

Appeal by Gladman Developments Ltd

Land off York Close, Market Bosworth

Against the refusal of outline planning permission for:

"Outline planning application for the erection of up to 100 dwellings (including 40% affordable housing) with public open space, landscaping, sustainable drainage system (SuDS) a vehicular access point and the demolition of one residential dwelling. All matters reserved except for means of access"

Statement of Common Ground between

Gladman Developments Ltd

and

Hinckley and Bosworth Borough Council



October 2025

CONTENTS

1	Introduction.....	4
1.1	Background.....	4
1.2	Parties.....	4
2	Background and Proposals.....	5
2.1	Background to the Appeal.....	5
2.2	The Appeal Site and its Surroundings.....	6
2.3	The Proposals.....	7
2.4	Drawings Sought for Approval.....	7
3	Planning Policy.....	9
3.1	Development Plan.....	9
3.2	Relevant Policies	9
4	Matters of Agreement	11
4.1	Introduction.....	11
4.2	Scale of Weighting.....	11
4.3	Affordable Housing	11
4.4	Access.....	12
4.5	Appeal Decision	12
4.6	Air Quality.....	13
4.7	Built Heritage and Archaeology.....	13
4.8	Biodiversity Net Gain.....	13
4.9	Design and Layout	14
4.10	Drainage and Flood Risk.....	14
4.11	Ecology and Biodiversity.....	14
4.12	Economic Benefits	15
4.13	Emerging Local Plan.....	15
4.14	Highways.....	15
4.15	Housing Land Supply	15
4.16	Landscape.....	16
4.17	Local Plan Policies.....	16
4.18	Neighbourhood Plan.....	17
4.19	Noise.....	17
4.20	Planning Obligations.....	18
4.21	Public Open Space	18

4.22	Site and Settlement Sustainability	18
4.23	Tilted Balance	19
5	Matters of Disagreement.....	19
5.1	Introduction	19
5.2	Residential Amenity	19
5.3	Policy Conflict.....	19
5.4	Design	20
5.5	Planning Balance.....	20
6	PLANNING OBLIGATIONS AND CONDITIONS	21
6.1	Section 106 Obligations.....	21
6.2	Planning Conditions	21

1 INTRODUCTION

1.1 Background

1.1.1 This Statement of Common Ground (SoCG) has been prepared jointly by Gladman Developments Ltd (herein referred to as 'the Appellant') and Hinckley and Bosworth Borough Council (herein referred to as 'HBBC' or 'the Council'). This SoCG has been prepared in accordance with the online Procedural Guide for Planning Appeals (June 2025).

1.1.2 The Statement concerns an appeal made pursuant to the refusal of outline planning permission by HBBC of planning application ref: 24/00831/OUT (herein referred to as 'the site'). The description of development is as follows:

"Outline planning application for the erection of up to 100 dwellings (including 40% affordable housing) with public open space, landscaping, sustainable drainage system (SuDS) a vehicular access point and the demolition of one residential dwelling. All matters reserved except for means of access"

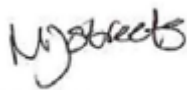
1.2 Parties

1.2.1 This final version of the SoCG is jointly agreed by:

Signed

Date

6th October 2025



Name Megan Streets

On behalf of the Appellant

Signed



Date 6 Oct 2025

Name Tim Hartley

On behalf of Hinckley and Bosworth Borough Council

2 BACKGROUND AND PROPOSALS

2.1 Background to the Appeal

- 2.1.1 The planning application that is the subject of this appeal was registered valid by HBBC on 5th September 2024. The application was accompanied by a comprehensive suite of technical reports in accordance with the Council's planning application validation requirements (CD1).
- 2.1.2 The Appellant undertook a public consultation exercise prior to the application submission. The process of engagement allowed the Appellant to consider the concerns and suggestions of interested parties through the scheme preparation process. Full details of this public consultation exercise are set out in the Appellant's Statement of Community Involvement (CD1.16).
- 2.1.3 The original statutory 13-week period for determining the Appellant's application expired on 2nd December 2024. Prior to the statutory date, the Appellant and Case Officer agreed to an extension of time until 31st January 2025, and a further extension until 28th February 2025 in order for outstanding consultation responses to be received and, if necessary, responded to. Further to this a further extension was agreed until 18th June 2025, to allow for the application to be heard at committee.
- 2.1.4 The application was heard at Planning Committee on 17th June 2025 and a decision notice was published on 18th June 2025 (CD5.01 and CD5.02).
- 2.1.5 The application was refused at Planning Committee on 17th June 2025. The application was refused with two reasons for refusal which were worded as follows:
1. The contrived proposed access results in very significant harm to the residential amenity of residents of York Close as a result of the change in character of the Close, noise and general disturbance which, when afforded very significant weight alongside the other negative impacts of the proposed development, significantly and demonstrably outweigh the benefits of the proposal. The development is contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document and Chapter 12 of the National Planning Policy Framework (2024).
 2. The applicant has not entered into a Section 106 contributions for the delivery of Affordable Housing and public open space or contributions towards highways, health, education, waste services and libraries. As such the application is considered contrary to

