

PROPOSED RESIDENTIAL DEVELOPMENT AT LAND
SOUTH OF LE NEUBOURG WAY, GILLINGHAM

PLANNING STATEMENT

PREPARED FOR

SHERBORNE SCHOOL, CANCER RESEARCH UK, CLIC
SARGENT, MENCAP, BRITISH HEART FOUNDATION
AND DORSET COUNTY HOSPITAL NHS FOUNDATION
TRUST

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PROPOSED RESIDENTIAL DEVELOPMENT AT LAND SOUTH OF LE NEUBOURG WAY, GILLINGHAM

PLANNING STATEMENT

1. Introduction

1.1 This Planning Statement has been prepared for Sherborne School, Cancer Research UK, CLIC Sargent, Mencap, British Heart Foundation and Dorset County Hospital NHS Foundation Trust by PCL Planning Ltd. The Statement relates to land south of Le Neubourg Way, Gillingham and has been prepared in support of a planning application for a residential development and associated infrastructure (see **The Proposal, Section 3**).

1.2 The purpose of this statement is to articulate why the submitted planning application should be approved when considered within the policy framework of the Development Plan and the National Planning Policy Framework.

1.3 This Statement should be read in conjunction with the supporting information submitted with the planning application provided in respect of:

- Arboriculture: BS 5937:2012 Trees Survey and Tree Constraints Plan;
- Odour: Odour Impact Assessment for Proposed Residential Development;
- Ecology: Preliminary Ecological Appraisal Report;
- Great crested Newt Survey Report; Reptile Survey report; Bat Survey Report; Otter and Water Vole Survey Report; Dormouse Survey Report.

- Archaeology – Phase I (Desk-based archaeological/cultural assessment);
- Landscape and Visual Impact Appraisal;
- Design and Access Statement;
- Transport Assessment;
- Contaminated land – Phase I Desk Study (2014); and
- Flood Risk Assessment.

2. Site Location and Description

- 2.1 The application site is located at Gillingham and lies within the administrative boundary of North Dorset District Council in Dorset. Gillingham is located to the north west of Shaftesbury at the convergence of two arterial routes, the B3081 and the B3082, and is approximately 4 miles south east of the A303.
- 2.2 The application site is located immediately adjacent to Le Neubourg Way which forms the northern boundary of the application site. To the east, west and north, the site is bounded by residential development, with open countryside to the south west. The site is immediately south west of the town centre and is less than 400 metres from Gillingham Railway Station. The River Stour forms part of the eastern boundary of the site and the London Waterloo railway line and Common Mead Lane sewage treatment works form the southern boundary of the site.

3. The Proposal

- 3.1 The planning application is made in outline with all other matters reserved apart from means of access.
- 3.2 The proposal is for a scheme of residential development with associated public open space and other necessary infrastructure.
- 3.3 Access will be gained directly from Le Neubourg Way.
- 3.4 The proposed development will make provision for affordable housing, the exact level to be agreed with North Dorset District Council.

4. Relevant Planning History

4.1 2/2000/0341 – Outline application for the erection of a community centre and the creation of a vehicular access, car parking and open space. Conditional permission.

4.2 2/2000/0983 – Outline application to develop approximately 1 hectare (2.47 acres) of land for residential purposes. Refused permission for the following reasons:

- 1) *The application will add further to the existing over-supply of green field sites in the town and is, therefore, contrary to Planning Policy Guidance Note 3, Paragraph 32, which states that there should be a sequential test and a presumption that brownfield land will be developed before the release of greenfield land.*
- 2) *The application and resulting increase in population will add additional problems both to the under supply and the existing inadequacies of the relevant community infrastructure in the town. Some of the current inadequacies include the lack of a central community hall for the town, the need for an additional Primary School, the need for additional sports pitches and the need to improve the existing Leisure Centre at Hardings Lane. The application is, therefore, contrary to the Local Plan Policy 1.9.9 (as proposed to be modified) which states that adequate community infrastructure should be available to serve the new development.*
- 3) *The site is now safeguarded as a potential for a new community hall under Local Plan Proposed Modification Proposal 4.3 (iv) and should remain protected as such until a final decision is made on the location for the hall. This application for housing, if approved, would thwart this proposal.*

4.3 The site was also considered by the Local Plan Inspector during the examination of the North Dorset District-Wide Local Plan in 2000. The Public Inquiry for the Local Plan was held prior to the granting of the above referenced outline planning permission 2/2000/0341. The Inspector concluded that, due to there being only tentative plans for a community hall and no firm decision made to pursue such a proposal in

the Plan period, that there was no basis for a recommendation for community use. The planning permission 2/2000/0341 was subsequently granted, and the Council considered it to be a committed site. The Council safeguarded this area in the Local Plan, in part, as an alternative option for a Central Community Hall (Policy GH21) and, in part, for informal recreation (Policy GH16). When assessing the above referenced planning application 2/2000/0983, this application was refused, in part, because it conflicted with these safeguarding policies. However, the outline planning permission was never progressed to reserved matters stage, and, therefore, the Inspector's assessment that no firm decision was made to pursue such a proposal in the Plan period was accurate.

