

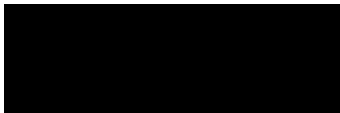
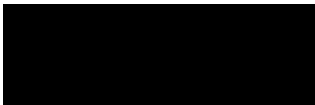
STATEMENT OF COMMON GROUND

APPELLANT: RICHBOROUGH

LOCAL PLANNING AUTHORITY: NORTH WARWICKSHIRE BOROUGH COUNCIL

SITE: LAND NORTH OF ORTON ROAD, WARTON

PROPOSAL: OUTLINE PLANNING APPLICATION FOR THE CONSTRUCTION OF UP TO 110 DWELLINGS, WITH ACCESS, LANDSCAPING, SUSTAINABLE DRAINAGE FEATURES, AND ASSOCIATED INFRASTRUCTURE. ALL MATTERS ARE RESERVED EXCEPT FOR PRIMARY VEHICULAR ACCESS FROM CHURCH ROAD

Signed: 	Signed: 
Name: Neil Cox (Evolve Planning and Design)	Name: Andrew Collinson
On behalf of: Richborough Ltd	On behalf of: North Warwickshire Borough Council
Date: 24/10/25	Date: 24/10/25

CONTENTS:

Page No:

1.	DESCRIPTION OF THE SITE AND LOCALITY	2
2.	PLANNING HISTORY AND PRE-APPLICATION DISCUSSIONS	5
3.	THE DEVELOPMENT PLAN	7
4.	THE PROPOSED DEVELOPMENT	11
5.	MATTERS AGREED BETWEEN THE PARTIES	14
6.	MATTERS OF DISAGREEMENT BETWEEN THE PARTIES	20
7.	PLANNING OBLIGATIONS	23
8.	PLANNING CONDITIONS	24

1. Description of the Site and Locality

- 1.1 The appeal site has an area of 6.37 hectares and is located adjacent to the western settlement edge of Warton in North Warwickshire Borough. The site is located between Orton Road to the south and Church Road to the north and west. The site is located approximately 7km to the east of Tamworth town centre and 2km east of Polesworth village centre.
- 1.2 The appeal site currently consists of a single agricultural (arable) field which is bounded on its northern, western and southern boundaries by hedgerows and hedgerow trees which run alongside Orton Road and Church Road. There are two existing accesses into the field, one to the north and another in the south-eastern corner. To the east the site is immediately adjacent to the recent residential development (Cornfields) and the Warton Recreation Ground.
- 1.3 A small pond forms part of the eastern edge of the site, adjacent to the recreation ground.
- 1.4 There are no Public Rights of Way (PROW), national cycle routes or local cycle paths within or adjacent to the appeal site. There is a public footpath on the opposite site of Church Road AE15 which runs westwards and rejoins Stipers Hill 950m west of the site.
- 1.5 There are no statutory landscape, ecological, heritage or other environmental designations covering the appeal site. There are no known ground contamination issues. The site is located entirely within Flood Zone 1. The site is not within or adjacent to a Conservation Area and no listed buildings are located on or adjacent to the site. The closest listed building to the site is the Grade II Church of the Holy Trinity located approximately 210m to the north-east.
- 1.6 The site is located on the edge of a Category 4 village Warton as indicated by policy LP2 of the adopted North Warwickshire Plan. The site is outside of the settlement boundary which is indicated by the Site Allocations map of the Local Plan. The settlement boundary is contiguous with the eastern boundary next to Orton Road.

The site is in open countryside This site is located immediately adjacent to the Warton Recreation ground which includes a football pitch, areas of amenity green space. There is an equipped playing field to the north. Beyond the recreation ground are further residential areas and the Church and its church yard.

- 1.7 The adjacent residential development has been recently completed following detailed planning consent granted in 2019. The built form of this development consists of two-storey detached and semi-detached homes of traditional design. An area of public open space including public footpaths is located on the southern edge of the new development. The residential development abuts the south-eastern corner of the appeal site.
- 1.8 To the north of the appeal site, on the northern side of Church Road, are 4 residential properties which are dispersed along Church Road with a frontage presence.
- 1.9 The surrounding buildings are generally faced in brickwork with pitched roofs.
- 1.10 The built form of the village of Warton lies to the north-east and east of the site, beyond the site to the north, west and south is open countryside, predominantly in agricultural use.
- 1.11 The village contains a range of services and facilities including Warton Nethersole Church of England Primary School which is located approximately 750m walking distance from the centre of the site. The 'Maypole Store', which incorporates a Post Office and convenience store is located 600m from the centre of the site, the Village Hall 650m, 'The Office at Warton' public house 500m and Warton Working Men's Club 700m from the centre of the site. Warton Recreation ground is immediately adjacent to the appeal site which includes equipped play provision.
- 1.12 The village is served by the 786 and 785 Arriva bus services which run from Tamworth via Austrey in a clockwise and anti-clockwise loop respectively. These provide bus services between Warton and Tamworth throughout the day including during peak times. Bus stops are located on Maypole Road, adjacent to Church Road, and are

