



## 5.0 Planning Policy

### 5.1 Planning Policy Summary

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan comprises:

- North Dorset Local Plan Part 1 2011-2031; and
- North Dorset District Wide Local Plan 2003 (saved policies).

5.1.2 This section also considers:

- National Planning Policy Framework (NPPF);
- National Planning Practice Guidance (NPPG);
- Emerging Gillingham Neighbourhood Development Plan; and
- Gillingham Town Design Framework.

5.1.3 A Neighbourhood Plan is being prepared for Gillingham. Once the plan has been “made” the Gillingham Neighbourhood Plan will become part of the development plan for the area and may contain policies and provisions that will need to be taken into account in the planning process.

### 5.2 The Development Plan

#### North Dorset Local Plan Part 1 2011-2031

5.2.1 The NDLP sets out the strategic approach for all development within the District.

5.2.2 The Site is subject to the following allocations:

- Policy 21 – Gillingham Strategic Site Allocation

5.2.3 The NDLP identifies the site as follows:

The southern extension of Gillingham will take the form of a sustainable mixed-use development that will expand the built-up area of the town to the south and east. The eastern edge of the southern extension follows the floodplains of the River Lodden and the Fern Brook. Cole Street Lane forms the southern edge of the proposed development and the floodplain of the River Stour, south of the railway line, forms the western edge.

Within these boundaries are four main areas proposed for development, which are:

- land to the east of Ham, including part of Park Farm;
- land to the south of Ham, including part of Newhouse Farm;
- land to the east of Lodden Lakes; and
- land to the south of Brickfields Business Park.