4.4 Further, the Inspector recommended that:

"...the plan be modified by allocation that part of this objection site which lies outside the sewage treatment works protection area (Policy 1.16) and outside the area liable to flood (policy 1.13) for housing" (paragraph 15.1.46, page 249, North Dorset District-Wide Local Plan Inspector's Report 2000 (Part 2) (see Appendix 1).

5. The Development Plan

5.1 The Planning and Compulsory Purchase Act 2004 (Section 38(6)) provides that planning decisions shall be taken in accordance with the Development Plan unless other material considerations indicate otherwise. The Development Plan comprises:

- North Dorset District-Wide Local Plan to 2011 (First Revision) (adopted January 2003)

North Dorset District-Wide Local Plan to 2011 (First Revision) (2003)

5.2 The Local Plan is the principal strategic planning document for North Dorset. It contains strategic policies to guide development to 2011. Whilst it is now beyond the end date of the plan, the majority of the policies were saved in September 2007, by direction of the Secretary of State. Although a number of policies have not been saved, the majority are still in use.

5.3 The key component of the overall Local Plan Strategy is to concentrate developments in the main towns of the District (principally Blandford, Gillingham and Shaftesbury).

5.4 Policy 1.1 provides the overarching sustainable development strategy for the District and states that development will be permitted where it is compatible with the aims of the Sustainable Development Strategy and also that i) larger 'major' forms of development be directed at the larger towns within the District, well related to existing forms of development and the planned 'Integrated Transport Network' and, in particular, should be close to the public transport network; ii) major development should include proposals to reduce the need to travel by car incorporating footpaths and cycle paths and being sited near existing or proposed bus

services; iii) development should make the best use of resources to avoid environmental impact and iv) development should not cause demonstrable harm to areas of high amenity, ecological or historical interest.

5.5 Policy 1.2 further clarifies that Gillingham will act as a town for Major Growth, serving as one of the main centres in the District for Population, Housing and Employment growth and for the development of Major Community Services.

5.6 Policy 1.6 relates to development in the countryside and states that in the countryside areas beyond the defined settlement boundaries, most forms of residential and commercial development general needs will not be permitted.

5.7 Policy 1.8 acts as a comprehensive checklist for development control purposes. It lists assessment criteria against which all applications of development will be assessed:

- Proposals should comply with the overall Local Plan Strategy and all other relevant policies of the Local Plan;
- The form, scale and density of new development should be in character or enhance the immediate surroundings and settlement as a whole;
- The amenity of the neighbouring land users should be safeguarded;
- Consideration of design and external appearance of buildings;
- Development should not adversely affect public views of the countryside, the built environment or Important Open/Wooded Areas;
- Road networks leading into new development should be designed so as to achieve a high level of permeability for all highway users and to integrate new development with existing patterns of development;

- Development should be well related to the highway and the public transport network;
- Existing rights of way should be safeguarded and improved where necessary;
- Adequate community infrastructure should be available to serve the development;
- The design and layout should be planned so as to minimise opportunity for crime;
- Noise levels from existing and proposed development should not be detrimental to neighbouring amenity;
- All development should, where possible, be designed and laid out to allow adequate access for disabled people.

5.8 Policy 1.12 relates to river valleys and states development will not be permitted within River Valley areas where water quality of the river and the wildlife and their habitats would be adversely affected.

5.9 Policy 1.15 relates to foul drainage requirements and states development will only be permitted where satisfactory arrangements can be made for the drainage of all foul water.

5.10 Policy 1.17 relates to sewage treatment works and states that development proposals resulting in regularly occupied premises will not be approved in close proximity to the Sewage Treatment Works. In some case, development may be approved on the edge of these areas if it is in a position which would not normally received odours carried in the prevailing wind from the Sewage Treatment Works.

5.11 Policy 1.38 seeks to protect 'Protected Species' and their Habitats. Where development is permitted which may have an effect on such species or their habitats, conditions where appropriate will seek to i) facilitate the survival of individual members of the species, ii) reduce disturbance to a minimum and iii) provide adequate alternative habitats to sustain at least the current levels of populations.

