

Application Number:	P/OUT/2024/07627
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	29-31 Dorchester Road Upton BH16 5NJ
Proposal:	Demolition of 29 & 31 Dorchester Road and erection of 5 dwellings and 11 apartments with associated landscaping and car parking with access from Dorchester Road (Outline Application with all matters reserved except access)
Applicant name:	Stanborough Construction
Case Officer:	Ursula Fay
Ward Member(s):	Cllr Brenton, Cllr Robinson and Cllr Starr

1. **Reason application is going to committee: The application constitutes Major development.** Objections have been received from Upton Town Council and Ward Members

2. **Summary of recommendation:**

To delegate authority to the Corporate Director for Planning, the Service Manager for Development Management & Enforcement or the Development Management Area Manager Eastern Team any one of whom may exercise this authority to

- A) complete an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (S106 agreement) to secure:
- A contribution of £6,161 per net gain in dwellings with 2+ bedrooms towards Primary & Secondary Education
 - A contribution of £1,487.62 per net gain in dwellings with 2+ bedrooms towards Specialist Educational Needs (SEN) Education

All contributions index-linked using RPI from the date of this committee report.

And upon completion of that obligation, to grant planning permission subject to the conditions set out at the end of this report.

Or

B) Refuse planning permission for the reasons set out below if the S106 agreement is not completed by 28 January 2027 or such extended time as agreed by the Corporate Director for Planning, the Service Manager for Development Management and Enforcement or the Development Management Area Manager Eastern Team. The reasons for refusal for failure to secure the necessary obligations are set out in full at the end of this report.

3. **Key planning issues**

Issue	Conclusion
Principle of development	Located in the built up area of Upton where residential development is acceptable in accordance with Policy V1 of the Purbeck Local Plan (PLP).
Impact on character and appearance	Setback of three storey apartment block can be accommodated satisfactorily in streetscene given variety of development types and set back distances on Dorchester Road.
Density	Meets aim of increasing the density of the area.
Impact on the living conditions of the occupants and neighbouring properties	Careful design will be needed at reserved matters stage to ensure impacts on neighbouring properties are acceptable in planning terms. However at this Outline stage there is sufficient evidence that this can be achieved while also accommodating the development on the site.
Affordable housing	Independent viability review has confirmed development not viable to deliver full policy contributions requirements. After taking account of education and nutrient neutrality contributions, the scheme cannot viably make a contribution towards affordable housing.
Flood risk and drainage	Submitted drainage strategy and discharge is satisfactory with relevant agreement from Wessex Water.
Highway impacts, safety, access and parking	Access is acceptable, and the resulting increase in vehicle movements will be modest.
Impact on trees	Trees proposed for removal are of poor quality. Tree Officer has confirmed tree protection measures satisfactory.
Biodiversity	Ecological information submitted and approved by the Dorset Natural Environment (NET) Team. Proposal has demonstrated how Biodiversity Net Gain (BNG) can be delivered on site.
Habitats Sites	Impacts on the Dorset Heathlands and Poole Harbour have been assessed and can be mitigated using standard methods secured through CIL / S106.

Issue	Conclusion
Financial benefits	Contributions towards education would be secured through S106.

4. Description of site

The application site is relatively flat and is comprised of two existing dwellings on large plots, situated on Dorchester Road. The total site size is approx. 0.23ha. The site is located within the built up area of Upton, with Dorchester Road being one of the principal routes within this settlement. Access is from Dorchester Road.

The site is situated in a predominantly residential area. To the east is 27 Dorchester Road, a detached dwelling in a large plot. To the west on the corner of Dorchester Road is The White House B&B (within a chalet bungalow). To the west and south on Moorlands Way and Moorland Crescent are predominantly bungalows and chalet bungalows which back onto the site.

5. Description of development

The application would involve demolition of the two existing dwellings and erection of 5 dwellings and 11 apartments. The application is in Outline with all matter except access reserved. Access would be from Dorchester Road.

An indicative site plan has been submitted to demonstrate that development of the site is feasible. This would involve provision of an apartment building (assumed three-storey) to the front of the site, with 5 dwellings accessed to the rear. The application initially included indicative floorplans and elevations however these were later withdrawn as approval for scale and appearance is not sought at this stage.

The indicative layout also shows provision of 22 car parking spaces and 26 cycle parking spaces, along with space for soft landscaping.

6. Background and relevant planning history

6/1977/0792 - Decision: GRA - Decision Date: 09/02/1978

First floor extension to form s/c flat and extend garage at 31 Dorchester Road

6/1981/0791 - Decision: GRA - Decision Date: 02/12/1981

Alterations and extensions for 3 extra bedrooms, study, utility etc. and car port.

28 October 2026

6/1990/0268 - Decision: REF - Decision Date: 05/06/1990

Erect a bungalow and two detached garages, form new vehicular access at 31A Dorchester Road

6/2021/0319 - Decision: WIT - Decision Date: 02/06/2025

Outline planning application, all matters reserved except access, for the development of 9 residential dwellings and an apartment block comprising 12 apartments

7. List of constraints

Within Statutory Settlement Boundary; Upton

Natural England Designation - Nutrient Neutrality Catchments – Poole Harbour

Wessex Water Treatment Works Catchment

Wildlife Present: West European Hedgehog ; - Distance: 5.74m

Site of Special Scientific Interest (SSSI) impact risk zone

Dorset Heathlands - 5km Heathland Buffer;

Within Poole Harbour Recreation Zone

Natural England Designation - RAMSAR: Poole Harbour (UK11054); - Distance: 2495.55m

Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance: 4232.01m

Risk of Surface Water Flooding Extent 1 in 100: area in front of no. 29

Risk of Surface Water Flooding Extent 1 in 1000: area in front of 31 and 29

Surface water flooding - 1 in 100 year event plus 40% allowance

Radon: Class: Class 1: Less than 1% low risk, protective measures unlikely to be required.

