

**Application Number** – 2/2018/0077/OUT

**Site address** - Land at Park Farm Kingsmead Business Park, Gillingham, Dorset

**Proposal** - Develop land by the erection of up to 634 dwellings (use class C3), a primary school (use class D1), sports pitches with floodlighting, public open space, play facilities, access and internal estate roads, internal footpaths and cycleways, sustainable drainage system with ponds, landscaping, utility connections and associated/infrastructure. (Outline application to determine access only).

## **1.0 FURTHER CLARIFICATION ON IMPACT UPON HERITAGE ASSETS**

It is noted in the Committee report under ‘key planning issues’ that;

*On balance, the proposed development is considered to result in ‘less than substantial harm’ to the significance of both King’s Court Palace Moated Site Scheduled Monument and Park Farmhouse Grade II Listed Building. This harm is outweighed by the public benefits of the proposal. Historic England raise no objections.*

Officers have fully considered the weighing balance required when assessing a development proposal which leads to ‘less than substantial harm’ to designated heritage assets. However it is appropriate to elaborate on this point further to ensure this matter has been adequately recorded.

Through the submission of supporting heritage documentation submitted with the application, public records, and consultation with Historic England, the significance of heritage assets has been assessed and special regard has been given to the preservation of those assets in the balancing exercise.

Through the submission of amended plans throughout the application period, the ‘lozenge’ of housing in the North West corner of the site has been removed, the development parcel immediately to the East was ‘rounded off’, the allotments and formal orchard replaced with an informally planted community orchard, the reduction in storey heights to 2 storey only and provision of pedestrian footpaths has enabled appreciation and views of the Scheduled Monument. These measures enabled Historic England to remove their objection on the basis that the amendments reduced the visual impact of the proposed development on the setting and significance of the monument.

The proposed development will also result in the loss of pasture land in the immediate vicinity of the listed farmhouse, including land historically associated with the farm: the urbanisation of the presently rural land forming the application site would act to diminish the remaining historic context between the farmhouse and its historic holdings.

When this level of 'less than substantial' harm is identified, an assessment must be carried out to weigh this harm against the public benefits of the proposal.

Officers consider that there are significant public benefits derived from this proposed development which would include, the delivery of up to 634 new homes on an allocated site (at a time when the Council cannot demonstrate a five year housing land supply), the delivery of local transport infrastructure improvements, short and long term economic benefits for Gillingham, and the collection of the New Homes Bonus. These significant public benefits are considered to outweigh the less than substantial harm to the setting of the heritage assets.

## **2.0 PROPOSED CHANGES TO THE RECOMMENDATION**

### **Recommendation A**

Delegate authority to the Head of Planning to grant conditional planning permission subject to, no adverse comments being received from Environmental Health and the addition of any conditions they consider reasonably necessary, and the completion of a Section 106 legal agreement, as specified in The Town and Country Planning Act 1990 (as amended), in a form to be agreed by the legal services manager to secure the following:

- 50/50% tenure split for all affordable housing
- Minimum of 10% affordable housing in the first phase of development
- A viability review 'mechanism'/clause to review development viability in subsequent phases, seeking to secure policy compliant 25% affordable housing across the development as a whole
- Provision of transport infrastructure compliant with Local Plan Policy
- 21 requirements
- Provision of green infrastructure compliant with Local Plan Policy 21 requirements
- Provision of Social infrastructure (including education, health, community hall, household recycling, sports field and leisure and library) compliant with Local Plan Policy 21 requirements

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

*Given the current difficulties being presented with COVID-19 with regard to travel, meeting persons from outside your household, the possible delays in the purchase of the 'Manse', and in the spirit of a positive working relationship with the applicants, it is recommend that part B) is amended as follows;*

### **Recommendation B**

If the Section 106 legal agreement is not completed by 14 November 2020 or such extended time as agreed by the Head of Planning, refuse permission for failing to secure the planning obligations (as set out above) which have considered to be

necessary to mitigate the adverse impacts, and secure an adequate provision of affordable housing, of the proposed development.

### 3.0 PROPOSED CHANGES TO CONDITIONS

(Conditions 2, 3, 4, 11, 17, 18, 19, 20 remain unchanged)

#### Time limits

1. ~~Approval of d~~Details of the layout, scale, appearance and landscaping (“the reserved matters”) for each phase (or parcels therein) shall be submitted to and approved in writing by the Local Planning Authority before development on that phase or parcel begins.