- 5.12 Policy 1.40 relates to landscaping of new development and states that on any development site where existing trees are a significant landscape feature, a full tree survey will be required as part of the planning application. The most significant trees and hedgerows will be retained wherever possible. Good quality hard and soft landscaping should be included as part of development proposals.
- 5.13 Policy 2.1 relates to housing provision and sets a target of approximately 5,900 dwellings to be completed in the period 1994 – 2011. Policy 2.3 (Distribution of Development) identifies that 1,610 (i.e. 95 dwellings per annum) should have been completed at Gillingham. As previously noted, the Local Plan is now past its end date and does not plan for the quantum of new development that should take place nor where it should go in the period beyond 2011.
- 5.14 Policy 2.10 relates to density of new development and states new development should make full and effective use of the proposed site.
- 5.15 Policy 2.12 relates to affordable housing and states that for housing developments of 25 or more dwellings in Gillingham, the Council will seek to negotiate with developers to secure an element of affordable housing on site.
- 5.16 Policy 4.8 relates to play areas and amenity open space for residential estates. Residential development will be required to provide play space at specific ratios where a shortfall in existing provision is identified. Amenity areas will also be required, directly related to and necessary for the development, having regard to the type, location, scale and impact of the development proposed, and the physical constraints of the site.
- 5.17 The Local Plan contains specific settlement policies for Gillingham. The policies which have direct relevance to the application site area listed below:

- 5.18 Policies GH16 relates to the areas to south of Chantry Fields as an informal recreational area. Policy GH21 safeguards land at Chantry Fields as an alternative option for a Central Community Hall for the town.
- 5.19 Policy GH22 relates to land off Stour Meadows proposed for possible use as an additional town cemetery.
- 5.20 Policy GH23 states that land adjoining the sewage treatment works of Common Mead Lane will be safeguarded for possible extension to the works.

6. Other Relevant Material Considerations

Relevant National Planning Guidance

6.1 Government guidance, relevant to this application, is set out in the following document:

The National Planning Policy Framework (The Framework) (2012)

6.2 The Framework sets out the Government's planning principles for England and how these are expected to be applied. It sets out the presumption in favour of sustainable development, seeking to achieve economic, social and environmental gains through the planning system. The Framework's message is clear in that it provides an emphasis on the need to:

"drive and support sustainable economic development" [including housing] (paragraph 17).

6.3 Paragraph 14 states that at the heart of the Framework is a presumption in favour of sustainable development and clarifies that for decision-taking this means:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted" (paragraph 14).*

Sustainable Development

6.4 The Framework recognises, at paragraph 7, three dimensions to sustainable development; economic, social and environmental.

6.5 Paragraph 9 of the Framework states that:

"Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- *making it easier for jobs to be created in cities, towns and villages;*
- *Moving from net loss of bio-diversity to achieving net gains for nature;*
- *replacing poor design with better design;*
- *improving the conditions in which people live, work, travel and take leisure; and*
- *widening the choice of high quality homes"* (paragraph 9).

Housing Delivery and Supply

6.6 The Framework is clear in its ambition to ensure the delivery of a wide choice of quality homes. Paragraph 47 sets out the appropriate actions LPAs should take to *"boost significantly the supply of housing"* and states that LPAs should:

- *"use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing...including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- ***identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land"*** (paragraph 47) (our emphasis).

6.7 Further, paragraph 49 of the Framework states that:

*"Housing applications should be considered in the context of the presumption in favour of sustainable development. **Relevant***

policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites” (paragraph 49) (our emphasis).

Emerging Policy Considerations

The draft North Dorset Local Plan – 2011 to 2026 Part 1

- 6.8 The Draft North Dorset Local Plan – 2011 to 2026 Part 1 was published in November 2013 and public consultation ran until 24th January 2014. NDDC are currently reviewing the representations made to the Local Plan.
- 6.9 The overall draft local plan reinforces the ‘presumption in favour of sustainable development’ at the national level within draft Policy 1. Draft Policy 2 establishes a ‘core spatial strategy’ which will guide the pattern of growth in North Dorset in a sustainable manner. It seeks to concentrate strategic growth at the District’s main towns proposing at least a third of new housing provision at Gillingham (the largest town in North Dorset).
- 6.10 Draft Policy 6 relates to housing distribution and seeks to ensure at least 4,200 net additional dwellings will be provided in North Dorset between 2011 and 2026 at an average annual rate of about 280 dwellings per annum.
- 6.11 Draft Policy H8 relates to affordable housing and states that all development that delivers three or more net additional dwellings will contribute to the provision of affordable housing. The provision required within the policy ranges from 30% - 40% of units on site.
- 6.12 Policy 17 relates specifically to Gillingham and promotes housing growth to enhance the role of the town as the main service centre in the north of the District.
- 6.13 With regard to the weight to be accorded to emerging plans, the Framework states that:

"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant 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 policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)" (paragraph 216).*

6.14 There are significant unresolved objections to the relevant policies of the Local Plan and the plan has yet to be submitted to the Secretary of State. The emerging Local Plan should therefore be afforded limited, if any, weight.