8. Consultations

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

Consultees

1. DC - Highways

- Network capacity sufficient to accommodate development

- Access acceptable, development can be safely and suitably served
- Site within an established urban area, suitably located to encourage active travel and use of public transport
- Conditions recommended

2. Natural England

- Appropriate Assessment needed

3. Cllr Starr

- Initial concern re. building line (no longer referenced in response to amended plans)
- Concerned regarding surface water removal plan
- Overlooking from houses to the rear
- Insufficient parking

4. Cllr Brenton

- Pleased to see frontage line now less dominant (amended plans)
- Remain concerned re impact of flats on character of Dorchester Road
- Concerns on surface water discharge

5. DC - Flood Risk Management

- Initial concerns regarding proposed discharge to Wessex Water sewer – evidence requested that Wessex Water consented to this
- Additional information provides sufficient information for the LLFA to remove their previous holding objection

6. DC - Natural Environment Team

- Confirmed Ecology Report has been certified by NET team.

7. DC - Section 106

- Contributions required towards affordable housing and education
- Nutrient neutrality should be secured in perpetuity

8. DC - Trees (East & Purbeck)

- No objection to removal of poor quality trees

- Encroachment into root protection areas of off-site trees minimal in relation to T3 and H3, but unlikely that two trees in group G3 can be retained.
- Tree protection and ground protection sufficient to protect retained trees during development
- Detail of proposed bike store needed
- Details needed regarding location of new services for the development
- Overall no objection on tree grounds subject to conditions

9. Dorset Fire & Rescue

- Development will need to be designed and built to meet current Building Regulations requirements

10. Lytchett Minster & Upton Town Council

- Comments on amended proposal
- Minor repositioning of building line for apartment block does not resolve any substantive planning concerns
- Highways Authority concerns not addressed
- Does not demonstrate safe/suitable access
- Flood risk and drainage unresolved, contrary to local and national policy
- Overdevelopment of a constrained site
- Unacceptable overlooking of bungalows in Moorland Crescent/Moorland Way

Representations received

Total - objections	Total - No objections	Total - comments
12	0	1

Summary of comments of objections:

- Harm to the character of the area- proximity of the three storey flat block to the highway, proposal will dominate streetscene, apartments out of keeping, development too high
- Flooding in the vicinity after heavy rain could be exacerbated, sewage system lacks capacity- upstream surcharges- local storm overflows, increased likelihood of pollution of Poole Harbour
- Housing types inappropriate- no local need for flats, excessive density

- Impact on neighbouring amenity- overlooking into neighbouring houses and gardens
- Highway- increased traffic on congested roads, safety concerns, insufficient parking will result in on-street parking affecting cycle lane, access close to two busy side roads, bins will obstruct pavements.
- Local Infrastructure- roads, healthcare, sewers and schools affected, lack of affordable homes.
- Environmental concerns- harm to local habitats, loss of green spaces, issues with water drainage, pollution, and air quality during construction, majority of plot has been overgrown, anticipated impacts on biodiversity.
- Trees- survey out of date, concerns for acacia tree in garden of 5 Moorland Way.
- Devaluing of neighbouring properties
- Amendments insufficient to overcome concerns

9. Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

10. Relevant policies

Development plan

In this case the development plan comprises:

Local Plan Adopted Purbeck Local Plan:

The following policies are considered to be relevant to this proposal:

V1: Spatial strategy for sustainable communities

V2: Green belt

E1: Landscape

E2: Historic environment

E3: Renewable energy

E4: Assessing flood risk

E5: Sustainable drainage systems (SuDs)

E7: Conservation of protected sites

E8: Dorset heathlands

E9: Poole Harbour

E10: Biodiversity and geodiversity

E12: Design

H2: The housing land supply

I2: Improving accessibility and transport

I3: Green infrastructure, trees, and hedgerows

Material considerations

Emerging local plans:

Policy DM4: Emerging development plan proposals of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan

The emerging Dorset Local Plan is being prepared in accordance with plan-making processes set out in the Levelling Up and Regenerating Act 2023 and Local Planning Regulations (2026). As the plan is still at an early stage of the plan making process, limited weight can be attached to it when taking decisions on planning applications. Decisions on planning applications should continue to be assessed against the policies in adopted development plans, national planning policy and any other relevant material considerations.

Local Nature Recovery Strategy

The Dorset Local Nature Recovery Strategy identifies local priorities for nature recovery and maps areas where action would be most beneficial. In planning decisions it is a material consideration, helping to ensure that development supports biodiversity enhancement and aligns with Dorset's agreed priorities for nature recovery.

National Planning Policy Framework (17 August 2026)

The National Planning Policy Framework (NPPF), published on 17 August 2026, sets out the Government's national planning policies for both plan-making and decision-making in England.

When determining development proposals decision-makers are required to take a positive and proactive approach and to seek to approve sustainable development where possible.

The NPPF introduces a permanent presumption in favour of sustainable development, through Policies S3 to S5 (which replaces the former "tilted balance" contained in paragraph 11 of the previous NPPF) and sets out the principles for development within and outside settlements. The Framework also confirms that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Relevant NPPF sections include:

Chapter 3: Decision making policies. Local planning authorities should approach decision making positively, proactively and proportionately. They should work with applicants through pre-application engagement and consultations and aim to resolve concerns through planning conditions or obligations where possible to avoid delay and to enable an approval rather than a refusal. Applications that accord with the development plan, the NPPF and other material considerations should not be refused where they can clearly be approved.