Policy DM3 of the Site Allocations and Development Management Policies Development Plan Document and Policy 19 of the Core Strategy.

- 2.1.6 The application submission followed a dismissed appeal from 17th August 2023. The application submitted sought to address the concerns raised by the Inspector. The new proposal gains access off York Close, rather than off Shenton Lane. The development has also been removed from the field adjacent to Shenton Lane, this area is kept as open space. The application sought to deal with the objections from the appeal and address any consultation responses.
- 2.1.7 It is agreed that reasons for refusal should be clear and precise in accordance with the Development Management Procedure Order 2015. Reasons for Refusal should specify all development plan policies which are relevant to the decision. The reason for refusal identifies conflict with policy DM10 and no other development plan policies.

2.2 The Appeal Site and its Surroundings

- 2.2.1 The application site is located in the administrative area of Hinckley & Bosworth Borough Council (HBBC) and comprises two agricultural fields. The site area measures approximately 5.61ha and it is situated on the southern edge of Market Bosworth.
- 2.2.2 The site is situated outside but adjacent to the adopted settlement boundary of Market Bosworth. Market Bosworth is identified as a 'Key Rural Centre' under Policy 7 of the Core Strategy. The village has a good range of services and local facilities, as well as sustainable transport links to Leicester.
- 2.2.3 The sites topography gradually slopes downwards from the south-eastern boundary along Shenton Lane to the north-western point of the site boundary. The two fields are self-contained and bound by hedgerows on all sides and the site sits adjacent to the current settlement boundary. To the north and west, the site is bound by existing residential development along York Close, Stanley Road and Northumberland Avenue. The southern boundary is defined by Shenton Lane, vegetation and mature trees.
- 2.2.4 The appeal site is not the subject of any environmental, open space or landscape designations and does not house any designated heritage assets.
- 2.2.5 Ridge and furrow earthworks are recorded within the east of the site by the Leicestershire Historic Environment Record, forming part of a larger area of ridge and furrow which extends to the south of the site (ref. MLE25061). Ridge and furrow earthworks are also present west of the site.

2.2.6 The appeal site is located off York Close, which is a cul-de-sac, with the town centre being located to the north east of the site. There is a wide network of public footpaths within the town, which provide good connections to the wider countryside. There are regular bus services, from bus stops at Market Place. These provide an hourly service to Leicester Monday to Saturday.

2.3 The Proposals

2.3.1 The Appellant seeks outline planning permission with all matters reserved except for access for a residential development comprising:

- The provision of up to 100 market and affordable dwellings;
- The provision of up to 40% affordable housing;
- Vehicular access point onto York Close;
- 2.71 ha of new areas of formal and informal public open space, including a Locally Equipped Area for Play;
- Structural landscape planting and the retention and positive management of key landscape features;
- Create a new walking and cycling route between York Close and Shenton Lane; and
- A sustainable Drainage System (SuDS)

2.3.2 Access to the appeal site will be provided via a new vehicular connection from York Close. This will operate via a 'T' junction that would operate under priority control.

2.3.3 As the appeal is seeking outline planning consent, the precise housing mix is not yet set. In accordance with policy 15 of the Hinckley and Bosworth Core Strategy, 40% of properties will be provided as affordable housing.

2.3.4 The appeal proposals were also supported by a Development Framework Plan (CD2.01). The Development Framework Plan is an illustrative summary of how the appeal site could be developed, taking account of the reports submitted with the application. In doing so, it indicates the provision of green infrastructure including structural landscape planting, areas of informal and formal public open space, pedestrian/cycle routes, a sustainable urban drainage system, and children's play areas.

2.4 Drawings Sought for Approval

2.4.1 The drawings for which planning permission is sought are:

Drawing Ref.