located 625m from the centre of the appeal site. A specific bus service is also provided to The Polesworth School for pupils within Warton

- 1.13 Polesworth train station is situated around 1.3km to west of the site as the crow flies. Polesworth has a parliamentary train service of one northbound train a day at 06:48 to Tamworth Train Station. Polesworth Station is located around 2.2km, Atherstone Station is located circa 8.3km, Tamworth Station is around 8.6km from the site.
- 1.14 There are two Sites of Special Scientific Interest (SSSIs) within 2km of the appeal site. These being Birches Varn Meadows SSS (approximately 960m to the south) and Alvecote Pools SSSI (1.95km to the north west).
- 1.15 There are three locally designated sites identified within 1km of the site boundary. The Roundberry (LWS) is located c.525m northwest of the site, Roundberry Quarry (LGS & RIGS) is located c.525m to the northwest and The Bushes, Donative Farm (LWS) is located c.900m northwest of the appeal site.

2. Planning History and Pre-Application Discussions

- 2.1 There is no previous relevant planning history on the site.
- 2.2 Formal pre-application discussions commenced with North Warwickshire Borough Council ('the Council') on 4th February 2025. The early proposals put forward by the Appellant at pre-application stage included outline proposals for up to 110 dwellings and associated infrastructure.
- 2.3 Along with the pre-application submission a formal EIA Screening Opinion was submitted and the Council responded on the 24th February 2025 indicating that the development was not EIA development.
- 2.4 The Appellant undertook a pre-application public consultation exercise with the local community in February 2025. This included the delivery of leaflets across the settlement providing details of the proposals and inviting residents to visit a dedicated consultation website and provide feedback on the emerging proposals. The consultation provided multiple ways in which people could provide comments, including online and via email.
- 2.5 In total 115 responses were received during the consultation period which represented a 20% response rate (based on the delivery of approximately 560 leaflets across Warton).
- 2.6 Evolve Planning, on behalf of Richborough, contacted the Parish Council on 17th February and offered to meet with the Parish Council and introduce the proposals. No response was received from the Parish Council.
- 2.7 Planning Officers at the Council provided initial advice on 12th March 2025 commenting on the principle of development and matters relating landscape and character, affordable housing provision, likely developer contributions (including onsite and financial contributions), biodiversity, archaeology, flood risk and the submission requirements for any planning application.

- 2.8 The advice's primary conclusion in relation to the principle of development was that the proposals would represent an expansion of the settlement beyond the development boundary of Warton into the open countryside which would not be in keeping with the settlement pattern of the Warton. The advice concluded that the development would be harmful to the landscape and character of the area. Concerns were expressed in terms of the amount of traffic off one point of access which was proposed via Red Marl Way initially.
- 2.9 In response to this initial advice, and the community engagement, a revised access strategy was prepared and the principle vehicular access was moved from Red Marl Way to Church Road. Additionally, further work including a Flood Risk Assessment, Landscape and Visual Appraisal, Appearance Strategy, Badger Survey and further engagement with the County archaeologist was undertaken to inform the Appellant's final proposals and outline planning application.
- 2.10 The Appellant's final proposals which formed the planning application included a scheme for up to 110 dwellings, access and associated infrastructure.

3. The Development Plan

3.1 The development plan for the appeal site against which planning applications should be determined, as per Section 38(6) of the Planning and Compulsory Purchase Act 2004, currently comprises the following:

- North Warwickshire Local Plan (adopted September 2021)
- Polesworth Neighbourhood Plan ('made' June 2025)

3.2 The North Warwickshire Local Plan, as adopted on 29th September 2021, is less than 5 years old but pre-dates the publication of the current NPPF (December 2024) and all changes to national planning policy introduced by the current Government.