DM1 Preparing development proposals

DM2 Information requirements

DM3 Determining development proposals

DM4 Emerging development plan proposals

DM5 Development viability

DM6 Use of planning conditions and obligations

DM7 Relationship with other regulatory regimes

Chapter 4: Achieving Sustainable Development. The objective of the policies in this chapter is to meet development needs through sustainable patterns of development, including by maximising the potential for growth on suitable land within settlements, enabling development which will support the rural economy, rural communities and the provision of infrastructure, and limiting development away from settlements to help safeguard the intrinsic character and beauty of the countryside.

S3 Presumption in favour of sustainable development

S4 Principle of development within settlements

Chapter 5: Meeting the challenges of climate change. Planning decisions should support climate change mitigation and adaptation, including reducing greenhouse gas emissions, increasing resilience to climate impacts and directing development away from areas at unacceptable risk from flooding.

CC2 Mitigation of climate change

CC3 Adaptation to climate change

Chapter 6: Delivering a sufficient supply of homes. Planning decisions should give substantial weight to providing homes which will contribute towards meeting the evidenced accommodation needs of the community.

HO7 Meeting the need for homes

HO8 Providing affordable homes

HO13 Build out of residential and strategic sites

Chapter 12: Making effective use of land. Planning decisions should give substantial weight to proposals that make more effective use of land and buildings, while maintaining good design, living conditions and local character. This includes redevelopment of previously developed, vacant, underused, contaminated or derelict sites, reuse of existing buildings, creation of additional homes through sensitive infill, upward extensions and development within existing plots. Higher-density development is also promoted within settlements in well-connected

locations near public transport. Development that fails to make efficient use of land in accordance with the policy should be refused.

L2 Making effective use of land

L3 Achieving appropriate densities

Chapter 14: Achieving well-designed places. Development should be high quality, respect and enhance local character, deliver sustainable and attractive places, and accord with relevant design policies. Proposals that demonstrate good design and place-making should be supported, while those that fail to meet established design standards should be refused unless clearly justified.

DP3 Key principles for well-designed places

DP4 The design process

Chapter 15: Promoting sustainable transport. The objective of the policies in this chapter is to ensure that transport considerations are taken fully into account in the preparation of development plans and the evolution and assessment of development proposals; using a vision-led approach to embed the role that transport infrastructure and choices can play in creating well-designed, sustainable, inclusive and popular places.

TR3 Locating development in sustainable locations

TR4 Street design, access and parking

TR6 Assessing transport impacts

Chapter 16: Promoting healthy communities. The objective of the policies in this chapter is to promote the creation of healthy and inclusive places and support the provision of appropriate public services, by enabling development which can support this aim and seeking to retain, improve and deliver new facilities which are important for community wellbeing and minimising inequalities.

HC3 Community facilities and public service infrastructure serving new development

Chapter 18: Managing flood risk and coastal change. Development proposals should minimise risks to development arising from all sources of flooding and coastal change, taking into account the impacts of climate change, by steering development away from areas of risk, ensuring that development will be safe for its lifetime without increasing flood risk elsewhere, and incorporating sustainable drainage systems where appropriate.

F4 Assessing flood risk for decision-making

F5 The sequential test

F7 Ensuring development is safe from flooding

F8 Sustainable drainage systems and watercourses

Chapter 19: Conserving and enhancing the natural environment: Development should conserve and enhance the natural environment by protecting important landscapes, habitats, biodiversity and trees, while maximising opportunities for nature recovery, green infrastructure and biodiversity net gain. Proposals should avoid significant environmental harm, prioritise land of lower environmental value where possible, and be sensitively designed in protected landscapes and coastal areas. Development causing unacceptable impacts on designated sites, irreplaceable habitats or biodiversity that cannot be adequately avoided, mitigated or compensated for should be refused.

Improving the natural environment biodiversity is to be protected and encourage net gains for biodiversity.

N2 Improving the natural environment

N3 Trees in new development

National Planning Practice Guidance

Supplementary Planning Document/Guidance

All of Dorset:

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

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

Purbeck District Design Guide SPD

Managing and using traditional building details in Purbeck

Poole Harbour Recreation 2019-2024 SPD

Housing land supply

Dorset Council is unable to demonstrate a 5-year housing supply. The position set out in the latest Housing Land Supply Report is 2.53 years on 1st April 2025. In addition, the adopted local plans are not designed to deliver the levels of housing needed under the Government's revised standard method. Recent calculations suggest a need of c. 3,246 new homes per year.

Housing Delivery Test (HDT)

The latest HDT results (2025 measurement) show that insufficient homes have been delivered within the local plan area (88%) and that a local action plan is required.

11. Human rights

Article 6 - right to a fair trial.

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

The first protocol of Article 1 protection of property.

This recommendation is based on adopted development plan policies, the application of which does not prejudice the human rights of the applicant or any third party.

12. Public Sector Equalities Duty

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

- Removing or minimising disadvantages suffered by people due to their protected characteristics

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

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

In considering this application, regard has been had to the potential impacts of the proposed development on persons with protected characteristics. The proposal would provide additional housing within a sustainable and accessible location within the built-up areas of Upton, with access to local services, facilities and public transport. Such a location may assist in reducing reliance on private vehicles and support accessibility for a wide range of future occupiers including those with impaired mobility whether that be due to age or disability.

It is proposed that 10% of the dwellings be designed to meet M4(2) accessible and adaptable standards, hoping to meet the housing needs of older and disabled residents and supporting occupants whose mobility needs may change over time. In addition, planning obligations are proposed to secure contributions towards Special Educational Deeds and Disabilities education provision to assist in ensuring that there is appropriate educational infrastructure in place to meet needs that may arise from the development.

Officers have not identified any adverse impacts on persons with protected characteristic at this stage of the proposal and further consideration will be had in the consideration of reserved matters.

