets

Material Considerations

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

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

National Planning Policy Framework

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- Section 5 ‘Delivering a sufficient supply of homes’ outlines the government’s objective in respect of land supply with subsection ‘Rural housing’ at paragraphs 82-83 reflecting the requirement for development in rural areas.
- Section 11 ‘Making effective use of land’
- Section 12 ‘Achieving well designed and beautiful places’ indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. Paragraphs 131 – 141 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Good design is a key aspect of sustainable development.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 14 ‘Meeting the challenges of climate change, flooding and coastal change’
- Section 15 ‘Conserving and Enhancing the Natural Environment’- Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 ‘Conserving and Enhancing the Historic Environment’- When considering designated heritage assets, great weight should be given to the asset’s conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

Other material considerations

The Government are currently consulting on various changes to the NPPF. Whilst this is only draft at present, there is a clear intention to boost the supply of housing, including changes to the standard methodology for calculating housing targets.

The written ministerial statement of 30th July 2024 regarding Building the Homes we Need, makes clear the Government’s commitment to tackle the housing crisis, restore and raise housing targets, building homes in the right places, and moving to strategic planning. There is also a commitment to build more affordable homes and infrastructure. The statement is a material consideration and highlights the need to deliver housing.

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

13.0 Public Sector Equalities Duty

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

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

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

As an outline application, with the aim of, only, establishing the principle of development and the access to the development, there is a limited plan showing indicative positions of dwellings. There is no footpath along Bay Lane to ensure that people with disabilities, mobility impairments or pushing buggies would be accommodated. However, Bay Lane is a quiet no through road which slopes, gently, up to the site, from Bay Road. A level threshold could be achieved, for ease of access, to the dwellings.

14.0 Financial benefits

The proposed development, by reason of its nature and scale, would: Support and require a modest amount of labour from the construction industry during the phases of development; house a small number of people who would, in turn, make a small contribution, through expenditure, to the viability of local retailers and service providers; house a small number of workers who might join the local labour force and make a slight contribution to the economic competitiveness of the area; and also, once occupied, result in a slight increase in the amount of Council Tax, which contributes to the delivery of services and investment, received by the Council. Therefore, the proposal, by reason of its nature and scale, would make a small but still beneficial contribution to the economy.

15.0 Environmental Implications

The construction of the dwellings would have a carbon footprint. The production of materials and the transportation of materials would contribute to this footprint.

The occupation of the dwellings would create a carbon footprint. Energy from non-renewable sources would be consumed. It is inevitable that journeys to and from the site would be made by vehicles. Vehicles which use internal combustion engines and battery electric vehicles have carbon footprints.

Sustainability measures could be incorporated into the development.

There would be a requirement for the buildings to meet the requirements of building regulations, which among other things, require energy efficiency standards to be met.

The proposal would introduce additional domestic noise and activity to the site. Given the scale of the proposed development and the existing residential development in the area, the proposed development would not result in noise or air pollution which would harm the environment.

The site is located in a highly sustainable location with easy access to public transport and within walking distance of the town centre and most key day to day services and facilities.

16.0 Planning Assessment

Principle of Development

Policy 2 of the Local Plan contains the spatial strategy which directs new development towards the most sustainable locations. It is identified, in the core spatial strategy, that the four main towns, Blandford, Gillingham, Shaftesbury and Sturminster Newton, will be the main focus for growth.

The application site is identified, on the policies map of the development plan, as forming part of the envelope which is shaped by the Gillingham Settlement Boundary. The land within the Gillingham Settlement Boundary is identified, in policy 2 of the Local Plan, as a sustainable location for residential development. The principle of development, by reason of the location of the application site, within the settlement boundary of Gillingham, and the proposed residential use, is supported by policy 2 of the Local Plan.

Character of the Area

Policy 24 of the North Dorset Local Plan requires that development must be designed to improve the character and quality of the area within which it is located. Saved Policy GH3 of the North Dorset Local Plan permits development within the Bay Area of Local Character, which respects the individual local character of the area. It is identified in Policy 23 of the Gillingham Neighbourhood Plan that new development should respect historic street layouts and maintain a sensitive transition between the urban and rural environment. It is identified in Policy 24 of the

Gillingham Neighbourhood Plan states that new development should be of a high design quality and respect the qualities and character of nearby buildings and the area in which it is situated.