3.3 The Council published an updated Local Development Scheme (LDS) in February 2025 which covers the period to 2028 and sets out the anticipated timetable for the progression of future development plan documents (DPD). The LDS sets out the timetable for the Local Plan Review with the first stage (an Issues and Options consultation) scheduled for Spring 2025. Once adopted the Local Plan Review would replace the adopted plan. The new local plan will not be submitted before late 2026 based upon the Council's current LDS. Given the early stage of the review of the local plan it is not relevant to this appeal.

3.4 Those relevant development plan policies to the appeal proposals include the following:

North Warwickshire Borough Local Plan (NWLP)

Referenced with the Planning Statement submitted as part of the outline planning application

- Policy LP1 – Sustainable Development
- Policy LP2 – Settlement Hierarchy
- Policy LP5 – Amount of Development

- Policy LP7 – Housing Development
- Policy LP8 - Windfall
- Policy LP9 – Affordable Housing Provision
- Policy LP14 – Landscape
- Policy LP15 – Historic Environment
- Policy LP16 – Natural Environment
- Policy LP17 – Green Infrastructure
- Policy LP21 – Services and Facilities
- Policy LP22 – Open Space and Recreation Provision
- Policy LP23 – Transport Assessments
- Policy LP 27 – Walking and Cycling
- Policy LP29 – Development Considerations
- Policy LP30 – Built Form
- Policy LP33 – Water and Flood Risk Management
- Policy LP34 – Parking
- Policy LP35 – Renewable Energy & Energy Efficiency
- Policy LP36 – Information and Communications Technologies
- Policy LP37 – Housing Allocations
- Policy LP38 – Reserve Housing Sites

Polesworth Neighbourhood Plan 2022-2033 (PNP)

- Policy PNP1 - Protecting Local Green Space
- Policy PNP3 – Sustainable Design and Construction
- Policy PNP4 – Conserving and Enhancing the Landscape
- Policy PNP7 – Sports, Recreation and Leisure Facilities
- Policy PNP8 – Transport
- Policy PNP9 – Preserving the Separate Identify of Polesworth’s Villages

3.5 Other material planning considerations include:

- National Planning Policy Framework (NPPF) (December 2024)
- Planning Practice Guidance (online resource)
- Written Ministerial Statements
- National Model Design Code
- Affordable Housing Supplementary Planning Document (SPD) and Addendum adopted June 2008 and December 2010 respectively
- Air Quality SPD adopted September 2019
- Provision of Facilities for Waste and Recycling for New Developments and Property Conversions SPD adopted January 2023
- Planning Obligations for Sport, Recreation and Open Spaces SPD adopted January 2023
- North Warwickshire 5 Year Housing Land Supply (published April 2024 and any subsequent update)

- Annual Monitoring Report March 2024
- North Warwickshire Landscape Character Assessment 2010
- Settlement Sustainability Appraisal 2018
- Settlement Sustainability Appraisal 2023

4. The Proposed Development

- 4.1 An outline planning application ref PAP/2025/0155 subject to this appeal sought permission for the following description of development:

“Outline planning application for the construction of up to 110 dwellings, with access, landscaping, sustainable drainage features, and associated infrastructure. All matters are reserved except for primary vehicular access from Church Road.”

- 4.2 The scheme is for the residential development of the site including the erection of up to 110 dwellings, landscaping and associated infrastructure including access and sustainable drainage features.
- 4.3 The proposals include 40% affordable housing.
- 4.4 The application is in outline with all matters, save for access, reserved.
- 4.5 The Appellant made changes to the access of the proposed scheme in response to the pre-application advice and pre-application consultation.
- 4.6 Plans for approval, which reflect the revised scheme, are set out below:

Plan	Reference
Site Location Plan	STN-GEN-SW-DR-MP-01 Rev K
Parameter Plan	STN-GEN-SW-DR-MP-02 Rev J
Proposed Site Access Arrangements – Detailed Context	T24529 002 Rev G

- 4.7 The Appellants submitted the outline planning application on 1st April 2025, the application was subsequently validated on 25th April 2025. The statutory 13-week period for the determination of the application expired on 25th July 2025. The Council failed to determine the application within the statutory timeframe.
- 4.8 The non-determination of planning application PAP/2025/0155 forms the basis for this appeal.

