
Appeal Decision

Inquiry held on 1 – 2 October 2013, 8 – 11 and 15 July 2014

Site visit made on 15 July 2014

by Phillip J G Ware BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 February 2015

Appeal Ref: APP/J3720/A/13/2194850

Land north of Campden Road, Shipston-on-Stour, Warwickshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ainscough Strategic Land against the decision of Stratford on Avon District Council.
 - The application Ref 12/00403/OUT, dated 14 February 2012, was refused by notice dated 28 January 2013.
 - The development proposed is a supermarket (Use Class A1) with associated petrol station, customer parking and servicing; an 'extra care' retirement development (Use Class C2) comprising up to 80 cottages and 50 apartments with associated care and staff facilities; up to 54 residential dwellings (including 35% affordable housing provision) (Use Class C3); a community use (Use Class D1/D2); and associated access arrangements, open space, allotments and landscaping.
-

Procedural matters

1. The application is in outline, with only access to be considered at this stage, along with the principle of the development. The proposal as considered at the Inquiry was supported by an indicative Masterplan and a series of parameter plans¹.
2. The Inquiry was adjourned on 2 October 2013, following representations by the Council, the appellant and those representing the Co-operative Group (the Co-op) to enable an Environmental Impact Assessment (EIA) Screening Direction to be made by the Secretary of State. On 12 November 2013 the Secretary of State directed that the proposal was EIA development under the 2011 Regulations. An Environmental Statement (ES) was submitted in January 2014². There has been no suggestion that the ES does not meet the requirements of the Regulations and the ES has been taken into account in this decision.
3. The Co-op are a Rule 6 party and played a full role in the early stages of the Inquiry and in particular during consideration of the retail issue. They were not involved in the landscape issue. The 2014 sessions of the Inquiry considered retail matters first and, as agreed, the Co-op did not participate in subsequent sessions of the Inquiry. All parties agreed that the closing statement on behalf

¹ Listed at Section 4 and Appendices 4 and 5 of Document 5

² Core document ASL 8.33

of the Co-op³ should be submitted in writing, and that the Appellant would respond in writing⁴.

4. During the 2014 sessions of the Inquiry, the outstanding appeal related to land on the opposite side of Campden Road was discussed (the 'Banner Homes site'). The proposal was for up to 70 dwellings with public open space, landscaping and related works. The appeal decision⁵ was issued on 4 August 2014 and planning permission was granted. The parties were then given the opportunity to comment, and the Council and the appellant did so⁶. Their responses have been considered.
5. After the Inquiry closed in July 2014, the position of the Council changed in relation to the housing land supply situation in the District. In the light of this it had been the intention to reopen the Inquiry. However the Council's position changed again, and the matter was resolved by written submissions. This issue is discussed below.

Decision

6. The appeal is allowed and planning permission is granted for a supermarket (Use Class A1) with associated petrol station, customer parking and servicing; an 'extra care' retirement development (Use Class C2) comprising up to 80 cottages and 50 apartments with associated care and staff facilities; up to 54 residential dwellings (including 35% affordable housing provision)(Use Class C3); a community use (Use Class D1/D2), and associated access arrangements, open space, allotments and landscaping; all on land north of Campden Road, Shipston-on-Stour, Warwickshire in accordance with the terms of the application, Ref 12/00403/OUT, dated 14 February 2012, subject to the conditions set out in the Annex to this decision.

Main issues

7. The Council's reasons for refusal included matters related to layout and parking, and the location of the Extra Care accommodation. The Council and the appellants now agree that these matters can be addressed by conditions and the submitted Planning Obligation. There was also a reason for refusal related to the absence of a Planning Obligation dealing with infrastructure provision at that stage – which has since been addressed.
8. With that background there are two main issues in this case:
 - The impact of the proposed supermarket on the vitality and viability of Shipston town centre.
 - The effect of the proposal on the character and appearance of the area, including the setting of Shipston and the surrounding countryside.