Drawing Name

CD Ref.

10352-FPCR-L-01

Site Location Plan

CD 1.02

1764-17 Rev B

Site Access Drawing

CD 1.03

3 PLANNING POLICY

3.1 Development Plan

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

3.1.2 As far as relevant to this appeal, the statutory development plan, for the purposes of S38(6) of the Planning Compulsory Purchase Act 2004 comprises:

- Hinckley and Bosworth Core Strategy (2009) (HBCS)
- Site Allocations and Development Management Policies DPD (2016) (SADMP)
- Market Bosworth Neighbourhood Plan (2025) (MBNP)

3.2 Relevant Policies

3.2.1 The parties agree that the following policies are of relevance in the determination of the appeal:

Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone
- Policy 14: Rural Areas: Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision

Site Allocations and Development Policies (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design

- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation

Market Bosworth Neighbourhood Plan (2025)

- Policy CE1: All new development within Market Bosworth
- Policy CE3: Important Views and Vistas and Landscape Character
- Policy CE5: Landscape of the Wider Parish
- Policy BD1: Affordable Housing
- Policy BD4: Heritage Asset Protection
- Policy DC1: Design Codes

4 MATTERS OF AGREEMENT

4.1 Introduction

- 4.1.1 This section of the SOCG sets out the matters on which both parties agree and therefore the following matters are not considered to be an issue for this appeal except where otherwise stated.

4.2 Scale of Weighting

- 4.2.1 The Council's scale of weight for the purposes of the appeal is as follows:

- No weight
- Negligible
- Limited
- Moderate
- Significant / Substantial
- Very significant
- Full weight

- 4.2.2 The Appellant's scale of weight for the purposes of the appeal is as follows:

- No weight
- Negligible
- Limited
- Moderate
- Significant
- Very Significant/ Substantial
- Full weight

4.3 Affordable Housing

- 4.3.1 The proposals will secure 40% of the proposed dwellings as affordable homes. The parties agree that this is compliant with Policy 15 of the Core Strategy (2009) and Policy BD1 of the Market Bosworth Neighbourhood Plan (2015).

- 4.3.2 The previous appeal gave the delivery of 40% affordable housing substantial weight. Evidence has shown that a consistent under delivery in affordable housing in Borough and the need is growing.

4.3.3 The parties agree that the provision of affordable housing is a benefit of the proposals and should be given weight in the planning balance. The appellant attaches Very Significant/substantial weight to the provision of affordable housing, and the Council attaches Significant weight. It is agreed that the housing land supply position since the previous appeal has worsened and in turn the supply of affordable housing has also got worse.

4.3.4 The affordable housing will be secured through the S106 agreement.

4.4 Access

4.4.1 The design of the vehicular access for the site is shown on the submitted access arrangement plan 1764-17. Vehicular access is achieved through the site of number 35 York Close.

4.4.2 Pedestrian access is being proposed through the access point on York Close, and an additional pedestrian access on Shenton Lane.

4.4.3 Leicestershire County Council have reviewed the access proposals and do not objection to the proposal. LCC consider the access proposals to be safe.

4.5 Appeal Decision

4.5.1 The site was subject to a previous appeal (APP/K2420/W/23/3317090) [CD6.01]. The current appeal proposal seeks to resolve the objections that the Inspector had by removing development within the smaller parcel along Shenton Lane, and vehicular access has been removed from Shenton Lane.

4.5.2 The current proposal would not result in the same level of heritage harm as suggested by that appeal decision. It is agreed though that the proposed development is anticipated to cause less than substantial harm at the very lowermost end of the spectrum the Market Bosworth Conservation Area.

4.5.3 It is agreed that development within the larger field was broadly accepted by that Inspector and would have a negligible impact on the character and appearance of Market Bosworth and that the principal of development proposed by the current appeal was accepted.

4.5.4 It should be noted that the level of BNG to be achieved on site is now lower than that of the previous appeal site.

4.6 Air Quality

- 4.6.1 The application is supported by an Air Quality Assessment [CD1.16]. It is agreed that there are no material reasons in relation to air quality why the proposed development should not proceed.