4.9 Planning officers produced a report, presented to Members at the Planning & Development Board Meeting on 6th October. This identified 5 recommended reasons for refusal:

1. The proposal would be contrary to the Council's spatial planning policy as represented in its settlement hierarchy as defined in the North Warwickshire Local Plan 2021. Warton is a Category Four Settlement within that hierarchy and owing to the limited services and facilities within it, the proposal would represent a wholly disproportionate and unsustainable addition to the settlement. It is considered that the benefits of the proposal, including the engagement of the titled balance as outlined by the applicant do not outweigh this significant harm. The proposal is thus contrary to Local Plan policies LP1, LP2 and LP30 together with policy PNP3 of the Polesworth Parish Neighbourhood Plan 2025 as supplemented by the National Planning Policy Framework.
2. The proposal would result in an unacceptable intrusion into the open countryside that would give rise to landscape and visual harm. Further, the scheme would give rise to harm to the settlement morphology of Warton, given the site reads as an adjunct to the settlement, rather than integrating with the settlement. The proposal is thus contrary to Local Plan policies LP1, LP14 and LP30 together with PNP3 and PNP4 of the Polesworth Parish Neighbourhood Plan 2025 as supplemented by the National Planning Policy Framework.
3. The proposal would give rise to harm to social cohesion. Warton has seen a considerable quantum of development in the recent past and an additional increase in 110 dwellings to the settlement would give rise to new residents failing to integrate effectively into the settlement. The proposal is this contrary to Local Plan policies LP1, LP14 and LP30 together with PNP3 and PNP4 of the Polesworth Parish Neighbourhood Plan 2025 as supplemented by the National Planning Policy Framework.

4. The provision of affordable housing at the edge of the settlement would not result in the residents of these units integrating effectively into the settlement and the creation of a balanced and integrated community.
 5. The proposal would result in the permanent loss of an area of approximately 5.7 hectares of best and most versatile agricultural land. As such the application proposals would be contrary to policy LP1 of Local Plan and contrary to paragraph 187 of the National Planning Policy Framework 2024.
- 4.10 Members resolved that they would have refused the application for those 5 reasons for refusal only and these are the putative reasons for refusal
- 4.11 The LPA agree that the proposal is acceptable in all other respects, as detailed in Section 5 below. The only conflicts with the development plan and/or national policy are those expressly listed in the 5 reasons for refusal set out in the Planning & Development Board Report which was the subject of the resolution.

5. Matters Agreed Between the Parties

- 5.1 The following matters are agreed upon by the signatory parties.

Locational Sustainability

- 5.2 The site is located directly adjacent to the settlement boundary of Warton, a tier 4 settlement, within North Warwickshire Borough. The parties agree that the description of the site and its surroundings set out at Section 1 of this Statement of Common Ground accurately reflects the site and its context.
- 5.3 The site is located in close proximity to a shop, recreational facilities, a village hall, two pubs and a primary school within the village as referenced in para 1.11, which are accessible by walking and cycling.

Housing Land Supply Position

- 5.4 The North Warwickshire Local Plan was adopted in September 2021 and is therefore under five years old. Therefore, the Council is required to demonstrate a five-year supply of deliverable housing land (including appropriate buffer) against the housing requirements set out in its Local Plan.
- 5.5 The NPPF (2024) reintroduced the requirement for authorities to apply a 5% buffer to the five-year housing land supply in all circumstances. A 20% buffer should be applied in circumstances where there has been significant under delivery when tested against the Housing Delivery Test.
- 5.6 The parties agree that the latest Housing Delivery Test (HDT) result, published 12th December 2024, show that North Warwickshire Borough Council achieved a result of 81% and therefore a 20% buffer must be applied to North Warwickshire's five-year housing land supply requirement.
- 5.7 The Council's published five-year housing land supply position was set out within the Planning and Development Board Report and 5 years housing land supply statement which indicates it is between 1.5 -2.2 years. The Appellant is reviewing the Council's

position statement provided on 16th October 2025 and will produce its own supply figure in the Housing Land Supply specific SoCG. The parties agree that the Council cannot currently demonstrate a five-year supply of housing land. There is disagreement between the parties as to the level of the Council's housing land supply. This is detailed below in Section 6 of this Statement of Common Ground and will be supplemented with a further topic-specific SoCG.

Presumption in Favour of Sustainable Development

- 5.8 The parties agree that given that the Council cannot currently demonstrate a five-year supply of housing land, development plan policies involving the provision of housing are out-of-date. As such paragraph 11d of the NPPF is engaged and the presumption in favour of sustainable development applies.
- 5.9 The 'tilted balance' is engaged with regards to the determination of the appeal proposals – i.e. whether any harm significantly and demonstrably outweighs the benefits to justify a refusal.