³ C1

⁴ APP5

⁵ APP/J3720/A/14/2217247 Document 18

⁶ Documents 19 & 20

Reasons

The area

9. The site is located just to the west of the defined area of Shipston, on the north side of the B4053 – the main road into the town from the west. The land comprises two fields divided by a hedgerow. The site slopes up from the road at about 79 metres AOD, to 101 metres AOD in the northeast corner.
10. Further along the road to the west is the former IMI Norgren works, now to be developed by Cala Homes (the 'Cala Homes site'). Planning permission has been granted for the redevelopment of that site for 102 residential units and 929 sq.m of employment units. On the opposite side of the road is the Banner Homes site, referenced above.

Policy background

11. There are some background policy issues which are of relevance to both main issues. The development plan comprises the saved policies of the Stratford-on-Avon Local Plan Review 1996 – 2001 (2006) (LP). There are a range of policies applicable to the proposal as a whole⁷, but more specifically COM.19 refers to the retail issue and PR.1 and DEV.2 are relevant to the landscape issue.
12. LP COM19 is agreed by the Council and the appellant to be inconsistent with national policy in that it includes a needs test. There was some debate as to whether some other parts of the policy remain in accordance with the National Planning Policy Framework (the Framework) but, taken as a whole, it is clear that the policy is out of date, and that the determinative retail policy is that in the Framework (especially at paragraphs 24, 26 and 27).
13. Shipston is a Main Rural Centre in the LP, one of eight designated in this manner. The LP notes that due to the size of the District and its rural nature these settlements are essential in supporting a wide range of jobs and facilities for their own residents and people living in smaller villages nearby. Shipston, being located in the southern part of the District, serves a number of surrounding villages within and outside the administrative area⁸.
14. The Council's emerging Core Strategy has moved through various iterations before reaching its current position – namely that it is being examined. The details of the history of the emerging plan are set out in the Planning Statement of Common Ground⁹. The emerging Core Strategy, to which limited weight can be given at present, adopts a not dissimilar approach to the LP in relation to landscape.
15. The appeal site was included within a wider area as a proposed allocation in earlier iterations (2008 and 2010) of the emerging CS, but was not included in the 2012 version or subsequently. The Council explained the removal of the site in 2012 based on the Strategic Housing Land Availability Assessment (2012) and the results of the Council's Landscape Sensitivity Study.

⁷ Set out in Document 12 Section 5

⁸ Document 12 Appendix 6 lists the range of services in the town

⁹ Document 12

The effect on the vitality and viability of Shipston town centre

Background retail considerations and agreed matters

16. Shipston is a traditional market town with a number of small shops clustered around the Market Place and on the roads leading into it. It is unusual, though apparently not unique, in having two Co-op stores in close proximity, a situation which has prevailed since the Co-op acquired Somerfield premises in 2008. The larger Co-op store (TCG) was in the process of being expanded and improved at the time of the Inquiry in 2014 – with completion due in late 2014. TCG were fully represented at the Inquiry in opposition to the proposal. The smaller store is operated by Mid Counties Co-op, who have not made representations. The two Co-op stores are very similar in appearance and offer, and it is unlikely that many members of the public would appreciate the difference in ownership and operation.
17. Although Shipston does not have a defined town centre in the LP, the Market Place may reasonably be taken as the hub of the town. The appeal site is some 720 metres from this location (or 625 metres from the town centre boundary shown on the draft CS). On that basis, the parties¹⁰ agree that the appeal site is out of centre as defined in the Framework.
18. The proposed supermarket would comprise 1,800 sq.m. net floorspace (2,499 sq.m. gross), divided between 1,500 sq.m. for convenience goods and the remaining 300 sq.m. for comparison goods. The size of the store would be such that it would clearly cater for main food trips and act as a top up destination. This is agreed by the parties.
19. It is clear that, in principle, a new supermarket in Shipston is not inconsistent with the position of the town in the District's retail hierarchy. There is no doubt that the appellant has tested all site options and adopted a sufficiently flexible approach towards possible accommodation of the appeal proposal in the town centre – without success. The parties agree that there are no suitable and available sequentially preferable sites, and this did not form part of the case of any party. Based on the evidence, there is no reason to disagree with this position, and that element of paragraph 27 of the Framework is met.
20. A considerable amount of background material, including the location of existing and committed facilities in the area, population figures, and expenditure, has been agreed by the parties and is set out in the Retail Statement of Common Ground¹¹. It is not proposed to rehearse these matters here, but some matters are of note. In particular the Study/Survey area was agreed, as was the extent of zones around the town. The benchmark turnover of the proposed supermarket has been agreed, as has the company average sales density for the Co-op convenience goods floorspace.