5.2.4 The four main areas proposed for development are shown in Figure 5.1 below.

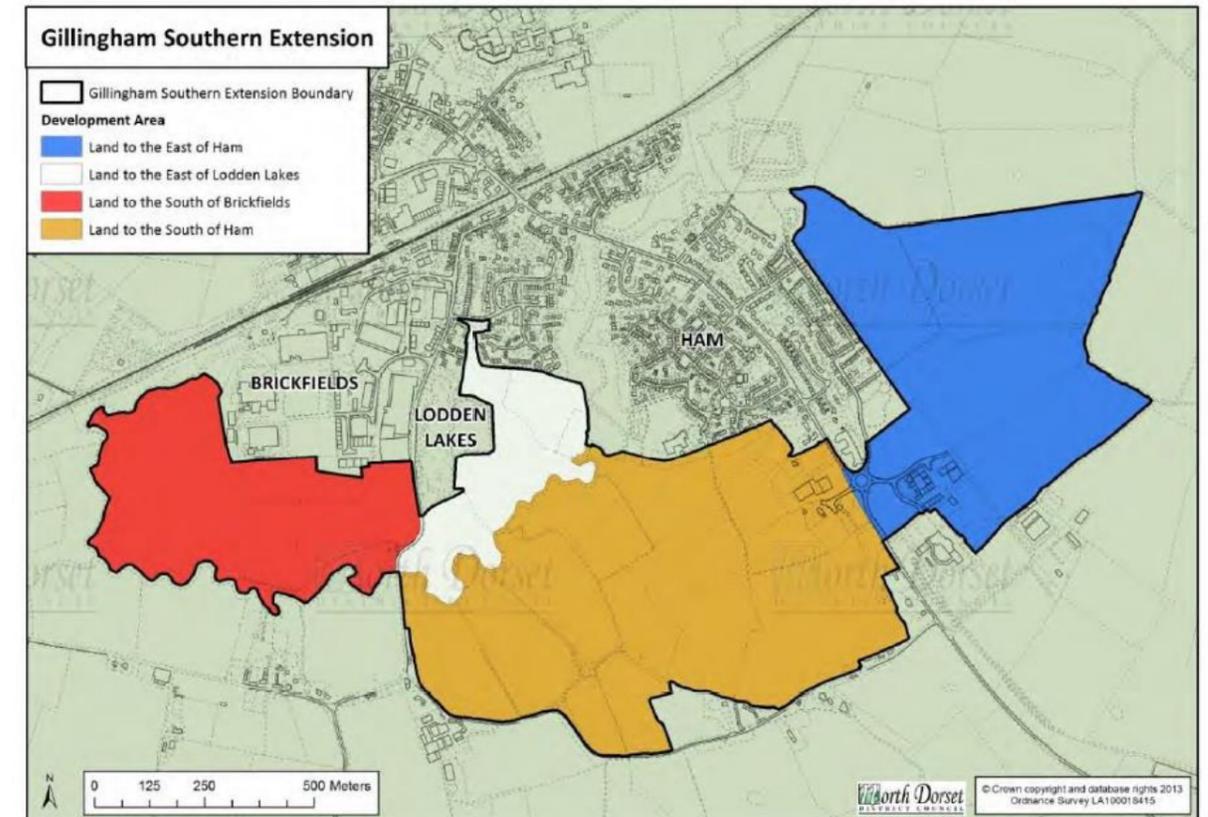


Figure 5.1 - Gillingham Southern Extension (NDDC image)

5.2.5 The following policies are also considered to be relevant to the assessment of the planning application:

- Policy 2 – Core Spatial Strategy identifies Blandford (Forum and St Mary), Gillingham, Shaftesbury and Sturminster Newton as the key strategic settlements in the District and seeks to focus the vast majority of the District’s growth in these main towns as they are the most sustainable locations where homes, jobs and facilities are easily accessible.
- Policy 3 – Sustainable Development Strategy sets how the Council will take planning decisions in accordance with the presumption and provides guidance on how it will be applied in the District. In addition, the policy establishes a core spatial strategy which establishes the Council’s overall approach to the distribution of development in the District.
- Policy 6 – Housing Distribution sets out the approximate scale of housing development for Gillingham as at least 2,200 homes, of which about 480 will be affordable homes.



- Policy 7 – Delivering Homes provides guidance on the housing mix, meeting the needs of particular groups, residential density and infilling.
- Policy 8 – Affordable Housing sets out the affordable housing requirements for development of six to ten homes and for schemes of eleven or more, identifying that for an urban extension to Gillingham 25% of the total number of dwellings will be affordable. The policy also provides guidance on tenure split and advises that affordable housing should be designed to be indistinguishable from other housing on a development site and be pepper-potted amongst market housing, or grouped in small clusters.
- Policy 13 – Grey Infrastructure provides guidance on the delivery of the transportation, utilities, drainage and flood prevention, waste and public realm infrastructure that will be provided to support new development.
- Policy 14 – Social Infrastructure provides guidance on the delivery of the education, health, cultural, recreation and sport and community infrastructure that will be provided to support new development.
- Policy 15 – Green Infrastructure provides guidance on the delivery of the green infrastructure that will be provided to support new development.
- Policy 17 – Gillingham sets out the sustainable development strategy for the town.
- Policy 21 – Gillingham Strategic Site Allocation sets out the detailed policy for the site. The policy requires the preparation of a Master Plan Framework (MPF). The MPF is required to cover a range of topics including climate change, environment, meeting housing needs, supporting economic development and infrastructure provision.
- Policy 22 – Renewable and Low Carbon Energy sets out how when considering proposals for heat or electricity generation from renewable or low carbon sources, applicants are expected to produce evidence to demonstrate: 1. any potential adverse impacts, and measures that will be put in place to mitigate the impacts; and 2. the potential benefits of the scheme, both nationally and locally.
- Policy 23 – Parking sets out the requirements in respect of parking provision for new development.
- Policy 24 – Design sets out the approach to the design of new development.
- Policy 25 – Amenity sets out the criteria that will be considered for new development including privacy, sunlight and daylight, artificial light intrusion, noise and vibration and emissions.

#### North Dorset District Wide Local Plan 2003

- 5.2.6 In accordance with paragraph 215 of the National Planning Policy Framework (NPPF), the weight to be afforded to each of the saved policies in the Local Plan must be assessed against their degree of consistency with the Framework. Given that the Local Plan is out of date (it only plans to 2006) and, it pre-dates the NPPF, limited weight can be afforded to these saved policies.
- 5.2.7 Notwithstanding the above, the following saved policies are considered to be material:
- Policy 1.20 – Contaminated Land;

- Policy 3.2 – Development on Defined Employment Land;
- Policy GH3 – designates “Areas of Local Character”;
- Policy GH8 – allocates 4.5 hectares of land at Park Farm for industrial, business, storage and distribution uses; and
- Policy GH21 – identifies three alternative options sites for a central community hall for Gillingham.