13. Public Benefits

The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised in the table below:

What	Amount / value
Material considerations	
Primary & Secondary Education Contribution	£6,161 per net dwelling, 2+ bedrooms
Special Educational Needs (SEN) Education Contribution	£1,487.62 per net dwelling, 2+ bedrooms
Affordable Housing	No contribution expected
Non material considerations	
CIL contributions	To be determined based on reserved matters floorspace

14. Planning Assessment

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.

Policy V1 of the Purbeck Local Plan (PLP) establishes the spatial strategy for meeting housing need in the plan area, directing housing development towards allocated sites, within existing settlement boundaries and other policy compliant locations under the small sites policy. This site is located within the built-up area of Upton – within the settlement boundary –, where the principle of residential development is acceptable. Development in this location is therefore in accordance with Policy V1 of the PLP.

The NPPF is a material consideration of critical importance. Policy S3 of the NPPF introduces a permanent presumption in favour of sustainable development. For development within a settlement boundary this includes consideration of Policy S4 of the NPPF which says:

Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

The proposal therefore benefits from a policy presumption in favour of approval. The extent to which any adverse effects arise, and the weight to be attributed to them, are considered in detail below. However, in applying NPPF Policy S4, substantial weight is attached to the principle of delivering sustainable residential development within a settlement boundary, with planning permission to be granted unless any identified adverse impacts substantially outweigh the benefits of the development.

Other material considerations include housing need. The Council is currently unable to demonstrate a five-year supply of deliverable housing sites with the latest Housing Land Supply position identifying a supply of 2.53 years. Furthermore, the most recent Housing Delivery Test results indicate that only 88% of the required homes have been delivered within the area, resulting in a requirement for a Housing Delivery Action Plan. These circumstances demonstrate a significant and continuing shortfall in housing delivery.

The proposal would contribute towards addressing this shortfall in housing through delivery of 5 dwellings and 11 apartments in a sustainable location. This contribution is afforded substantial weight.

Density

Policy L3 of the NPPF says that Development proposals should make efficient use of land. Within settlements, development proposals for residential and mixed-use development should

contribute to an increase in the density of the area in which they are situated. The existing character of an area should be taken into account, in accordance with policy DP3, but should not preclude development which makes the most of an area's potential. By delivering a net increase of 14 dwellings, the proposal makes effective use of land and meets the aim of this policy.

Policy L2 of the NPPF says that substantial weight should be given to the benefits where a development proposal involving sensitive redevelopment or additional development within existing plots. This is subject to proposals being i. consistent with the overall street scene, and ii. maintaining safe access and providing acceptable living standards for residents and neighbours. These matters are considered further below.

Policy L2. iii. says that where the development would involve the use of residential curtilages, it should not occupy more than twice the footprint of all the existing buildings on the site ... unless additional development can be accommodated without harm to the overall character of the area, and taking into account the availability of infrastructure and the importance of locating development in sustainable locations (in accordance with policy TR3). In this case given the existing relationship dwellings are positioned on large plots, it is considered that the site can accommodate in excess of twice the existing footprint.

Policy L2. iii. Also says that development is expected to retain at least 50% of the non-developed area within the curtilage of the existing buildings (unless this can be accommodated without harm). While layout is a reserved matter, the indicative masterplan shows this can be achieved.

Impact on character and appearance

Policy E12: Design of the PLP requires that development proposals should demonstrate high quality design which, amongst other requirements, positively integrates with their surroundings. Policy DP3 of the NPPF requires that development proposals should respond to their context so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings. This should not preclude innovation or change where appropriate, such as increased scale or density.

The proposal is submitted in outline with all matters reserved except access, nevertheless it is necessary to consider whether the quantum of development proposed could be appropriately accommodated on the site. The application is accompanied by an indicative plan which shows the block of 11 flats positioned to the front of the site facing onto the highway behind a 5m deep garden. A vehicular access to the north would extend into the site to serve rear parking and 5 dwellings, three to the rear of the flats and two further south.

The site is in an area identified by the Upton Townscape Character Assessment as 'Development fronting principal routes'. Typical for the area, the two existing dwellings are set back behind front gardens and face onto a broad road with a verge. There is a loose urban

grain and a broad streetscape, with low rise buildings either side of the wide main roads. Front garden vegetation and mature trees contribute to the green appearance of the streetscape. Some flat development up to 3 storeys in height is present in this character area (e.g. 2 Poole Road to the east) which displays larger-scale bulk, but within the immediate vicinity of the site a mix of two storey houses and bungalows predominate.

The area's identified strengths include varied architecture which creates a degree of visual interest and the presence of some larger trees. The character assessment identifies opportunities for higher density development along roads served by public transport, such as Dorchester Road.

It is judged that the site is large enough to accommodate development at depth. Since the character assessment was published in 2012, Oxborrow Close and Orchard Gardens have been created, disrupting the original linear form of development. The proposed dwellings to the rear of this plot would follow a similar approach to these developments, and this is considered acceptable in terms of the impact on character of the area.

Further consideration is given to the illustrative proposed apartment block and the impact of this particularly the setback from Dorchester Road. On the southern side of this part of Dorchester Road the presence of mature trees has encouraged the maintenance of a substantial set back of built form from the highway. Nos. 3a to 15 to the west of the application site have an approximate set back of 13-14m while no. 29 and its neighbours to the east are set back approximately 26m. The indicative block is set back approx. 11.5m. Adjacent to the east of the site, no. 31a is set back approx. 14m. Further east is Moorland Parade, a different typology of a small two storey shopping parade.

On the northern side of Dorchester Road dwellings are situated closer to the highway. Nos. 93 and 94 Beacon Park Road are situated on corner plots and are approx. 8.5m and 4m respectively from Dorchester Road. Nos. 18-26 are set back approx. 13-14m including their access road.