Historical changes to emerging retail policy

21. No party placed any great weight in policy terms on the earlier iterations of the CS, but there is some merit in the argument that the positive approach of the Council (illustrated by former draft CS policy Ship 1) towards the need for an improvement in the retail offer in Shipston was soundly based on the Colliers

¹⁰ In this section, 'the parties' includes the Co-op

¹¹ Document 11

2008 Study¹². This Study identified a capacity for a 2,500 sq.m. store and, though criticised for the absence of an impact assessment (probably explained by the lack of a specific proposal to assess), appears to have been a thorough piece of work.

22. What is less clear is the change in the evidence base which has led to later changes in the Council's position, as the updates to the 2008 Study also address the substantial unmet need in the area. Even the 2014 iteration (which oddly omits the Co-op extension) deals with poor retention rates in the rural market towns such as Shipston.
23. One suggested reason for the change in the Council's position was the need to consider the position at Southam, where an edge of town store was being developed. However, even if that were the case, from the limited evidence available, Southam town centre remains healthy, and includes the edge of centre main food store and an in-centre Co-op, which was apparently refurbished after the out of town store opened. Overall, the reason for the change in the Council's position is not fully explained by the evidence before me.

The current retail position

24. Although the figures differ between the three retail witnesses, there is no doubt that there is a substantial leakage of expenditure out of the Shipston study area to larger stores in higher order centres, especially in relation to main food shopping. The precise figure is of limited relevance, as it is clear from the evidence that there is a considerable leakage from the catchment area. Although there are two convenience stores in Shipston town centre, around two thirds of the overall convenience trade and the great majority of main food expenditure from the primary catchment area of the town is spent at out of centre stores at significant distances. Anything between 7 and 30 mile round trips are undertaken.
25. There was some suggestion that, as the residents of Shipston and the surrounding area have access to these more distant retail facilities, their needs are met, and this in some way diminishes the issue. However this is to ignore the effect that this has on Shipston town centre, the inconvenience to residents, and the unsustainable travel modes and patterns which the current situation brings about. It also assumes that all residents have easy access to transport to these more distant locations.
26. There are differences between the retail witnesses related to the trade draw and trade diversion of the proposed supermarket from each zone. One relatively minor difference is that the appellant (unlike the Council and the Co-op) allows for some inflow to the new store from outside the Study Area. This is reasonable as, although such trips are likely to be limited, the draw of the proposed supermarket will not cut off at a defined boundary. Some residents, for whatever reason, would make apparently excessive trips to the proposed supermarket for a range of personal reasons.
27. There is broad agreement between the parties in relation to Zone 3, and the main difference occurs in relation to Zone 2, as one moves closer to Shipston. Some parts of this Zone are within 10 minutes' drive of the town. The Council

¹² Document SDC 4.4

and the Co-op assume between 5% and 7% of the new store's trade coming from this zone, whereas the appellant adopts a higher figure of 15%. To a large extent this difference is a matter of professional judgement and opinion. This is made more uncertain by the fact that no operator has been named for the supermarket, and different operators may have different attractiveness at distances. Overall, given the relative proximity of parts of this Zone to the proposed supermarket, the appellant's higher figure appears more realistic.