Bay Lane is characterised by dwellings of varying designs and materials. The development which can be found in Bay Lane is of a relatively low density. Dwellings can be found to the north of the application site and to the south of the application site. The dwelling known as Kentom House, outbuildings and trees can be found within the red line of the application site.

The proposed site plan, which is being treated as illustrative, and as such, not part of the formal proposal, indicates how the proposed development could be laid out.

As identified above, as part of this application for outline planning permission, approval has been sought for the matter of access. Details of appearance, landscaping, scale and layout would be considered as part of any applications for the approval of reserved matters. Detailed plans have not been provided.

In their consultation response, the Town Council commented that the proposal would harm the character of Bay, and would be an overdevelopment of the site. It is accepted that the proposal would result in an increase in built form in the area. However, it is considered that three dwellings, sited within the application site, of a design, form and scale, which would improve the character of the area, could be achieved. There is sufficient room within the site to provide layout that would be in keeping with the prevailing character of Bay with ample room for three dwellings without resulting in overdevelopment. Concern has been raised from the potential loss of fruit trees. The application is outline and the full details of landscaping would be required at the reserved matters stage. There would be sufficient space for planting to soften the appearance of the development.

The proposed access, by reason of its positioning and size, would not harm the character and appearance of the area.

It is therefore considered that the proposed development could comply with policy 24 of the North Dorset District Local Plan, saved policy GH3 of the North Dorset District Local Plan and policies 23 and 24 of the Gillingham Neighbourhood Plan, which seeks to achieve well designed places.

Residential Amenity

The application site could accommodate three dwellings of a size and in a position which would not result in an overbearing or overshadowing effect which would cause material harm to the amenity of the occupiers of existing or proposed properties.

The application site could accommodate three dwellings of designs and in positions that would not result an overlooking effect which would harm the amenity of the occupiers of existing or proposed properties.

The proposal could accord with Policy 25 of the NDLP which seeks to ensure that development proposals do not have a significant adverse effect on the living conditions of the occupiers of properties.

Drainage / Flooding

Initially, the application site comprised of land which has been assessed as having a 1 in 100 (1%) and 1 in 1,000 (0.1%) annual probability of flooding from surface water. The application site also comprised of land which has been assessed as having a 1 in 100 (1%), plus a 20% allowance for climate change, annual probability of flooding from surface water and a 1 in 100 (1%), plus a 40% allowance for climate change, annual probability of flooding from surface water. The area of the application site has been amended. The application site, now, does not include land which has been assessed as being at risk from flooding.

A Flood Risk Assessment and Drainage Strategy has been submitted as part of the application. In this document it is expressed that infiltration techniques have not been confirmed as feasible and that an attenuation-based strategy has been provided as a fallback option. This option included an indication of a site layout. The submitted scheme does not relate to an approved layout and does not represent a preferred scheme.

A drainage engineer, of the Council, confirmed that in order to ensure that the site would be satisfactorily drained, a condition relating to a detailed drainage strategy should be imposed on any permission. It is recommended that, in order to prevent an increase in flood risk, such a condition should be imposed on any permission.

On the basis of the material which has been submitted, it is considered that the application site itself is not at risk from flooding.

It is identified in part e) of policy 3 of the local plan that, development should seek to minimise the impacts of climate change overall through avoidance of areas at risk of flooding from all sources and the incorporation of measures to reduce flood risk overall.

Bay Lane, which runs from north north west to south south east, would provide vehicular and pedestrian access to the proposed development. Vehicular access to Bay Lane is achieved via Bay Road. The junction which includes Bay Lane and Bay Road comprises of land which has been assessed as falling within the fluvial medium risk Flood Zone 2, and fluvial high risk Flood Zone 3. There are also areas of high-risk surface water flooding around the junction.

In the Flood Risk Assessment which has been submitted as part of this application it is submitted that: access/egress to the site would be via Bay Lane which leads to Bay Road; the route passes through Flood Zone 2 and Flood Zone 3; in the 0.1% annual exceedance probability (AEP) event the flood depth would be 0.54m; the hazard rating for the area would be classified as a 'danger for most' or a 'danger for all' depending on the velocity; and that a 'danger for some' is defined as a danger for the general public and a 'danger for all' is defined as a danger for the emergency services.