7. The District-Wide Deliverable Housing Land Supply

- 7.1 Having regard to the content of the above referenced paragraphs 14, 47 and 49 of the Framework, it is first necessary to consider where North Dorset District Council can demonstrate a five year supply of deliverable housing land. As set out in the preceding sections this has implications for the application of planning policy and determines the decision-making process that must be followed.
- 7.2 It is well-established that the most logical way to assess the extent of the Council's deliverable land supply is to firstly consider the housing requirement for the next five years, and then to assess whether the supply of deliverable sites is sufficient to meet it.
- 7.3 In terms of housing requirement, the Council rely on an 'updated' Strategic Housing Market Assessment dated January 2012. The SHMA Update Report suggests an annualised rate of housing provision from 2011 onwards of 280 dwellings per annum. Over the 15 year period from 2011 to 2026, that would equate to 4,200 homes. In contrast, the evidence base to the draft Regional Spatial Strategy (RSS) (the most up to date, robust and tested evidence base available) made provision for 7,000 net additional dwellings in North Dorset over the period 2006 – 2026, at an annual rate of 350 dwellings per annum. Therefore, in accordance with the emerging RSS, over the plan period 2011 – 2026, 5,250 new dwelling should be provided in a district-wide basis. The SHMA Update Report uses household projection data during a period a serious economic downturn, where it is likely that the suppression of housing delivery has acted as a brake on the formation of new households. The Framework is clear in its aims that LPAs should boost significantly the supply of housing. This should be done by taking a broader view of the evidence base, not updating the evidence during an economic downturn, but viewing house building as securing positive economic advantages and investment in the area. It is, therefore, considered that the plan should

be prepared to meet the higher figure of 5,250 units, as supported by the draft RSS evidence base, over the plan period.

7.4 Notwithstanding the above expressed concerns that the Council's planned housing provision for the forthcoming plan period is too low, for the purposes of establishing 'the best case' deliverable housing land supply for the District, the figure of 4,200 units will be used to contrast against the level of deliverable sites available to the Council.

7.5 The Council consider the five year supply target for the District is 1,511 net dwellings. Page 29 of the Annual Monitoring Report 2013 sets out how the Council have calculated this figure based on the draft Local Plan 2011 – 2026 housing target of 280 dwellings per annum. However, it is considered that there are some errors in the calculation of the overall five year supply target.

7.6 Firstly, the Council apply the buffer advised within paragraph 47 of the Framework to the overall housing requirement and then add on the shortfall that has arisen from the start of the plan period. It is commonly accepted that the correct approach of calculating housing requirement is to add the shortfall (in this case 41 units between 2011 and 2013) to the housing target and then apply the buffer.

7.7 Secondly, the Council have applied a 5% buffer to the housing requirement. However, the Framework advises that:

"Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land" (paragraph 47).

7.8 In the years running up to the current plan period 2003 – 2011, the Council failed meet its annual housing target five out of the eight years, assessed against the housing target for that plan period. Further, in the current draft plan period, between 2011 and 2013, the Council met its

housing target in 2011 – 2012 but failed to meet its housing target in 2012 – 2013 assessed against the housing targets proposed within the draft local plan.

7.9 Therefore, over a period of the past ten years the Council has failed to meet its housing targets six out of the ten years. Over a period of the past five years, the Council has failed to meet its housing targets four out of the past five years.

7.10 In terms of defining 'persistent under delivery', it is pertinent to note the Inspector's Report for Appeal decision APP/F1610/A/11/2165778 (Appendix 2) where the Inspector stated:

"Before moving on to consider housing supply, it is necessary to have regard to the second bullet point at paragraph 47 of the Framework. This explains that local planning authorities should not only be able to identify sufficient sites to provide five years worth of housing against their housing requirements, but also an additional buffer of 5%, to ensure choice and competition in the market for land. It goes on to state that where there has been a record of persistent under delivery of housing, this buffer should be increased to 20% (paragraph 14.19).

"Persistent under delivery" is not further defined in the Framework, or elsewhere. In an appeal decision concerning Sellars Farm in Stroud, the Inspector held that completions over the past five years were the most relevant to a consideration of the Council's delivery record. On the basis that the Framework requires the assessment of future housing delivery to look forward five years, looking back five years to assess the record of past delivery seems to me a reasonable approach" (paragraph 14.20).

7.11 The High Court held that the approach taken to establish how to apply the buffer to the housing requirement was sound and the Appeal Decision was lawful (Cotswold District Council v Secretary of State for Communities And Local Government & Anor [2013] EWHC 3719 (Admin)) (attached as Appendix 3). Therefore, bearing in mind North Dorset District Council have failed to meet its housing targets four out of the past five years, there has been a persistent under delivery of housing on North Dorset District and so an additional buffer of 20% should be added.