The current retail offer in Shipston and the impact of the proposal

28. Shipston is an attractive and comparatively small market town, with the retail offer anchored by two very similar small Co-op stores in the town centre. Although there are some differences in the appearance and offer of these stores, these differences are very limited. From the evidence before me and from what I saw on site, the differences are not significant and, to all intents and purposes, there is very limited choice or competition for consumers. The need for improved provision was assessed in the 2008 Colliers Study, but is a matter on which the Council is largely silent.
29. As set out above, there is no suggestion that there is a sequentially preferable site on which this deficiency can be rectified. The only known investment of any significance within the town centre is the extension to the larger Co-op, which was stated to be going ahead regardless of the outcome of this appeal – and by the time of this decision should have been completed. However this will not address the lack of local consumer choice. In addition it will still result in a store far too small to address the quantitative shortfall, and will remain a store with some inherent layout drawbacks.
30. The proposal therefore provides improved local consumer choice, and is accordingly in line with that part of paragraph 26 of the Framework. This matter weighs in favour of the proposal.
31. Turning to the impact of the proposal on the vitality and viability of the town centre as a whole, the three retail witnesses again produced different figures – largely related to the differing inputs and assumptions. These range from 40% (the appellant's position), through 48% (the Council's position), to 52% (the Co-op's position). Each of these is clearly justified in its own terms, and equate to a financial impact of between £3.25 million to at least £4.95 million. This is clearly a substantial impact, but is potentially mitigated by two factors – the way in which the impact might fall on stores which are significantly overtrading, and the potential for linked trips.
32. Although the effect on Shipston town centre must be considered as a whole, the effect on the two Co-op stores is of very considerable importance, as these stores effectively anchor the convenience offer in the town centre. There was some suggestion that judging impact in relation to benchmarking is not appropriate, however it is an orthodox approach and is adopted here.
33. There is no doubt that the two Co-op stores are significantly overtrading in comparison with the agreed benchmark figure and that, if the appeal scheme goes ahead, the larger store will still be trading at 7% over benchmark, whilst the smaller Mid-Counties store would be trading between 60% - 75% below benchmark.

34. Based on this and the extension at the larger Co-op, the appellant accepts that the smaller Mid-Counties store may close. Although the position of the Mid-Counties Co-op towards the appeal proposal is not known, this seems at least possible. The larger Co-op store, refurbished and extended, would be in a far better position and their stated position is that they would not close – indeed they might acquire trade due to brand loyalty if the smaller Co-op were to close.
35. The appellant suggests that, if the smaller Co-op were to close, the unit would be occupied by another retailer. There is no way of proving this assertion but, based on what I saw on site and vacancy rates, this is at least a reasonable possibility. In any event, even if the vacated unit were occupied by a non-food store and given that the smaller Co-op store largely duplicates the larger, there would be little detriment to the convenience offer in the town centre.
36. Overall, there is some evidence that some independents in the town centre are underperforming and some limited evidence of churn in units, and there is natural concern regarding the impact of a new supermarket on smaller stores – especially as the supermarket would have free and accessible parking. But overall, the impact on the two anchor stores and the town centre is not such as would justify dismissing the appeal.
37. The situation regarding linked trips is largely subjective. Clearly the two Co-op stores generate linked trips to other parts of the town centre. If the proposed supermarket goes ahead, the reduction in trade at the larger Co-op store, along with the potential loss of the smaller store, would result in a reduction in linked trips. However what is not known is how many of the customers of the smaller store would transfer to the larger, thereby maintaining the linked trips. What is even less certain is the number of linked trips from the new supermarket to the town centre. This is essentially unquantifiable, but what is clear is that clawing back trade to the appeal site, rather than continuing the massive leakage to other areas, would generate at least the potential for an increase in linked trips.

Other retail matters – the Tilemans Lane appeal decision

38. All parties have assessed the relevance of a 2001 appeal decision at Tilemans Lane¹³. Various assertions were made to me as to the health of Shipston town centre at that time and in the period leading up to that appeal. Although it is of note that the current appeal proposal is around 25% larger than the Tilemans Lane scheme, and the Inspector in that case found a 37% impact to be unacceptable, this is of limited weight in relation to the current appeal. The detail of the evidence put before the previous Inspector is not known, national and local policy has moved on since that time, and various parties have subsequently assessed and updated the changing retail position in Shipston.