### 5.3 Material Considerations

#### National Planning Policy Framework (NPPF)

- 5.3.1 On 27 March 2012, the Government published the NPPF which consolidates and replaces guidance, set out in preceding Planning Policy Statements, Planning Policy Guidance and a number of related circulars, into a single document. The following sections of the NPPF are material:
- Presumption in favour of sustainable development
  - Core Planning Principles
  - 1: Building a strong competitive economy
  - 4: Promoting sustainable transport
  - 6: Delivering a wide choice of quality homes
  - 7: Requiring good design
  - 8: Promoting healthy communities
  - 10: Meeting the challenge of climate change, flooding and coastal change
  - 11: Conserving and enhancing the natural environment
- 5.3.2 The key provisions of these sections are set out below.
- 5.3.3 Paragraph 14 of the NPPF makes clear that at the heart of the NPPF is a ‘presumption in favour of sustainable development’, which is the ‘golden thread’ running through both plan-making and decision-taking. For decision-taking, unless material considerations indicate otherwise, this means:
- Approving development proposals that accord with the development plan without delay.
  - Where the development plan is absent, silent, or relevant policies are out-of-date, granting permission unless:
    - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the NPPF taken as a whole; or
    - Specific policies in the NPPF indicate that development should be resisted.
- 5.3.4 At paragraph 152, local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development and deliver and net gains across all three. Where adverse impacts are unavoidable, measures to mitigate the impact, or compensatory measures may be appropriate.



**Core Land-Use Planning Principles**

- 5.3.5 Paragraph 17 of the NPPF sets out core planning principles and advises that, amongst other things, planning should:
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
  - Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
  - Take account of the roles and character of different areas;
  - Contribute to conserving and enhancing the natural environment. Development should be allocated on land with a lesser environmental value;
  - Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas; and
  - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

**Building a strong, competitive economy**

- 5.3.6 Section 1 sets out the Government’s commitment to securing economic growth in order to create jobs and prosperity. Paragraph 19 states: “The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth”.
- 5.3.7 Paragraph 21 states: “Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing”.
- 5.3.8 Paragraph 22 advises that allocations should be regularly reviewed and there where there is no reasonable prospect of a site being used for an allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

**Promoting sustainable transport**

- 5.3.9 Section 4 identifies the important role that transport policies have to play in both facilitating sustainable development, but also in contributing to wider objectives related to sustainability and health.
- 5.3.10 Paragraph 30 states “Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport”.
- 5.3.11 Paragraph 32 advises that development which generates significant amount of movements should be supported by either a Transport Statement or Transport Assessment.

- 5.3.12 Paragraph 34 states “Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.”
- 5.3.13 Paragraph 36 confirms that development which generates significant amount of movement should be accompanied by a Travel Plan.
- 5.3.14 Paragraph 38 states: “For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.”

**Delivering a wide choice of high quality homes**

- 5.3.15 Section 6 sets out the measures that the Government expects local planning authorities to take in order to ‘boost significantly’ the supply of housing.
- 5.3.16 Paragraph 49 states: “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.”
- 5.3.17 Paragraph 50 states: “To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:
- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
  - identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
  - where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”

- 5.3.18 Paragraph 52 advises that the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities.

**Requiring good design**

- 5.3.19 Section 7 sets out that the Government consider good design to be a key aspect of sustainable development and that it should positively contribute to making places better for people.
- 5.3.20 Paragraph 57 confirms the importance of planning positively for good design in all development. Paragraph 60 states that planning decisions should not impose architectural styles or tastes or stifle innovation. It is however, appropriate to reinforce local distinctiveness.

**Promoting healthy communities**

- 5.3.21 Section 8 advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.