It is identified in the Flood Risk Assessment, that the hazard rating is in accordance with FD/2320/TR2. R&D Technical Report FD/2320/TR2, Framework and Guidance for Assessing and Managing Flood Risk for New Development was published in

October 2005. In the Flood Risks to People Phase 2 FD2321/TR1 The Flood Risks to People Methodology March 2006 document, hazard to people is identified as a function of velocity and depth. The velocity of the water is not identified in the Flood Risk Assessment.

Members of emergency services might not be able to, safely, reach the development during a design flood due to the depth of the water at the junction between Bay Lane and Bay Road. However, the possibility of such an event is very low. Furthermore, it was considered in the Flood Risk Assessment, that the site could be evacuated if sufficient warning was provided.

In view of the low probability of the emergency services needing to and not being able to, safely, reach the application site, it would not be justified to refuse to grant planning permission on the grounds of flood risk. The site itself would not be at risk of flooding for its lifetime, nor would the development make flooding worse elsewhere.

Highways / Parking

Development should only be refused, on highways grounds, if there would be an unacceptable impact on highway safety or if the residual cumulative impacts on the efficiency of the transport network would be severe.

The Town Council, in its consultation response, expressed that the proposal would exacerbate parking problems along Bay Lane and harm highway safety.

The Highway Authority did not object to the proposal, on the grounds that there would be an unacceptable impact on highway safety or that the residual cumulative impacts on the efficiency of the transport network would be severe, subject to the imposition of conditions on any planning permission. It is recommended that that these conditions should be imposed on any planning permission.

In their consultation response, the Highway Authority expressed that, *provision has been made to drive into and out of the site whilst vehicles are parked opposite, suitable visibility splays are provided allowing for the approach speeds of vehicles and the site plan confirms that adequate on-site provision can be made for car parking. The junction of Bay Lane with Bay Road is acceptable for use by the low-level traffic generation of the three dwellings, with the available visibility in both directions up and down the road considered to be acceptable and compliant with the guidance provided by Manual for Streets (MfS).*

As identified above, as part of this application for outline planning permission, approval has been sought for the matter of access. Details of appearance, landscaping, scale and layout would be considered as part of any applications for the approval of reserved matters. Detailed plans have not been provided. A layout which incorporates an acceptable level of parking could be achieved within the application site.

It is therefore concluded that the proposal should not be refused on highways grounds.

The Highways Authority recommended that a condition relating to turning and parking should be imposed on any permission. In the interest of highway safety and the proper development of the site, it is recommended that such a condition should be imposed on any permission.

Conservation Area and heritage assets

The Gillingham Conservation Area is located, at its nearest, approximately 440m to the southwest of the site. Between the application site and the Conservation Area is located the modern Barnaby Mead development. Due to the distance and the intervening development the proposal would not have an impact on the setting of the Conservation Area or result in any harm.

Located to the south of the application site is Tresillian. This is identified in the Gillingham Neighbourhood Plan as a non-designated heritage asset. Officers consider that a development could, satisfactorily, be sited on the application site without harming its setting. The Conservation Officer raised no concerns.

The proposal would comply with Policy 5 of the Local Plan and Policy 27 of the Neighbourhood Plan.

Loss of Trees

The trees within the application site are not protected. Details of landscaping would form part of the reserved matters application. The indicative plans show adequate space for new and replacement planting.

Biodiversity

A document certifying that the Biodiversity Plan submitted by the applicant has been approved by the Dorset Natural Environment Team has been received. The Biodiversity Plan which has been signed by the Dorset Natural Environment Team relates to an indicative scheme. It is possible that a different scheme could be proposed as part of any reserved matters application. Therefore, it is recommended that a condition, relating to the submission of a Biodiversity Plan that relates to any scheme of any application for relevant reserved matters, should be imposed on any permission.