Principle of Development

- 5.10 The parties agree that following the application of the 'tilted balance' the policies relating to the provision and location of housing within the Borough are out of date. This includes policy LP2 (Settlement Hierarchy), Policy LP7 (Housing Development) and Policy LP38 (Reserve Housing Sites).
- 5.11 The parties agree that Local Plan Policy LP2 states that in Category 1-4 settlements, development adjacent to settlement boundaries may be acceptable. The policy text states that development directly adjacent to settlement boundaries may also be acceptable, including those that would enhance or maintain the settlement, provided it is proportionate in scale.

Affordable Housing

5.12 The housing mix meets the requirements of Policy LP7 (Housing Development) and will provide a variety of types and tenures to reflect the needs of the borough.

5.13 The parties agree that Policy LP9 (Affordable Housing) requires 40% affordable homes on major residential developments on Greenfield (previously agricultural use) sites. This would equate to up to 44 dwellings as part of the appeal proposals. The detail of affordable housing will be the subject of a scheme to be agreed at the reserved matters stage and secured via S106 Agreement. At present there is no registered social landlord agreed for the site.

Access & Highways

5.14 Following the Stage 1 Road Safety Audit, the County Council's highways department has raised no objection to the proposed development on 26th September 2025.

5.15 The Appellant has offered to include the financial contributions towards highways improvements where these are CIL Regulation 122 compliant.

5.16 Two bus stops are situated on Maypole Road, adjacent to Church Road and are located 625m walking distance of the appeal site and provide a bus services to and from Tamworth and Polesworth (see timetable and route within topic specific SoCG).

5.17 Tamworth Railway Station can be accessed via the bus and provides regular services to a high number of destinations.

5.18 It is agreed that the vehicular access from Church Road will allow for suitable vehicular and pedestrian access to the site.

5.19 The proposal accords with Local Plan Policy LP29 (6).

Landscape

5.22 The parties agree that the proposal's landscape impact would be local in extent and impact.

Visual Impact

5.23 The parties agree that the proposal's visual impact would be local in extent.

5.24 The parties intend to agree a topic-specific Statement of Common Ground in respect of landscape character and appearance matters.

Ecology & Biodiversity Net Gain (BNG)

5.25 The site is not on or adjacent to any statutory designation for nature conservation. None of the onsite habitats are of principal importance.

5.26 The proposed development demonstrates that it can provide a biodiversity net gain in excess of the required 10% on-site.

5.27 The proposal accords with Local Plan Policy LP16.

Flood Risk and Drainage

5.28 The entirety of the appeal site is located within Flood Zone 1 – land at least risk of flooding.

5.29 The Drainage Strategy demonstrates that a suitable drainage solution including SuDS attenuation ponds can be provided and that the proposed development will not result in any detrimental impact on the existing surrounding properties and will not result in or cause an increase of flood risk.

5.30 The proposal accords with Local Plan Policy LP33.

Arboriculture

5.31 The proposed development would not result in any Category A, B or C trees and that only a small loss of 15m of low quality and declining hedgerow to enable access to the development on Church Road would be required. The removal of the hedgerow would not result in a significant visual amenity impact.

Heritage & Archaeology

- 5.32 It is agreed that the proposed development would not cause harm to the significance of the designated and non-designated heritage assets. The site comprises a neutral element in the setting of two listed buildings (Holy Trinity Church (Grade II) and St Edith Church (Grade I)) which makes no contribution to their significance. The development will result in a small visual change within their settings, which will have no effect on how their significance is appreciated or understood. As there will be no harm, the statutory duties under s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are not expressly engaged.
- 5.33 There are no archaeological constraints to the site's development, Warwickshire County Council have requested an archaeological condition to ensure any archaeological remains are protected through a written scheme of investigation.
- 5.34 The proposal accords with Local Plan Policy LP15.

Agricultural Land

- 5.35 It is agreed that the site is made up of sandy loams with slowly permeable reddish clay at varying depth. Land is of Grade 2 (72%) and Subgrade 3a quality (26%), restricted by wetness and in places equally limited by droughtiness. Other land (2%) comprises a small shrubby area around a pond.
- 5.36 The loss of Best and Most Versatile (BMV) land is a material consideration that needs to be weighed in the planning balance, having regard to the economic benefits of agricultural use of the specific site (NPPF 187(b)).
- 5.37 It is agreed that the proposal would lead to permanent loss of 5.7 hectares of BMV agricultural land.