- 5.3.22 Paragraph 69 goes on to state: "Planning policies and decisions, in turn, should aim to achieve places which promote:
- opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;
  - safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
  - safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas."
- 5.3.23 Paragraph 70 states: "To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
  - guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
  - ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
  - ensure an integrated approach to considering the location of housing, economic uses and community facilities and services."
- 5.3.24 Paragraph 73 advises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
- Meeting the challenge of climate change, flooding and coastal change**
- 5.3.25 Section 10 identifies the key role that planning has to play "in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure."
- 5.3.26 Paragraph 99 states: "Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure."
- 5.3.27 Paragraph 103 states: "When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and

- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems."

5.3.28 Paragraph 104 confirms: "For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test".

**Conserving and enhancing the natural environment**

- 5.3.29 Section 11 advises that: "The planning system should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, geological conservation interests and soils;
  - recognising the wider benefits of ecosystem services;
  - minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
  - preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
  - remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 5.3.30 Paragraph 112 states: "Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."
- 5.3.31 Paragraph 118 confirms: "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
  - proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
  - development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
  - opportunities to incorporate biodiversity in and around developments should be encouraged;
  - planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found



outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and

- the following wildlife sites should be given the same protection as European sites:
  - potential Special Protection Areas and possible Special Areas of Conservation;
  - listed or proposed Ramsar sites; and
  - sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

5.3.32 Paragraph 121 states: “Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented.

5.3.33 Paragraph 122 goes on to state: “In doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.”

**National Planning Practice Guidance (2014)**

5.3.34 On 6 March 2014, the government published the NPPG. The NPPG is a live document that will be actively managed as necessary to ensure that it remains up to date.

5.3.35 The NPPG is divided into different topic areas which provide advice and guidance to inform the understanding and approach to implementation of the NPPF. In respect to the Proposed Development, the following topic areas are considered most relevant:

- Air Quality;
- Climate Change;
- Determining a planning application;
- Environmental Impact Assessment;
- Flood Risk and coastal change;
- Health and wellbeing;
- Land affected by contamination;
- Natural environment;
- Noise;

- Planning obligations; and
- Travel Plans, Transport Assessments and Statements.

**Other material considerations**

5.3.36 At the time of writing, NDDC considers that it is unable to demonstrate a five-year supply and as such the housing delivery policies in the Local Plan are to be considered out-of-date (NPPF paragraph 49). Under these circumstances, planning applications for housing would be considered in the context of the ‘presumption in favour of sustainable development’ at NPPF paragraph 14. This means that development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where other policies in the NPPF indicate that permission should be refused.

**Draft Gillingham Neighbourhood Development Plan (draft NDP)**

5.3.37 The draft NDP has been submitted by to NDDC to be considered for consultation under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

5.3.38 The draft NDP contains a vision for the town which is based upon objectives linked to supporting the local economy and town centre facilities, and improving the built environment and green infrastructure network. Proposed policies are included within the draft NDP, and the following are considered to be relevant to the Proposed Development:

- Policy 1 Custom and self-build housing;
- Policy 2 Flexible living accommodation to suit all needs;
- Policy 4 Support improvements in existing employment sites;
- Policy 9 Town centre uses outside of the town centre;
- Policy 11 Parking provision within and adjoining the town centre area;
- Policy 12 The road network, and alternative pedestrian and cycle links;
- Policy 13 Road designs in new development;
- Policy 14 New and improved health and social care services;
- Policy 15 New and improved education and training facilities;
- Policy 16 New and improved community, leisure and cultural venues;
- Policy 18 Formal outdoor sports provision;
- Policy 19 Equipped play areas and informal recreation / amenity spaces;
- Policy 20 Allotments;
- Policy 21 Accessible natural green space and river corridors;
- Policy 25 Plots and buildings;
- Policy 26 Hard and soft landscaping; and
- Policy 28 Protection of locally important heritage sites.



**Gillingham Town Design Statement (GTDS)**

- 5.3.39 The GTDS provides an overview of the history and character of Gillingham, both in terms of built and natural assets, and includes conclusions and recommendations for new developments.
- 5.3.40 The key recommendation is that *“new development needs to be sympathetic with the town, rather than be a copy of a template used by a developer elsewhere”*. The following recommendations are also relevant to the Proposed Development:
- To develop and implement further riverside access corridors, cycleway and pedestrian accesses, as well as green infrastructure within the town.
  - A pre-application public consultation phase for medium and large developments is recommended.