4.7 Built Heritage and Archaeology

- 4.7.1 In accordance with Policy DM11(c) of the SADMP and paragraph 215 of the NPPF the less than substantial harm caused to Market Bosworth Conservation Area by the proposal should be weighed against the public benefits. In completing this balancing exercise great weight should be given to the conservation of heritage assets as required by paragraph 212 of the NPPF.
- 4.7.2 It is agreed that when undertaking the flat heritage balance as required by paragraph 215, the public benefits of the scheme would outweigh the less than signif heritage harm.
- 4.7.3 Ridge and furrow is present onsite and is considered a non-designated heritage asset of lower significance. It is agreed that the proposals would result in a minor level of harm to the significance of this non-designated heritage asset. The loss of the ridge and furrow should be weighed in the planning balance.
- 4.7.4 Policies DM11, DM12 and DM13 all deal with heritage and archaeology. The Conservation Officer raises no objection to the proposals, and the Council did not identify the alleged conflict with Policies DM11, DM12 and DM13 in their Reasons for Refusal.
- 4.7.5 Within the planning balance the Appellant considers that limited weight should be given to the heritage harm and the Council considers that moderate weight should be given the heritage harm.

4.8 Biodiversity Net Gain

- 4.8.1 The proposal will retain and increase in extent the on-site habitats of greater ecological value, incorporating them into the green infrastructure or public open space.
- 4.8.2 The proposal will provide biodiversity measures such as, new hedgerow and tree planting and the delivery of new garden spaces and formal and informal green spaces.
- 4.8.3 The parties agree that even though the proposal will not achieve a Biological Net Gain (BNG) on site, the mandatory net gain could be provided through off-site credits through a 3rd party, or statutory biodiversity credits.

4.9 Design and Layout

- 4.9.1 The parties agree that, as the application is in outline only, save for access, the approval of layout, scale, design and landscaping should be considered at reserved matters application stage.
- 4.9.2 The Development Framework Plan [CD2.01] indicates one way in which the site could be laid out to achieve up to 100 dwellings on the site, whilst accommodating green infrastructure, open space and sustainable urban drainage infrastructure. It is recognised that the information provided at this stage is illustrative and that the reserved matters stage would consider the exact number of dwellings, hierarchical structure of the street layout, landscaping and associated infrastructure and other detailed matters. The parties agree that, except for the access, a well-designed scheme could come forward at reserved matters stage.
- 4.9.3 LCC Highways have not raised an objection in respect of design of the access.
- 4.9.4 With regard to Policy DM10, the parties agree that the proposals comply with parts b) and parts d) – i) insofar as what is required at outline stage. It is also agreed that there are no objections from statutory consultees in relation to matters of lighting, privacy standards, air quality (including odour), noise, vibration and visual intrusion.
- 4.9.5 It is agreed that paragraph 129 of the Framework relates to the efficient use of land, and 129(d) reflects ensuring that appropriate densities are maintained. There is no objection in relation to densities of the scheme.
- 4.9.6 With regard to paragraph 135(f) of the Framework, it is agreed that there are no issues with safety, crime and disorder, or the fear of crime.

4.10 Drainage and Flood Risk

- 4.10.1 The appeal site is located within Flood Zone 1 as defined by the Environment Agency.
- 4.10.2 Detailed design of surface water drainage can be secured through a suitably worded planning condition.

4.11 Ecology and Biodiversity

- 4.11.1 Both parties agree that the application site would not impact upon any ecological designations.

- 4.11.2 It is agreed that measures to enhance areas of the site which have ecological importance, as well as mitigation measures to minimise any potential impacts on wildlife, can be secured through planning conditions.

4.12 Economic Benefits

- 4.12.1 Both parties agree that the proposal will generate economic benefits. Economic benefits of the development are set out in the Socio-economic Benefits Statement [CD1.05].
- 4.12.2 The Appellant considers that economic benefits should be afforded significant weight and the Council considers that the economic benefits should be attributed moderate weight. It is agreed that previously the Inspector gave the economic benefits of the development of the site for up to 125 dwellings moderate weight in the planning balance.

4.13 Emerging Local Plan

- 4.13.1 It is agreed that very limited weight should be given to the emerging Local Plan.

4.14 Highways

- 4.14.1 There are no objections to the development of the appeal site on highway grounds from Leicestershire County Council (LCC). LCC have confirmed that they have no objection subject to conditions and that the proposal would not have a severe impact on the highways network.
- 4.14.2 LCC have thoroughly looked at the proposals, by providing two responses to the application, and did not support the addition of a reason for refusal of the application on highways safety grounds following the planning committee.
- 4.14.3 In relation to paragraph 115 of the framework, the proposed access is considered safe, and suitable. The design of the access point meets current national guidance. The site also has access to sustainable modes of transport. The site would not result in significant impacts on the highway network. LCC did not raise a conflict with paragraph 115.