Housing Land Requirement

280 units x 5	1,400 (5 x annual target)
1,400 + 41 units	1,441 (41 is the shortfall between 2011 - 2013)
1,441 + 5% buffer	1,513 (303 per annum)
1,441 + 20% buffer	1,729 (346 per annum)

- 7.12 Turning to the Council's land supply of deliverable sites, the Council is of the view that the District has a five year housing land supply of 1,688 net dwellings. On an initial comparison between the correctly calculated five year deliverable housing land requirement for the District of 1,729 units, against the stated supply of 1,688 net dwellings, it is clear that the Council do not have a five year deliverable housing land supply.
- 7.13 Furthermore, it is also important to note that the Council includes within its assessment of the deliverable land supply not only sites with planning permission, but allocated sites and other sites assessed as part of the Strategic Housing Land Availability Assessment (SHLAA) as being deliverable within the next five years. The sites included within the Council's supply figures are provided as Appendix 2 to the AMR 2013. This list includes sites with refused planning permission, sites with expired planning permission, withdrawn planning applications, sites subject to pre-application discussions and sites identified through Ordnance Survey maps and aerial photos. There is no clear evidence that these sites will deliver housing within the next five years as advised in footnote 11 to paragraph 47 of the Framework.
- 7.14 Furthermore, the Council include within their land supply, sites within the adopted local plan allocations, despite no planning permission being granted for these sites during the plan period up to 2011. It is noted that within the Inspector's Report for Appeal Reference APP/P1133/A/12/2188938 for mixed use (including residential) development at land to the south of Shutterton Lane, Dawlish (attached as Appendix 4), the Inspector considered the inclusion of housing allocation sites within the five year housing supply. The Inspector noted:

"sites which are allocated for housing by the Local Plan but do not yet have planning permission, may be counted as part of the five-year housing supply provided they are deliverable. Very little evidence as to the deliverability of such sites in this case has been provided; the Council relies largely on the simple fact of allocation. However, despite the principle of residential development thus being established, none of these sites came forward for housing in the last 17 years. That timescale has included periods of greater economic prosperity than currently persist, and I share the appellant's view that there is now little realistic prospect of housing being delivered on these sites in the next five years" (paragraph 12.23) (own underlining).

"As to the sites proposed for allocation in the eLP [emerging Local Plan], again these may form part of the housing supply, provided they are "deliverable" in the terms of the NPPF. In that regard, the Council relies heavily on the majority of them having been considered "achievable" by the SHLAA panel in 2009. However, the Panel conclude that none of these sites would be deliverable within 1 – 5 years. In the absence of any information as to how the constraints which informed the SHLAA panel categorisations may subsequently have been overcome, it is not enough to assume that because three years have passed since the SHLAA panel made its assessment, these sites will have progressed three years closer to deliverability. That may be very far from the case. The example of the allocated but still undeveloped sites above indicates that allocation in a Local Plan is not a reliable indicator that housing will necessarily be delivered (paragraph 12.25).

"The Council's points out that a number of sites have come forward for development in advance of the dates sets out in the SHLAA, and that planning permission has already been granted for some. That may be so, but it is not evidence of the deliverability of any of the remaining proposed allocation sites now relied upon by the Council. I understand that the Council has received planning applications and expressions of developer interest in respect of some of the sites, including part of the DA2 allocation, but that does not necessarily give rise to a realistic prospect that housing will be delivered on those sites within 5 years; planning applications can be refused, and interest can fade. I am not satisfied that there is sufficient evidence on which to conclude that the proposed allocation sites are available, suitable, achievable and viable, and so I consider that they should not be counted as part of the supply of deliverable housing sites" (paragraph 12.26).

- 7.15 As per the Inspector's assessment of the above referenced appeal, a number of the sites included within the Council's land supply have been allocated within the current adopted plan and have not been delivered during the plan period. It is considered that there is no reasonable

evidence to confidently state these sites will be brought forward in the next five year plan period and these sites should not be considered as part of the supply of deliverable housing sites. Further, sites merely put forward by landowners and not subject to the local plan allocation review process, or a planning application demonstrating clear intent to develop, should not be included within the supply of deliverable housing sites.

7.16 Attached as Appendix 5 is the full list of sites included within the Council's stated 'Five Year Housing Land Supply', the highlighted orange sites are those discounted for the reasons set out above as they are considered to be inappropriately included within the stated supply. The second table attached as Appendix 6 is a more realistic list of the deliverable housing land supply (a total of 1,116 units). This does not include the generally accepted 10% delivery lapse rates for granted planning permissions that would not be implemented, which is applied would reduce this number further.