Other Issues

Publicity

In the letters of representation, it was questioned how the application was publicised. The Town and Country Planning (Development Management) Procedure Order (England) 2015 requires, for minor development (Development of 10 or less dwellings, less than 1000m² floorspace or a site less than 0.5ha), the Local Planning Authority to advertise an application for planning permission through the use of website and site notice to be displayed for 21 days or neighbour notification. The application which is the subject of this application has been advertised on the Dorset Council website and through the display of site notices. The requirement of the relevant legislation has been met.

The setting of a precedent

It has been raised that the application may set an undesirable precedent. However, future applications will be judged on their own merits.

Need

Reference, in a third party statement, was made to the lack of a need for the development of three dwellings. Policy does not require a demonstration of the need for residential development within the settlement boundaries of the Local Plan.

Social benefits

The proposal, by reason of its scale and nature, would make a small contribution to ensuring that a sufficient number and range of homes are provided to meet the needs of present and future generations.

17.0 Conclusion

The site is located within the settlement boundary for Gillingham and therefore the principle of development is accepted. Officers consider that three dwellings could adequately fit onto the site without any adverse impact upon the character of the area, non-designated heritage assets and the amenity of existing or future residents. The access to the site would not result in any highway danger and the site itself has been amended to avoid any onsite risk of flooding. There are no substantive reasons to refuse the application on flood risk grounds.

The proposal would comply with the development plan taken as a whole and there are no material considerations that would indicate otherwise.

18.0 Recommendation

Grant, subject to the following conditions.

1. No part of the development hereby approved shall commence until details of all reserved matters (appearance, landscaping, layout, scale) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

2. An application for approval of any 'reserved matter' must be made 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 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

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

5. Prior to the commencement of any development, hereby approved, above ground level, a detailed surface water management scheme for the site, shall have been submitted to, and approved in writing by, the Local Planning Authority. Prior to the occupation of the development, hereby approved, the approved detailed surface water management scheme shall have been implemented in accordance with the approved details. The surface water management scheme shall be maintained in perpetuity.

Reason: In the interest of the proper development of the site.

6. There must be no gates hung so as to form an obstruction to the vehicular access serving the development, hereby approved.

Reason: To ensure the free and easy movement of vehicles through the access and to prevent any likely interruption to the free flow of traffic on the adjacent public highway.

7. Prior to the commencement of any development, hereby approved, a Biodiversity Plan shall have been submitted to, and approved in writing by, the Local Planning Authority. Prior to the occupation of the development, hereby approved, all of the measures of the approved biodiversity plan shall have been fully implemented. The approved measures shall be maintained in perpetuity.

Reason: In the interest of biodiversity.

8. Prior to the commencement any development, hereby approved, a lighting strategy, which reflects the need to avoid harm to protected species and to minimise light spill, shall have been submitted to, and approved in writing, by the Local Planning Authority. There shall be no lighting of the site other than in accordance with the approved strategy.

Reason: In the interests of biodiversity and the character of the area.

9. Prior to the occupation of the development, hereby approved, the first 10m of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing), must have been laid out and constructed to a specification which must have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interest of highway safety.

10. Prior to the commencement of any development, hereby approved, a scheme for the turning and parking of vehicles must have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme must have been constructed prior to the occupation of any part of the development. Thereafter, these

areas must, in perpetuity, be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

11. Prior to the commencement of any development, hereby approved, details of a scheme for the storage of bicycles shall have been submitted to, and approved in writing by, the Local Planning Authority. Prior to the occupation of the development, the scheme must have been completed in accordance with the approved details. Thereafter, the scheme shall be maintained, kept free from obstruction and made available for the storage of bicycles in perpetuity.

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

12. Prior to the occupation of the development, hereby approved, the visibility splay areas as shown on Drawing PHL-01 D must have been cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter, in perpetuity, be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

13. Prior to the commencement of any development, hereby approved, a Construction Method Statement (CMS) must have been submitted to, and approved in writing by, the Local Planning Authority. The CMS must include details of:

- the locations where the vehicles of site operatives and visitors shall be parked
- the locations where loading and unloading of plant and materials shall take place
- the locations where plant and materials used in constructing the development shall be stored
- delivery, demolition and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period of the development.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network.

14. Prior to the commencement of any development, hereby approved, above ground level, details of the finished floor levels of all of the buildings shall have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