Although layout is a reserved matter, it is considered that the indicative set back of 11.5m could be accommodated satisfactorily within the street scene given the variety in development typologies and setbacks along Dorchester Road. Regard is also had to the adjacent property 31A Dorchester Road. In terms of scale, this would be a reserved matter, however it is considered that a block of three storeys could be accommodated on the site without harm to the character of the area.

Overall, it is considered there is sufficient information at this outline stage to demonstrate that the development proposed could be accommodated on the site in a way which has an acceptable impact on the character of the area. This would be subject to detailed design and consideration at the reserved matters stage.

Impact on the living conditions of the occupants and neighbouring properties

The submitted indicative layout shows an apartment block to the front/north of the site, facing onto Dorchester Road, with five dwellings to the rear of this. These are arranged in two groups, three dwellings (H1-H3) immediately behind the apartments and two beyond at the far rear of what is now the garden for 29 Dorchester Road (H4-H5).

As the proposal is in Outline, with only access reserved, the final layout and scale of the apartments and dwellings is reserved for future consideration. The consideration at this point is whether the development proposed can be accommodated on the site. The indicative layout is intended to demonstrate how this could be achieved.

In terms of the apartments, the indicative layout assumes a three storey block, this would be necessary to accommodate all 11 apartments. The indicative layout shows this located approx. 10-11m from eastern the elevation of The White House which includes a bedroom window. It is considered that the impact of a three storey block would be acceptable in planning terms. However it would not be acceptable to introduce overlooking through inclusion of windows in this elevation. The applicant would need to consider this when progressing the layout.

It is considered the indicative apartments do not give rise to unacceptable impacts on any other existing dwellings, due to the distances involved and the indicative location of windows.

The rear elevation of if indicative dwellings H1-H2 are located approx. 8m from the boundary of 4 Moorland Way and approx. 13m from the boundary of 5 Moorland Way. As the ground slopes away the dwellings would be elevated above the ground levels for nos. 4 and 5. However, nos 4 & 5 have longer than average gardens and the potential overlooking is at the rear of the gardens. A typical two storey dwelling would be unlikely to result in a relationship that is unacceptable in planning terms. However the full assessment of this would be considered as part of a reserved matters application.

Indicative proposed dwellings H4 and H5 are situated backing onto existing bungalow 43 Moorland Crescent. The situation is different regarding this relationship because no. 43 has a much shorter garden and so the potential impacts would be greater. Proposed dwellings are shown approx. 6m from the boundary and approx. 14m from the dwelling at the closest point albeit at an oblique angle.

Such a relationship would be acceptable at first floor level. As the proposed dwellings are north of 43 dwellings in the locations shown could be acceptable in terms of impact on light and overshadowing, were the roof sensitively designed on the rear elevation. However, the inclusion of windows in the upper rear elevation could create an unacceptable relationship. Side elevation windows could also cause unacceptable overlooking of 45 Moorland Crescent.

It is therefore likely that any second floor windows would need to be either placed on the front of the dwellings, or at a height that prevents overlooking, should the applicant progress with the indicative layout. The applicant has indicated they could progress chalet bungalows along

these lines. Such a development type would be feasible and could be accommodated on this indicative plots.

Overall, the development could be progressed in a way that results in relationships that are acceptable, however this will require careful design at reserved matters stage. It is considered the indicative layout has demonstrated sufficiently that a proposed development as described in the description of development could be accommodated. There is no planning justification for refusal of the application on grounds of impact on neighbouring properties at this Outline stage.

Contributions towards education

Policy I1 of the PLP sets out developer contributions required for major development which include an education contribution for development of 10 dwellings or more. £6,161 is required per qualifying dwelling towards Primary and Secondary school provision and £1,487.62 per qualifying dwelling towards SEND provision.

The Council's Education Team have confirmed that local schools are oversubscribed, and that contributions are necessary to fund additional places, the contributions are therefore necessary to make the development acceptable in planning terms. In order to ensure the contributions are directly related to the development, contributions are required from dwellings of 2+ bedrooms where children needing access to education may reside.

Contributions are based on a calculation per additional place needed, to ensure they are proportionate.

As the education contributions are necessary to make the development acceptable in planning terms it is not appropriate to reduce the obligations in response to viability. However the anticipated cost of the obligations is close to the amount identified by the DVS to fund policy requirements.

Viability and Affordable housing

Policy H11 of the PLP requires that new residential development of 10 homes or more on brownfield sites should provide 30% on site affordable housing provision, unless it can be demonstrated that there are significant economic viability constraints that would prevent the provision of affordable housing. The application is accompanied by a viability assessment which demonstrates that when the CIL and nutrient mitigation costs are accounted for, the proposal is marginally viable and cannot support the provision of both education / health financial obligations and affordable housing.

Officers judge that it is reasonable to consider the viability assessment, as the viability work informing the Purbeck Local Plan took place prior to the market changes associated with Covid

and the Ukraine War, and changes to the Council's policy for achieving nutrient neutrality within Poole Harbour.

An independent review of the viability assessment has been undertaken by the District Valuation Service (DVS). They concluded that many of the inputs and assumptions to the applicant's viability assessment were reasonable. However, the DVS considered that an appropriate Existing Use Value for 31 Dorchester Road would be lower than that suggested by the applicant, at £375k rather than £475k. In addition, assumptions were lowered regarding the cost of nutrient neutrality, professional fees, land acquisition costs, and sales legal and marketing costs. Profit for market dwellings was reduced in line with DVS expectations for a scheme of this nature.

Following these adjustments to the viability calculations, this identified a total amount available towards policy requirements and financial obligations (education and/or affordable housing) of £85,530.

The applicant's viability assessment had not included necessary financial contributions in relation to education, which total £91,783. As education contributions are necessary to make the development acceptable in planning terms, and a direct requirement of Policy I1 of the PLP, the amount available for policy requirements is directed towards this ahead of affordable housing. This results in no viability left within the scheme to support affordable housing.