7.17 The following table compares the alternative figures for NDDC's annual housing land requirement (5% buffer/20% buffer) referred to above against the two alternative housing land supply figures (NDDC's optimistic 1,688 units/more realistic 1,116 units).

	Land Supply of 1,688 units	Land Supply of 1,116 units
Housing Requirement + 5% Buffer	5.6	3.7
Housing Requirement + 20% Buffer	4.9	3.2

7.18 It is, therefore, considered that, having regard to the more accurate assessment of the Council's deliverable land supply outlined in Appendix 6, the Council are unable to demonstrate a five-year supply of deliverable housing sites.

7.19 Furthermore, it is important to note that whilst both the existing and emerging local plan seek to focus a third of new housing provision at Gillingham, the number of Dwelling Completions in Gillingham has been very low. The AMR Report notes that only 9 out of 111 housing

completions (8%) within the District in 2012/2013 were at Gillingham. Further, dwelling commitments in Gillingham make up only 4% of the overall District's dwelling commitments. The majority of the dwellings listed at within the Council's Housing land supply figures at Gillingham, are at large sites (either allocated with no planning application or sites submitted by landowners). The Council largely seek to rely on the delivery of a Strategic Site Allocation to the south of the existing settlement. The Council considers this site allocation will accommodate 1,800 homes in total, delivered over phases, with 1,240 homes delivered by 2026. The strategic site allocation comprises an historic site allocation adjacent to Lodden Lakes which was already formally identified within the adopted Local Plan and still remains undeveloped, an indicator itself of the complexities in the delivery of housing on the site. As outlined above, these sites are unlikely to come forward within the five year time frame.

The consequence of the absence of a five year supply of deliverable housing land

7.20 Having regard to the guidance within paragraph 49 of the Framework and the absence of a five year supply of deliverable housing land in North Dorset District, Local Plan Policy 2.1 'Housing Provision 1994 – 2011' is plainly out of date. Further, insofar as LP Policy 1.6 'Development in the Countryside' places a constraint on the delivery of new housing it should not be considered up to date. This is reflected by paragraph 12.38 of Inspector's Report for APP/P1133/A/12/2188938 at Land to the south of Shutterton Lane, Dawlish (Appendix 4) which states:

"The appeal site is located outside the settlement limit for Dawlish and is classified "countryside" for the purposes of LP Policy H7, which seeks to limit development there to uses which do not include new open-market housing. Since the terms of this policy have a direct bearing on the location of residential development it is a "relevant polic[y] for the supply of housing", and by operation of paragraph 49 of the Framework, must be considered out of date due to the absence of a five year housing land supply. For the same reason, LP Policy ENV4 must be considered out of date and little, if any, weight attached to emerging Policy S22 of the eLP" (paragraph 12.38).

7.21 The consistent approach by Inspectors to the application of paragraph 49 of the Framework was challenged in the High Court, *Cotswold District Council v Secretary of State for Communities and Local Government & Anor* [2013] (attached as Appendix 3). The challenge was dismissed with the Judge stating:

*"The short answer is the Local Plan Policy 19 is a policy relating to the supply of housing (amongst other developments). It restricts development, including housing, development. As the inspector correctly held, applying the Framework, Local Plan Policy 19 should be disapplied "to the extent" that it "seeks to restrict the supply of housing"" (paragraph 72 of **Appendix 3**).*

7.22 Therefore, there can be no doubt Local Plan Policy 1.6 (Development in the Countryside) of the North Dorset District-Wide Local Plan to 2011 is out of date.

7.23 In the circumstances, as apply here, where development plan policies are out-of-date, paragraph 14 of the Framework advises that:

"For decision-taking this means:

- *where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless;*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.9" (paragraph 14).*

7.24 It, therefore, follows that this application should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the proposals, when assessed against the policies in the NPPF taken as a whole.

8. Key Planning Considerations

Appropriate, sustainable location

8.1 Both the adopted and emerging plans make clear that Gillingham will act as a town for Major Growth, serving as one of the main centres in the District for Population, Housing and Employment growth and for the development of Major Community Services and is a sustainable location for further development. Amongst others, local facilities in Gillingham include a Primary School, Railway Station, Football Club, GP/Dental Practices and shops (including Lidl, Co-op and Waitrose).

8.2 As noted in Section 4, the application site was considered by the Local Plan Inspector during the examination of the North Dorset District-Wide Local Plan in 2000. The Inspector considered the potential of the site for housing development and noted the site lies in a very sustainable location:

"close to the town centre, mainline railway station and to employment opportunities, notably Brickfields Business Park"
(paragraph 15.1.44, Appendix 1).

8.3 The application, as part of the wider settlement of Gillingham, is clearly an appropriate and sustainable location for the residential development proposed.