Residential Amenity

- 5.38 There are no harms to existing residential properties from a residential amenity perspective, including impact on neighbouring amenity, impact on sunlight, daylight,

noise and air pollution. Equally, it is agreed that all proposed dwellings will have appropriate residential amenity.

Benefits of the proposed development

5.39 It is agreed that the benefits of the proposed development include:

- Provision of up to 110 new dwellings.
- The provision of up to 44 affordable homes through a legal agreement
- Creation of a new green space and play areas publicly accessible to both new and existing residents
- Economic benefits in respect of construction and supply-chain logistics as well as increasing local spend contributing to the economic dimension of sustainable development
- Increased Council Tax receipts
- Ecological enhancement on site and securing Biodiversity Net Gain above the required 10%.

6. Matters of Disagreement Between the Parties

6.1 The following matters are not agreed between the signatory parties.

Principle of development

6.2 Whether the Appeal development accords with the settlement hierarchy (Policy LP2) and whether there will be any harm to the spatial strategy.

6.3 The parties do not agree as to the level of weight that should be attributed to the settlement hierarchy and Policy LP2 (Settlement Hierarchy).

6.4 The LPA contends that the development of up to 110 dwellings would be unsustainable and would be a disproportionate addition to the settlement which has limited facilities, accessibility and services. The amount of development proposed is not appropriate to the scale and function of Warton.

6.5 The Appellant considers that the settlement can cater for additional development. Moreover, the Appellant considers that the development would enhance or maintain the vitality of Warton.

6.6 Whether there is a choice of sustainable transport modes to and from the site. The evidence submitted by the Appellant indicates that there is choice of sustainable transport modes. Whereas the LPA contends that the site has limited travel options and future residents would be almost wholly dependent on the car.

6.7 The LPA do not agree that this outline planning application can provide a pedestrian or vehicular link onto Red Marl Way. The appellant will provide evidence to the contrary on this.

Housing Land Supply Position

6.8 The quantum of the number of deliverable homes to be included within the five year housing land supply. (The Council accepts that this supply is no greater than 2.2 years, applying a 1 April 2025 base date). There is disagreement about the exact figure of the

5 years housing supply and the weight that should be accorded to this in the planning balance.

6.9 The LPA consider that the published Housing Delivery Test indicated at para 5.7 used incorrect figures so these were disputed. The Appellant will comment on this in the Housing Land Supply SoCG.

6.10 The parties will agree a topic-specific Statement of Common Ground in respect of Housing Land Supply.

Landscape Character and Appearance, and Design Matters

6.11 Whether the Appeal development will give rise to harm to the character and appearance of the area and if so, the scale of that harm.

6.12 Whether the Appeal proposal will have a harmful impact on the morphology of the Warton.

6.13 Whether the Appeal Proposal's links to the existing village are acceptable.

6.14 Whether the Appeal proposal will integrate with the existing built form.

6.15 The Appellant considers that the development will provide a natural addition to the settlement and the affordable housing would be well integrated into Warton. The LPA argue that the proposal would not provide a cohesive development by design and would not be integrated effectively into the settlement especially the affordable housing elements of the scheme.

6.16 The parties intend to agree a topic-specific Statement of Common Ground in respect of landscape character and appearance matters.

Agricultural Land

6.17 Whether the loss of BMV land will give rise to a conflict with national planning policy.

6.18 The weight to be accorded the loss of agricultural land within the planning balance.

Planning Balance

- 6.19 Whether the proposal complies with Policy LP2 of the North Warwickshire Local Plan.
- 6.20 Whether the Appeal proposal complies with the development plan as a whole for the purposes of s38(6).
- 6.21 If the Appeal proposal is not in accordance with the development plan (considered as a whole), whether material considerations (including the presumption in favour of sustainable development) indicate that planning permission should be granted.
- 6.22 Whether the harms would significantly and demonstrably outweigh the benefits of the scheme, for the purposes of NPPF 11d(ii) which is agreed to be engaged.

7. Planning Obligations

- 7.1 A list of agreed planning obligations will be incorporated within a draft S106 Agreement. This will be submitted as part of the appeal proceedings.

8. Planning Conditions

- 8.1 A list of draft planning conditions will be prepared by the Council and agreed with the Appellant. This will be submitted as part of the appeal proceedings.