Other retail matters – the Banner Homes permission

39. Since the close of the Inquiry, planning permission has been granted for up to 70 dwellings on the opposite side of Campden Road¹⁴. The appellant has noted that this decision should ideally have been built into the retail assessments, and stated that new residents would be highly likely to shop in the same

¹³ APP/J3720/A/01/1057814

¹⁴ APP/J3720/A/14/2217247 Document 18

manner as existing residents – i.e. that around 75% would carry out their main shopping outside Shipston, exacerbating the current unsustainable patterns of travel. Revised assessments are not necessary, but it is reasonable to assume that the appellant's position regarding the shopping patterns of new residents is correct.

Conclusion on retail matters

40. There is no substantive evidence of any existing, committed and planned public and private investment in the Shipston catchment area. The only investment, aside from the appeal scheme, where detail was provided was the Co-op extension and improvement, and this has gone ahead regardless of and in full knowledge of the appeal scheme.
41. The proposal complies with the sequential test, as accepted by all parties.
42. The proposal would represent a significant improvement in consumer choice. There would clearly be an impact on the town centre, but the consequences of this are not such as should cause the appeal to be dismissed. Overall, the proposal would not harm the vitality and viability of Shipston town centre.

The effect on the character and appearance of the area

43. The development plan policy context is provided by saved LP policies PR.1 and DEV.2, which deal with the need to respect the landscape and settlement character. These policies reflect the approach of the Framework, which is to recognise the intrinsic character and beauty of the countryside. In 2010 the emerging CS recognised the development potential of the site, but it is far from clear to what extent landscape issues were taken into account and, in any event, the CS has moved on since that time – this matter is of historical interest only.
44. An assessment of the zone in which the appeal site is located was undertaken by White Consultants in 2011 (the White Study)¹⁵, and a Landscape Capacity Study of the appeal site itself has also been undertaken. The site is within National Character Area 96: Dunsmore and Feldon (2013).
45. The parties agreed that the appeal site is part of an area of medium sensitivity for residential development and high/medium sensitivity for commercial development. It is further agreed that these are the lowest categories of sensitivity surrounding Shipston for both forms of development.
46. The Council and the appellant agreed a range of viewpoints for the appellant's Landscape and Visual Impact Assessment (LVIA). No objection was raised to the methodology used in the LVIA, which is broadly in line with the principles published by the Landscape Institute and the Institute of Environmental Management and Assessment. I visited all the agreed viewpoints, and others, during my site visit. The appellant's montages were accepted as accurate by the Council in the Statement of Common Ground, although the landscape witness for the authority raised some detailed points at the Inquiry – however these matters were not pursued, and I consider the montages are fair representations of the proposal.

¹⁵ SDC 5.3

47. From the evidence before me and specifically from my site visit, I consider the Council's approach begins from a position of overstatement of the landscape value of the area. The Inquiry evidence from the Council refers to the landscape as being of great value and, particularly in the light of the White Study, this appears to be an overstatement of its worth. The appeal site is not located in a statutory or locally designated area of landscape protection, and this approach effectively equates the area to such a specifically designated area. I am also concerned with the Council's calibration of the magnitude of change – which equates the effect of the proposal to that which would be caused by a very major development in high value countryside.
48. Turning to the effect on the area itself, rather than the assessments by the landscape witnesses, it is clear that from certain agreed viewpoints, most of Shipston is seen sitting in the valley floor. There is little development up the surrounding slopes.
49. The proposal would extend the development into open countryside. This effect would be noted particularly when travelling along Campden Road or viewing the area from footpaths to the south. However, visibility does not necessarily equate to harm, and there are three factors which lead me to the conclusion that the development would not harm landscape character – the presence of the Cala Homes site to the west, of the Banner Homes site to the south, and the limited extent to which the proposal would rise up the lower slopes of Waddon Hill to the north.
50. The Cala Homes scheme is a very significant amount of housing and commercial development. There was some debate at the Inquiry as to the extent that this would be appreciated from the surrounding area, due to the amount of boundary screening. Having carefully considered the plans showing boundary retention and planting, I am of the clear view that this substantial development, set at a significantly higher level than the appeal site, will be appreciated from a range of public viewpoints – contrary to the view expressed by the Council at the Inquiry. That said, the Cala Homes development will be visually discrete and will not read as part of Shipston.
51. The Banner Homes development on the south side of Campden Road will extend the settlement westwards towards the Cala Homes site.
52. The proposed development would therefore be enclosed by urban development on three sides. The consequence would be to visually connect the existing developed area of Shipston, including the Banner Homes site, to the Cala Homes site. This can reasonably be seen as a logical extension of the settlement to link with the currently isolated Cala Homes development and, in principle, there is nothing harmful in extending the settlement further along the valley floor. The proposal would not conflict with the criteria in LP policy DEV.1 one of which relates to the need for development to be integrated with the existing settlement in terms of land uses and physical form.
53. This leads to consideration of the extent to which the proposal would rise above the valley floor towards Waddon Hill. The White Study identified the site within a zone with medium landscape sensitivity and which had the potential to accommodate some housing. However that was envisaged to be below the 85 metre contour level – part of the current proposal would extend above this.