Provision of housing

8.4 The Framework is clear that the provision of housing is fundamental to achieving sustainable development. The positive benefits of increased housing provision are important both economically and socially. The Government is clear that house building in general helps to ensure the turnover of money and resources necessary for a healthy economy and provides for construction jobs as well as spin-off effects in terms of sourcing local materials and produce. The Framework recognises that

residential development can play an important role in ensuring the vitality of towns. In terms of economic and social benefits, in overall housing terms, the proposed provision of housing in Gillingham would make a substantial, material contribution to the district-wide housing position, addressing the housing need in Gillingham. Furthermore, the largest social benefit to arise from the scheme would be the provision of affordable housing. The proposal will provide affordable housing to be agreed with the LPA. This would consequently help to achieve important social objectives underpinning the draft Local Plan relating to meeting the District's housing needs.

- 8.5 The proposed development is likely to have a major beneficial long-term impact with respect to access to market and affordable housing and it is considered that the provision of much needed market and affordable housing amounts to a significant benefit of the scheme, which carries substantial weight in favour of granting planning permission.

Flood Risk and Foul Drainage

- 8.6 The submitted scheme has been developed with reference to the Environment Agency (EA) flood mapping and flood data for the area. It is clear from the Environment Agency's online mapping facility that the southern and eastern portion of the site is in an area at risk of flooding. It is clear from the proposals map to the Local Plan that this area of the site is also designated as a 'River Valley'.

A Flood Risk Assessment (2013) has been submitted with the application. This assessment demonstrates that drainage aspects with regard to the proposed development have been fully assessed with in accordance with the Framework and national guidance.

Contaminated Land

- 8.7 A Phase I Desk Study (2014) has been carried out and submitted with the planning application. This desk study includes a review of available

sources of information including published historic mapping and an environmental database report to ascertain previous and existing site and surrounding land use. The information suggests the sites has always been in agricultural use and has not been subject to any previous development. Minor issues requiring further investigation have been identified, however, this initial assessment does not indicate that these would be of sufficient magnitude to prevent development on the site within the context of land stability and potentially contaminated land.

- 8.8 In line with standard practice a pre-development Phase 2 site investigation is recommended to provide geotechnical design parameters. This can be dealt with at the detailed design stage.

Transport

- 8.9 The proposed development will be principally served by a new site access using Le Neubourg Way.
- 8.10 The application is accompanied by a Transport Statement which has been undertaken to assess the impact of the proposed development on the highway network. The Transport Statement has also assessed and outlined the extent of the public transport provision in the area. The Transport Statement has assessed the current highway network, traffic conditions and potential for access to and from the site by sustainable modes of transport. It concludes that development of the site is compliant with both local and national transportation policy.
- 8.11 The development proposals in the draft illustrative masterplan provide opportunity to improved access by creating addition pedestrian and cycle links and accessibility to public transport routes, the town centre and countryside.
- 8.12 Parking provision for cars and cycles will accord with local adopted policy standards however these are matters of detail not considered at this outline planning application stage.

Odour

- 8.13 The proposals map to the Local Plan outlines that that the southern third of the site falls within the 'Sewage Works Protection Area' safeguarded by Policy 1.17 (Sewage Treatment Works Protection Areas) of the Local Plan as it falls within 400 metres of the Gillingham Treatment Works. An Odour Impact Assessment (2014) has been carried out and submitted with the planning application. This detailed assessment concludes that the application site is partially suitable of residential development and it is recommended that residential development is restricted to the potentially developable area outlined in Figure 1 of the Odour Assessment. This planning constraint has been incorporated into the overall layout and design of the scheme.

HSE (Health and Safety Executive) Consultation Zone

Trees

- 8.14 A Tree Survey and Tree Constraints Plan (2014) has been completed and submitted with the application. The Report recommends the inclusion of Root Protection Areas into the design of the development proposal and protection of areas of shade arcs from development. These planning constraints have been incorporated into the overall layout and design of the scheme.

Ecology

- 8.15 Blackdown Environmental obtained a data search from the Dorset Environmental Records Centre for statutory and non-statutory sites and legally protected and notable species within 2 kilometres of the approximate centre of the site. The site lies outside any areas that have been designated or defined for their landscape and wildlife value. The site itself is not covered by any designation designed to protect wildlife or habitats. There is one non-statutory Site of Nature Conservation Interest

(SNCI) within 2 kilometres of the sites site, but the proposed development would have no impact on this designated site.