4.15 Housing Land Supply

- 4.15.1 It is agreed that the Council cannot demonstrate a five year housing land supply and that the Council's housing land supply position has worsened since the previous appeal in July 2023. The Council's latest published housing land supply position is 3.89 years. In light of the lack of a five year housing land supply it is agreed that significant weight should be given to the delivery of housing.

4.16 Landscape

- 4.16.1 It is agreed by both parties that the site is not covered by any statutory designations for landscape character or quality.
- 4.16.2 It is agreed that the site has a peaceful character and that development is well contained and would not intrude significantly into the countryside surrounding the town. As noted above the development would have a negligible effect on the character and appearance of Market Bosworth. With regard to the site and immediate context it is agreed that overall the landscape effects arising from the proposals are likely to be major to moderate adverse over the short term reducing to moderate/minor adverse over the long term.
- 4.16.3 It is agreed that the visual effects experienced by residents on York Close, Stanley Road and Northumberland Avenue would be major/moderate adverse at completion and that for some residents these effects are unlikely to notably reduce.
- 4.16.4 It is agreed that the visual effect of the proposal from properties on Shenton Lane including Witherstitch Lodge Stables, a bungalow and three barns would be minor adverse reducing to negligible in the long term.
- 4.16.5 It is agreed that views of the proposals from the surrounding PRoW network will be predominantly limited to PRoW S72/6, which passes relatively near to the site's western boundary where it meets York Close and that overall, the visual effects are considered to be moderate adverse reducing to minor adverse in the long term.
- 4.16.6 It is agreed that landscape harm in and of itself in these site specific circumstances is insufficient reason for refusal and any harm must be weighed in the planning balance.

4.17 Local Plan Policies

- 4.17.1 It is agreed that HBBC's Policy 7, Policy 11, and SADMP Policy DM4 were derived from the now revoked East Midlands Regional Plan (EMRP). The settlement boundaries were based upon a housing requirement set within the EMRP for a different housing need from today.
- 4.17.2 CE5 of the Neighbourhood Plan, also relates to the settlement boundaries which were developed in accordance with the EMRP.
- 4.17.3 Developments have been approved outside of the settlement boundaries in order to meet the current housing needs. Settlement boundaries are required to flex for the Council to meet a five year housing land supply.

4.17.4 The Parties agree that the settlement boundaries are out of date.

4.18 Neighbourhood Plan

4.18.1 The Market Bosworth Neighbourhood Plan 2020 – 2039 was made on 14th July 2025.

4.18.2 The recently made Neighbourhood Plan does not seek to identify any additional residential allocations, further to the site south of Station Road which was identified in the first iteration of the Market Bosworth Neighbourhood Plan (2015-2026) and was also allocated within the SADMP.

4.18.3 The Neighbourhood Plan does not seek to meet the Local Housing Needs. The Examiner acknowledges that the housing requirement for the Town is currently unknown given the position of the emerging Local Plan. The Neighbourhood Plan does not contain sufficient allocations to meet the current local housing need.

4.18.4 The Neighbourhood Plan accepts the principal of housing developments outside of settlement boundaries within Policy CE5.

4.19 Noise

4.19.1 It is agreed that a Noise Assessment [CD1.17] was submitted as part of the application. The Environmental Health Officer reviewed the application and did not have any objection to the methodology or conclusions of the submitted Noise Assessment and therefore, had no objection on noise grounds subject to a condition regarding mitigation measures.

4.19.2 The appellant's submitted Noise Report acknowledged that during the day there would be a small but noticeable adverse effect due to noise of additional traffic on the character of York Close. This effect was considered not be so significant as to require mitigation.

4.19.3 The Noise Report also acknowledged that noise from vehicles passing on the access road would be such that mitigation in the form of a 1.8m high close boarded timber fence between the access and the dwelling to the west, 37 York Close, would be required.

4.19.4 The Noise Report considered that at night the proposals would have a negligible effect.

4.19.5 The Appellant's Noise Report concludes that there would be no significant adverse effect due to noise as a result of this scheme and planning permission need not be refused.