54. The Council's landscape witness, whilst accepting development up to the 85 metre contour, also stated that the southeast part of the site could be developed (which would approximately reflect the Banner Homes site to the south). Taken together, these two points mean that the Council's position is that a significant part of the appeal site could be developed without landscape harm.
55. To the extent that part of the scheme would be above the 85 metre contour, this raises the question of the relevance of this distinction. There is nothing on the ground or any break in the slope to reflect this contour line, and this level does not in any way contain the town visually. The development would still read as being located in the valley, rather than rising up the valley sides to a significant extent. The Council drew support for their view of the importance of the 85 metre contour from the Banner Homes appeal decision. However I read that decision as referring to the contour line as a matter of fact, rather than endorsing its importance.
56. There was some criticism of the credibility of the Council's landscape witness at the Inquiry. It is true that she was only retained during the appeal process but, although I disagree with some of her assessments, her evidence was clearly presented and it is not unusual for a consultant to be retained after planning permission is refused. What is of slightly more relevance is the fact that Mr White, the author of the White Study (within which the 85 metre contour had been initially identified) was stated by the Council as having declined to represent the position of the authority at the Inquiry.
57. Overall, there would clearly be a change in the landscape as a result of the proposal. Undeveloped fields would be replaced by housing and commercial development. However change does not equate to harm. Although the appeal site is outside the built up area of Shipston and within open countryside, the existence of two other permissions in the immediate area, with which the appeal scheme would link, means that the scheme would be viewed as a logical continuation of the settlement, linking other developments. The slope of Hanson Hill would rise above the buildings, as it does above other existing buildings.
58. For the above reasons, the proposal would not harm the character and appearance of the area, including the setting of Shipston and the surrounding countryside. It would comply with LP policies PR.1 and DEV.2.

Other matters

Housing land supply

59. Prior to the 2014 sessions of the Inquiry, the Council and the appellant¹⁶ concluded a Statement of Common Ground related to Housing Land Supply¹⁷. This stated that there was less than a five year supply of housing land within the District and that therefore paragraph 49 of the Framework was engaged. The parties differed as to the extent of the shortfall but agreed that there was therefore no need to consider the details of the position at the Inquiry, and no evidence was heard on this matter – it being left to submissions.

¹⁶ The Co-op were not involved in the housing aspects of the proposal

¹⁷ Doc 10

60. As summarised above, the position of the authority changed after the close of the Inquiry, and the Council advised (21 August 2014) that the authority had a 5.4 year supply as of March 2014. This was not accepted by the appellant.
61. After exchanges of correspondence and the publication of several appeal decisions, the Council submitted a note produced on 2 January 2015¹⁸ which stated that a five year housing land supply did not exist, and that the supply was 4.5 years. Based on the Council's starting point, the appellant broadly agreed with that figure, but pointed out that their preferred starting point led to only a 2.6 year supply¹⁹.
62. These matters are being considered in the context of the emerging Core Strategy Examination, and the remaining difference between the parties is not a matter which can be resolved in the context of this appeal. What is important is that the parties agree that the position has reverted to that set out in the Statement of Common Ground, namely that there is no five year housing land supply and that paragraph 49 of the Framework comes into play.
63. On that basis, the Council's policies for the supply of housing are not up-to-date and, in accordance with paragraph 14 of the Framework, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted. The Council and the appellant agreed that substantial weight should be applied to this matter²⁰.
64. In addition, the proposed 35% affordable housing – across the Extra Care and market elements – would contribute to meeting the acknowledged shortfall in local and district wide provision. Again, the two parties agreed that this is a matter to which substantial weight should be given²¹.