8.16 A preliminary Ecological Appraisal Report together with comprehensive ecological surveys covering bats, great crested newts, dormice, reptiles and otters and voles have been carried out and submitted with the application. The findings of the research/surveys can be summarised as follows:

Bats – *The site is considered likely to be used by bat species when foraging or commuting between roost sites and foraging grounds. Habitats of highest importance are considered to include the hedgerows, mature trees and the River Stour. However, development is not proposed in the vicinity of the River Stour and hedgerows and mature trees within the developable area will be retained where possible.*

Birds – *The majority of the site is considered likely to support an assemblage of bird species typical of such farmland habitat and the developable area (improved grassland bordered by traditional hedgerows) is considered unlikely to support an assemblage of more than site or local level of importance. Survey visits throughout 2013 have not identified bird species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) as being present within areas to be developed. Therefore, no specific bird surveys are recommended. Measures to retain potential nesting habitats will be implemented where possible and new habitats of value for bird species (e.g. trees and hedgerow planting) will be created.*

Great Crested Newts – *Great Crested Newts are considered likely to be absent from the proposed developable area and no licensing requirements are anticipated.*

Dormice – *No dormice have been identified and dormice are considered likely to be absent from suitable habitat within the site.*

Reptiles – *A population of slow worms has been identified within two of the three areas surveyed. Site clearance and ground works have the potential to harm slow worms. A strategy to protect slow worms would include protecting areas of known slow worm presence or translocation of slow worms to a suitably managed (and protected) receptor site either within the site or off site in the locality.*

Water vole and Otters – Evidence of otter and water vole activity was noted along and adjacent to the River Stour. The developable area is set away from the River Stour and will not directly affect these habitats. Appropriate protection of these habitats will include avoiding construction impacts to the banks of the River Stour and adjacent vegetation. This will be dealt with in greater detail within a Construction Environmental Management Plan (CEMP).

8.17 It is considered that the needs of the identified species can be accommodated and enhanced by reasonable and proportionate mitigation around the site. These species and habitat survey considerations have been incorporated into the overall layout and design of the scheme.

Air Quality and Noise

8.18 The impact of the proposed development on the locality in terms of both air quality and noise would be commensurate and typical of a development of this size and nature (i.e. it is housing not a noise generating use with specified operating hours). It is concluded that there will be a negligible long term impact as result on the proposed development on both human and ecological receptors in terms of both air quality and noise.

Landscape

8.19 Landscape and Visual Impact assessment work has been undertaken to consider any potential impacts of the proposed development within the surrounding landscape context and on adjoining residential areas. The application is accompanied by a Landscape and Visual Impact Appraisal (2014). Overall, the appraisal indicates that the proposed development would not have any significant visual impacts.

Archaeology/Heritage Assets

8.20 A Phase 1 (Desk-based) archaeological/cultural heritage assessment has been submitted with the application in accordance with the Framework. The report concludes that there are no international or national

designations affecting the site. Sufficient information on archaeological remains has been provided to allow an understanding of the archaeological potential of the site, and therefore, to determine the application in accordance with the requirements of the Framework and impact an appropriate programme of further survey works and mitigation as a condition of planning approval. As such, the proposals would not conflict with national or local heritage planning policies.

Design and Access Statement

- 8.21 The application is accompanied by a Design and Access Statement which sets out the guiding principles and key design parameters for the proposed development. The assessments and reports above relating to ecology, trees, odour, flood risk and access have all contributed to the design process and illustrative layout of the proposed scheme. This illustrative layout demonstrates that a well-designed residential scheme can be achieved on sites taking into account all the constraints and opportunities of the site specific circumstances.

9. Planning Balance

- 9.1 It is clear from **Section 7** of this Planning Statement that relevant policies within the adopted local plan should not be considered up-to-date. Therefore, in accordance with paragraph 14, development proposals should be granted planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits of the proposals.
- 9.2 The above case has clearly set out the benefits of the proposed development, most notably market housing provision, affordable housing provision and proposed landscaping and highway infrastructure improvements.
- 9.3 The site is sustainably located. The applicant has clearly demonstrated that the proposal would have no significant adverse impact upon the character and appearance of the area or the highway network and there are no significant and demonstrable impacts sufficient to outweigh the benefits of the development. Specifically, any perceived impacts are outweighed by the District's distinct lack of a five year housing supply and the pressing need for affordable housing. The proposed development is sustainable development and fully accords with the guidance within the Framework (taken as a whole).
- 9.4 All key planning constraints and considerations have been taken into account in the development of the current scheme. It is considered that the provision of much needed housing (both market and affordable) amounts to a significant benefit of the scheme and there are no adverse impacts as a result of the proposal which significantly and demonstrably outweigh this public benefit. Having regard therefore to the clear guidance set out at paragraphs 49 and 14 of the Framework, planning permission should be granted, in the planning balance, as the adverse impacts of doing so would not significantly and demonstrably outweigh the clear benefits of the proposed development.

10. Conclusion

10.1 This Planning Statement demonstrates that the proposed development fully accords with the relevant policies of the development plan and the guidance within the National Planning Policy Framework. The proposal amounts to appropriate, sustainable development and there are no development issues which militate against the granting of planning permission.