4.20 Planning Obligations

- 4.20.1 Both parties agree that planning obligations are required towards local infrastructure to mitigate the impacts of the development.
- 4.20.2 It is agreed by both parties that all planning obligations must be reasonably related in scale and kind to the proposed development and must also meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.
- 4.20.3 As set out in the previous appeal decision (paragraph 84), the “planning obligation would lead to some wider benefits to local people through contributions to the library which, whilst addressing the extra demands on the service would also be available to the wider community.” This benefit should be attributed limited weight.
- 4.20.4 It is agreed that the reason for refusal 2 would fall away when a S106 is agreed.

4.21 Public Open Space

- 4.21.1 The appeal proposals would provide circa 2.71ha of green infrastructure, including formal and informal open space. Details of layout, maintenance and management of on-site public open space would be secured through planning conditions and/or a planning obligation.
- 4.21.2 Policy 19 of the Core Strategy (2009) sets out the standards that will be required in relation to green space and play provision in the borough. The Development Framework Plan [CD2.01] and the Design and Access Statement [CD1.07] demonstrate that the proposed green space would be in accordance with Policy 19.
- 4.21.3 The parties agree that this provision will be available to both existing and new residents of Market Bosworth and represents a benefit of the proposals. The Appellant attaches moderate weight to the delivery of open space, while the Council attaches limited weight. It is agreed that previously the Inspector gave limited weight in the planning balance to the public open space that would have been delivered as a result of development of the site for up to 125 dwellings.

4.22 Site and Settlement Sustainability

- 4.22.1 The proposed development site lies adjacent to existing development on the edge of Market Bosworth.
- 4.22.2 It is agreed that Market Bosworth is a Key Rural Centre and there are a range of facilities and amenities in the town. These include a primary school, a secondary school, a library, a

pharmacy, a dental practice, a Co-Op food store and a newsagents (referenced on Figure 6.1 of the TA [CD2.04] under supermarket and convenience store respectively), independent shops, salons, food outlets, public houses, a country park and a sports ground.

- 4.22.3 It is agreed that Market Bosworth is a sustainable location for housing growth, with key services and facilities to meet the needs of future residents. The site is located on the edge of Market Bosworth and the Town's facilities can be accessed by safe walking routes.

4.23 Tilted Balance

- 4.23.1 It is agreed that the tilted balance within NPPF paragraph 11 is engaged and that paragraph 14 is not engaged.

5 MATTERS OF DISAGREEMENT

5.1 Introduction

- 5.1.1 This section of the SoCG sets out the areas of disagreement between the appeal parties.

5.2 Residential Amenity

- 5.2.1 The Council has identified their main concern with the development proposals is the impact on residential amenity to the properties surrounding the point of access onto York Close.
- 5.2.2 The Council considers that the proposals would bring a very significant change in the character of York Close, especially for neighbouring properties on York Close, with noise and disturbance caused by the increased traffic movements.
- 5.2.3 The Council acknowledges that these are in part subjective assessments of the impacts on residential amenity rather than those based solely on technical noise reports.

5.3 Policy Conflict

- 5.3.1 The weight given to policy conflict is disagreed, specifically the weight to be given to policies DM4 and CE5.
- 5.3.2 The Council consider within the committee report at paragraph 8.66 [CD5.01] that limited to moderate weight should be afforded to the conflict with DM4 and CE5.
- 5.3.3 The appellant attaches limited weight to the conflict with DM4 and CE5.

5.4 Design

- 5.4.1 The parties disagree that the access proposal secures a well-designed place as set out at paragraph 129e) of the Framework.

5.5 Planning Balance

- 5.5.1 The parties disagree as to the weight to be afforded to policies of the development plan and the weight to be afforded to other material considerations, and whether the harm associated with the appeal proposals would significantly and demonstrably outweigh the benefits.

6 PLANNING OBLIGATIONS AND CONDITIONS

6.1 Section 106 Obligations

- 6.1.1 The Appellant will draft a s106 obligation, and this will be issued to the Council for comment in advance of the appeal in order to provide reasonable opportunity for agreement to be reached. The draft s106 obligation will be provided to the Inspector ten days in advance of the hearing, in accordance with the PINS procedural guidance.
- 6.1.2 The s106 obligation will include provisions for the management of on-site open space, affordable housing (40% on site) and other contributions requested during the application process.
- 6.1.3 Should any new s106 requests arise before the commencement of the hearing, the Appellant will review these with the Council and include in the obligation where necessary.

6.2 Planning Conditions

- 6.2.1 A draft list of conditions will be agreed by both main parties and an agreed list will be submitted to the Inspector in accordance with the appeal timetable.