Although no affordable housing would be secured the scheme accords with policy H11 of the PLP, which allows for contributions to be reduced where justified by viability evidence.

Flood risk and drainage

The application is accompanied by a Flood Risk and Drainage Strategy. In terms of fluvial flooding, the site is located within Flood Zone 1, the area with the lowest risk of flooding. A relatively small area within the site is at risk of surface water flooding. Flooding from groundwater is unlikely.

Policy E4 of the PLP requires that a Flood Risk Assessment (FRA) should be provided for development in Flood Zones 1 where there is a risk from other sources of flooding, such as surface water flooding in this instance. The policy requires that adequate measures are taken to mitigate risk and ensure the development is appropriately flood resilient, flood resistant and 'futureproofed'. This includes agreeing Finished Floor Levels (FFL).

Policy F5 of the NPPF requires that where a site is at risk of surface water flooding only, the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development without increasing flood risk elsewhere.

In response to comments from the Local Lead Flood Authority (LLFA), the applicant increased the indicative FFL to demonstrate that the area affected by potential flooding lies under the footprint of the proposed flats and the proposed ground levels indicate that flooding will not occur in the location of the flats. As the scheme is currently in Outline, a condition would secure submission of FFL to accompany reserved matters.

In terms of the drainage strategy, ground investigations have found that high groundwater levels will prevent the use of traditional soakaways. Consequently, the applicant proposes to discharge surface water runoff in a foul sewer owned by Wessex Water. Wessex Water has confirmed that it will accept the discharge on this occasion. This approach is acceptable to the LLFA subject to conditions.

The proposal is in accordance with policies E4 of the PLP and F4 of the NPPF, subject to conditions to secure FFL and surface water management and drainage details.

Highways impact, safety, access & parking

Policy I2 of the PLP says that proposals will be permitted where they meeting a number of objectives, including that they do not compromise highway safety and that adequate parking is provided. Policy TR3 of the NPPF requires any significant adverse impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be mitigated to an acceptable degree using a vision-led approach.

The Highways Authority have considered the proposed means of access is acceptable, and that the site can be safely and suitably accessed.

The proposal will result in an increase of 14 dwellings and this will result in an increase in vehicle movements. Dorchester Road is an established route and the scale of development is modest in the context of the highway network. No significant adverse impacts on the highway network have been identified.

The details of internal layout, car and cycle parking are left to reserved matters, however the indicative layout demonstrates that these can be accommodated on the site. The proposal is acceptable in highways terms, subject to conditions.

Impact on trees

Policy E1 of the PLP requires the design of development to take account of existing trees and hedgerows. There is a mature Oak and a young Whitebeam on the highways verge at the front of the site, both are to be retained. There are also several poor quality trees within the site, proposed for removal. Adjacent to the site are several trees on neighbouring land.

The proposal does make incursions into the Root Protection Areas (RPA) of some of the off site trees. The Council's Tree Officer considers that overall tree protection proposals are adequate, however there are two off site trees that it is unlikely could be retained with the positioning of buildings shown on the indicative plan.

Overall, the Tree Officer has no objection to the proposal subject to conditions.

The Tree Officer has recommended that details are submitted of the proposed bin store however as the proposal is in Outline it is not considered necessary to condition this at this stage. Details can be requested or conditioned (if necessary) at the reserved matters stage.

While the approach to trees is acceptable in planning terms, the scheme as proposed could require the removal of trees on third party land. It is for the applicant to ensure that any necessary agreement regarding tree works is reached with neighbouring land owners.

Impact on biodiversity

Ecology

Policy N2 of the NPPF requires development to minimise any adverse impacts on biodiversity and include features which support priority or threatened species such as swifts, bats and hedgehogs. Policy E10 of the PLP requires that a biodiversity appraisal is submitted where there are protected or important species and habitat features, within the site or close to it.

The applicant has submitted a Preliminary Ecological Appraisal & Preliminary Roost Assessment. This did not find any evidence of protected species, or habitats for protected species on site. Habitats suitable for nesting birds such as hedgerows and trees are present and mitigation is proposed for these.

Biodiversity enhancements are proposed including bat, bird and bee bricks, and gaps in fences for hedgehogs.

The Dorset Natural Environment Team has issued a certificate confirming the ecology report is acceptable. This is therefore acceptable subject to conditions.

Biodiversity Net Gain

The applicant has submitted a Biodiversity Metric along with a Biodiversity Habitats Plan to demonstrate how Biodiversity Net Gain (BNG) will be delivered on the site. This demonstrates how the proposal will deliver an increase of 10.88% in habitat units and 47.62% in hedgerow units. The requirement to deliver at least 10% BNG is placed as an informative, while ensuring the delivery of on site BNG can be secured via condition.

Nutrient neutrality – impact on Poole Harbour

The application site is within the Poole Harbour catchment where consideration of the nutrients impacts of new development on the integrity of this European habitat site is required.

The application includes a Nutrient Neutrality Assessment and Mitigation Strategy that states the applicant will apply for temporary nutrient credits from Dorset Council and also apply for permanent credits from Natural England and together these will provide mitigation for the phosphate generated by the proposal and achieve nutrient neutrality.

The Council has carried out a Habitats Regulations Appropriate Assessment for the development based on the applicant's purchase of nutrient mitigation credits and concluded that this mitigation will ensure that the effect from the additional nitrogen loading from the proposed development is addressed.

A pre-commencement condition would be applied to the planning permission to ensure that the correct number of credits are purchased prior to commencement of development.

Impact on Dorset Heathlands

Residential development within the area between 400m and 5km from the Dorset Heaths will result in a likely significant effect on these European heaths which must be adequately mitigated in order to avoid an adverse effect upon integrity of the designation.