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

#### Trees/Landscaping

7. ~~In relation to those trees and/or hedgerows identified to be retained in the Arboricultural Impact Assessment undertaken by Aspect Tree Consultancy and dated December 2017, no~~ No development shall take place within any ~~approved~~ phase of the development hereby permitted until details of tree and hedgerow protection measures during construction for those trees and/or hedgerows identified to be retained in the Arboricultural Impact Assessment undertaken by Aspect Tree Consultancy and dated December 2017 for within that phase ~~during construction~~ have been submitted to, and approved in writing by, the local planning authority. The measures shall accord with ‘BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations’ and shall indicate exactly how and when the trees will be protected throughout the construction period. The development shall be carried out in accordance with the agreed details and protection measures.

Reason: To ensure retention and appropriate protection of trees and other vegetation that are important to the character of the area and proposed development.

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

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

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the 1<sup>st</sup> occupation

of each phase of development (or a parcel or parcels therein); and any trees or plants which, within a period of 5 years from the completion of that phase of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed with the Local Planning Authority.

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

9. The reserved matters for each phase of the development (or parcels therein) shall include a landscape management plan. This shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than land within domestic curtilages and the school land.

The scheme shall also include the following elements:

- detail extent and type of new planting of native species
- details of maintenance regimes
- details of any new habitat created on site
- details of treatment of site boundaries and/or buffers around water bodies
- details of management responsibilities

The landscaping shall be managed for the lifetime of the development in accordance with subsequent management of the development's landscaping shall accord with the approved plan.

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

### **Flooding/Drainage**

10. No buildings or roads shall be constructed until a detailed surface water management scheme for the site, based upon the drainage principles set out in the AWP Flood Risk Assessment dated December 2018 and the hydrological and hydrogeological context of the development has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall include:

- (a) clarification of how surface water is to be managed during construction phases
- (b) details of maintenance & management of both the surface water sustainable drainage scheme and adjacent receiving system; and
- (c) a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime

The surface water scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. ~~These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water.~~

Reason: To minimise the risk of flooding and/or pollution.

12. No development comprised in a phase shall be commenced until a scheme for the disposal of foul drainage for the relevant phase, ~~based on sustainable drainage principles in accordance with the AWP Flood Risk Assessment and an assessment of the hydrological and hydrogeological context of the development,~~ has been submitted to and approved in writing by the Local Planning Authority. Amongst other relevant details the foul drainage scheme shall include appropriate arrangements for the agreed points of connection required to serve the proposed development, phasing, ownership of the scheme and how it will be maintained and managed after completion. The development shall be completed in accordance with the approved details.

Reason: To minimise the risk of flooding and/or pollution and to protect the environment

### **Ecology**

14. Prior to the commencement of any phase of the development, or part thereof, a Lighting Strategy to mitigate impacts on bats must be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Lighting Strategies.

Reason: To ensure that the development mitigates negative impacts upon protected species.

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

15. ~~Prior to the occupation of any dwelling in any phase a scheme showing details of the proposed cycle parking facilities for that phase shall be submitted to and agreed in writing by the Local Planning Authority.~~

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

Prior to the commencement of each phase of the development (or a parcel or parcels therein), a scheme showing precise details of the proposed cycle parking facilities must be submitted and approved in writing by the LPA. The approved scheme must be constructed prior to the occupation of the relevant buildings in that phase, and thereafter must be maintained, kept free from obstruction and available for the purpose specified.

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

16. No more than 167 of the dwellings permitted hereby may be occupied unless or until the following works have been constructed:

- The B3081 Shaftesbury Road/B3092 New Road junction improvement scheme, as shown on Dwg No ITB4057-GA-027 Rev G (scheme to be submitted and agreed in writing with the Local Planning Authority or implemented directly by Dorset Council).
- A scheme to ~~convert~~improve the existing mini-roundabout at the B3081 Le Neubourg Way/Newbury (High Street) ~~to a signalised junction, as shown on Dwg No ITB4057-GA-066 Rev E~~ (scheme to be submitted and agreed in writing with the Local Planning Authority or implemented directly by Dorset Council).
- The implementation of a SCOOT (Split Cycle Offset Optimisation Technique) urban traffic control (UTC) system on the central section of the B3081/B3092 corridor (scheme to be submitted and agreed in writing with the Local Planning Authority or implemented directly by Dorset Council).

The development shall be carried out in accordance with the agreed schemes.

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.

### **Broadband**

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

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