Smaller scale residential development (to include the proposal) in the area between 400m and 5km from the Dorset Heaths would have an 'in-combination' effect when considered with other development in the area. This 'in-combination' effect may be mitigated against through a contribution towards Strategic Access Management and Monitoring (SAMM) and Heathland Infrastructure Projects (HIPs).

This mitigation will be funded through the Community Infrastructure Levy (CIL).

15. Environmental implications

No Environmental implications of significance have been identified.

16. Summary of issues and the planning balance

The proposal would deliver a net gain of 14 dwellings sustainably located within the built-up area of Upton, where the principle of development is acceptable in accordance with the PLP. The development is acceptable in planning terms and accords with the Development Plan and policies S3 and S4 of the NPPF. Further weight is added to the benefits of development due to the Council's lack of five year housing land supply and the contribution that this proposal could make to addressing this.

Policy S4 of the NPPF states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, none have been identified at this Outline stage. To be successful the development will need to be carefully designed to avoid impacts on the character of the area and the amenity of neighbouring properties. This is something that can be addressed at reserved matters. The proposal therefore accords with Policy S4.

The applicant has made a case that the site cannot viable provide all policy requirements, including affordable housing. As allowed by Policy H11 of the NPPF and Policy DM5 of the NPPF a viability assessment has been submitted. The viability of the proposal has been independently assessed by the District Valuer and the maximum amount identified to fund necessary obligations. This has been directed towards Education obligations as these are required by Policy I1 to make the development acceptable in planning terms.

Overall, the proposal is in accordance with the PLP as a whole, which supports the delivery of residential development within existing built-up areas. In addition, the NPPF provides further weight in favour of the development through the presumption in favour of development within settlements as set out in Policies S3 and S4 of the NPPF.

17. Recommendation

To delegate authority to the Corporate Director for Planning, the Service Manager for Development Management & Enforcement or the Development Management Area Manager Eastern Team any one of whom may exercise this authority to

- B) complete an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (S106 agreement) to secure:
- A contribution of £6,161 per net gain in dwellings with 2+ bedrooms towards Primary & Secondary Education
 - A contribution of £1,487.62 per net gain in dwellings with 2+ bedrooms towards Specialist Educational Needs (SEN) Education

All contributions index-linked using BCIS All in Tender Price Index from the date of this committee report.

And upon completion of that obligation, to grant planning permission subject to the conditions set out below.

Conditions:

1. An application for approval of any 'reserved matter' must be made not later than the expiration of three years beginning with the date of this permission.

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

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

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

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

Location Plan 2021 41

Proposed Site Access Plan 2021 62

Tree protection plan GH2499b

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

4. Prior to the commencement of development, a detailed surface water management scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall
- (a) be based upon the site specific hydrological and hydrogeological context of the development
 - (b) incorporate sustainable drainage principles in accordance with the current DEFRA non-statutory technical standards for Sustainable Drainage Systems (SuDS)
 - (c) demonstrate that surface water will be managed during construction and for the lifetime of the development without increasing flood risk on or offsite and
 - (d) include details of future maintenance and management arrangements.

The approved scheme shall be implemented in full prior to first occupation and thereafter maintained in accordance with the approved details.

Reason: To prevent the increased risk of flooding and to protect water quality and to take into account current national standards for SuDS.

5. Submission of any application for reserved matters shall be accompanied by details of the Finished Floor Levels of the buildings.

Reason: To safeguard the dwellings from surface water flooding and in the interests of ensuring suitable amenity for adjacent properties.

6. Before the development is occupied or utilised:
- the first 15 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing), must be laid out and constructed to a specification first submitted to and approved in writing by the Local Planning Authority.
 - the visibility splay areas as shown on Drawing Number 2021 43E must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.
 - the existing access point must be permanently closed by extending the adjoining highway boundary and removing any gates. The existing highway vehicular crossing must be expunged and reinstated to a specification which must first be submitted to and approved in writing by the Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

7. Prior to commencement of development hereby approved a Construction Management Plan and programme of works shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include construction hours, construction vehicle details (number, size, type and frequency of movement), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage wheel wash facilities and management of dust). The development shall thereafter be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of amenity and road safety.

8. Prior to commencement of works (including site clearance and any other preparatory works) the scheme for the protection of trees in accordance with the submitted Arboricultural Impact Assessment and Method Statement ref. GH2499 dated 19th December 2024 and Tree Protection Plan ref. GH2499b dated 18th October 2024, both from G Tree Ltd. shall be implemented. At least 5 working days' notice shall be given to the Local Planning Authority as soon as the tree protection measures have been installed. The notice shall be accompanied by photographic evidence to prove compliance with the scheme for the protection of trees.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

9. Prior to commencement of works (including site clearance and any other preparatory works) a plan showing all service routes, including the position of soakaways shall be submitted and agreed with the LPA.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area

10. Before the development hereby permitted is commenced, trial trenches shall be dug in the areas proposed for the foundations of the proposed new dwellings that are located within the root protection area (RPA) of T3, G3 and H3 to establish the presence and direction of any significant tree roots. The trial trench shall be dug to a depth of no less than 600mm and the work shall be carried out by hand without severing any roots of more than 25mm in diameter. The applicant shall give the Local Planning Authority notice of the completion of the trial trench and will allow reasonable access to the trench by the Council's Arboricultural Officer for a period of 7 days following notification. Details of the design and construction of the foundations shall be submitted to the Local Planning Authority having regard to the presence and orientation of roots as established by the trial trench. Development shall not proceed until the details have been approved by the Local Planning Authority. Work shall only take place in accordance with the approved details.

Reason: To ensure the construction of the development hereby approved does not prejudice the long- term retention of trees which make a significant contribution to the character and appearance of the area.

11. Prior to commencement of works, details of the design of the proposed Cellular Confinement System (CSS) Ground Protection, along with samples of the cellular confinement system to be used, including the samples of the cell infill aggregate, shall be submitted and approved in writing by the Local Planning Authority. The cell infill aggregate shall not be of a calcareous nature but rather a 4-20mm clean angular granite of flint. The development shall be carried out in accordance with the approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area

12. The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements in the ecology report titled Preliminary Ecological Appraisal & Preliminary Roost Assessment, by KP Ecology and dated 14 January 2025, and certified by the Dorset Council Natural Environment Team on 14 February 2025.

The development hereby approved must not be first brought into use unless and until:

- i) the recommendations detailed in section 6 of the approved ecology report have been completed in full, in accordance with any specified timetable, unless otherwise agreed in writing with the Local Planning Authority (LPA), and
- ii) written evidence demonstrating compliance has been submitted to and approved in writing by the LPA.

The development shall subsequently be implemented entirely in accordance with the approved ecology report and thereafter the approved mitigation, compensation and enhancement measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate and compensate for impacts on ecological receptors, and to provide biodiversity gains.

13. No development shall be commenced until a timetable for the implementation and maintenance of any proposed on-site (within the red line of the application site) non-significant biodiversity net gain (see informative below), has been submitted to and approved in writing by the Local Planning Authority. The implementation timetable and maintenance details must be prepared in accordance with the approved Biodiversity Gain Plan for the site. Thereafter the on-site non-significant biodiversity net gain shall be implemented and maintained for a period of no less than 5 years following the completion of said biodiversity net gain in accordance with the approved timetable and maintenance details. If within a period of 5 years from the date of the planting of any habitat it is removed, uprooted, destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) the habitat shall be replaced with the same habitat as set out in the approved biodiversity gain plan in the next planting season, unless the Local Planning Authority first agrees in writing to any variation.

Reason: To ensure that non-significant on-site biodiversity net gain is provided on site as required by the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

14. Prior to the submission of any reserved matters application a Nutrient Neutrality Mitigation Strategy shall be submitted to the Local Planning Authority setting out the nutrient budget calculation for the development as a whole and detailing how it is proposed to secure mitigation from the impact of nitrogen arising from the development on the Poole Harbour/River Avon/Somerset Levels and Moors Special Protection Area (SPA) and Ramsar.

Each reserved matters application for individual phases must be accompanied by a bespoke nutrient budget calculation which identifies the quantum of credits required to mitigate the impact of each phase of development. Development must not commence until the necessary credits for each phase have been secured from an accredited nutrient credit provider. A copy of the nutrient credit certificate for each phase from the accredited nutrient credit provider must be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development of that phase.

Once approved in writing by the Local Planning Authority, the development of each phase must be undertaken in accordance with the approved Nutrient Neutrality Mitigation Strategy.

Reason: To ensure that sufficient mitigation is provided against any impact which may arise from the development on the Poole Harbour/River Avon/Somerset Levels and Moors SPA and Ramsar.

15. Details of measures to limit the potential consumption of wholesome water use by persons occupying the new dwelling to 120 litres per person per day as measured in accordance with regulation 36 of the Approved Document for Part G2 of the Building Regulations 2010 (or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) shall be submitted to and approved by the Local Planning Authority before the dwelling is occupied. The submitted details shall include a water consumption calculation for the dwelling in accordance with the Approved Documents referred to above. The approved measures shall be implemented and maintained to the satisfaction of the Local Planning Authority thereafter.

Reason: To secure nutrient neutrality through effective mitigation in the interests of protected Habitat Sites

16. The development hereby approved shall provide 10% of its overall housing requirement in accordance with M4(2) building control optional standards to meet the needs of the elderly and/or disabled people.

Reason: In the interest of amenity of future occupiers.

17. Prior to the commencement of development, a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction and a timetable for implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should have regard

to the guidance set out in the current DEFRA national standards Sustainable Drainage Systems (SuDS). The surface water scheme shall be implemented in accordance with the approved details including the timetable for implementation.

Reason: To prevent the increased risk of flooding and to protect water quality and to take into account current national standards for SuDS.

18. Prior to the occupation of the development details of maintenance and management of the surface water sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should have regard to the guidance set out in the current DEFRA national standards Sustainable Drainage Systems (SuDS). The 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 drainage scheme throughout its lifetime.

Reason: To ensure the future maintenance of the surface water drainage system, and to prevent the increased risk of flooding and to take into account current national standards for SuDS.

Informative Notes:

1. In addition to this permission, the vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980.

The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

2. Electric vehicle charging points

The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.

3. Informative: National Planning Policy Framework

In accordance with policy DM3 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and

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- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
- The applicant was provided with pre-application advice.
- The application was acceptable as submitted and no further assistance was required.

4. Informative: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development, and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties, it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.
5. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated [date to be inserted]

Written agreement to the pre-commencement conditions is not required as the proposal is in Outline.

OR

B) Refuse permission for the reasons set out below if the agreement is not completed by 28 January 2027 (3 months from the date of committee) or such extended time as agreed by the Corporate Director for Planning, the Service Manager for Development Management & Enforcement or the Development Management Area Manager Eastern Team.

In the absence of a completed legal agreement by 28 January 2027, or such extended period as may be agreed in writing by the Head of Planning, the Local Planning Authority cannot be satisfied that the development would deliver the necessary planning obligations. The proposal therefore fails to secure necessary contributions towards education.

As a result, the development would fail to mitigate its impacts and would place unacceptable pressure on local services and infrastructure. The proposal is therefore contrary to Policies I1: Developer contributions and HC3 Community facilities and public service infrastructure serving new development.