Highways matters

65. Some limited concern regarding highways implications have been raised by local residents. However the main parties agreed that the proposal would not have an adverse impact on the local highway network. The Highway Authority has no objection to the development, subject to various matters which can be covered by conditions and the Planning Obligation. There is no reason to disagree with that position²².

Conditions

66. A range of conditions were produced, without prejudice, jointly by the Council and the appellant. These were discussed and agreed at the Inquiry in the light of Planning Practice Guidance.
67. Along with the standard outline conditions (2, 3 and 4), conditions are necessary to link the development to the Design and Access Statement and the broad approach of the parameters plans (1), and to control the site levels (11). Given the size of the development, a condition is required relating to the

¹⁸ Document 16

¹⁹ Document 17

²⁰ Document 8

²¹ Document 8, Document 12 Section 10

²² Ecology, flooding, drainage, environmental issues, health and open space/allotments are satisfactorily addressed by Document 12 Section 12

- phasing of the scheme (5). The number of dwellings/apartments and the size and composition of the retail store need to be limited to that specified in the application details (6 and 7). Similarly the access needs to be laid out as submitted in the interests of highway safety (13).
68. Various matters need to be controlled in relation to the retail element and in the light of the effect on the town centre – the convenience/comparison split, a restriction on the nature of goods, and the provision of signage (7, 8 and 9).
69. To protect the amenity of residents of existing and proposed dwellings, the opening hours of the supermarket should be restricted (10). For the same reason a noise mitigation scheme needs to be submitted for approval, deliveries to the supermarket and the petrol station need to be restricted, and noise limits imposed (27, 28 and 29). A Construction Management Plan, covering a range of matters during the construction of the development, needs to be submitted for approval (30).
70. To ensure the accessibility of the Extra Care units, an Access Strategy covering the whole site is necessary to enable access and use by those with mobility impairments (12).
71. A range of conditions are necessary to control the landscaping of the site, protect trees, avoid disturbance to nesting birds, and assess/address the potential for bats and badgers. These are required in the interests of the appearance of the development and for biodiversity reasons (14, 15, 16, 17, 18 and 19).
72. For biodiversity and residential amenity reasons, external lighting needs to be controlled (20).
73. The details of foul and surface water drainage need to be submitted for approval, to ensure the adequate provision of such facilities and to avoid flood risk (21, 22 and 23).
74. In the interests of sustainable construction and the quality of the development, conditions are required to address sustainable construction (24, 25, 26 27 and 31).

Planning Obligation

75. A Planning Obligation²³ has been concluded between a range of parties, including the District and County Councils. This makes a wide range of provisions, and I have considered each in the light of the policy in paragraph 204 of the Framework and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010.
76. The Council has set out the background and justification to the provisions in a submitted document²⁴. In summary:
- The Public Open Space provision is based on LP policies COM.4 and COM.5 and a recent study demonstrating a shortfall in provision in some specific aspects of open space. This is supplemented by Guidance providing detailed requirements for on-site open space.

²³ Document 13

²⁴ LPA 2

- The Public Transport Contribution is founded on LP policy COM.7 and IMP.5, and Local Transport Plan policies. In conjunction with the adjoining Cala Homes site this would enable the provision of a new bus service and/or improvements to public transport in the vicinity of the site.
 - The Library Contribution is supported by LP policy IMP.4, dealing with infrastructure provision, and by Public Library Service Standards which justify the quantum of the contribution.
 - The Education Contributions are supported by LP policies IMP.4, COM.2 and COM.3. Contributions from this and other developments will be used, along with County Council resources, to contribute to the provision of additional school places, particularly at the local Primary and High Schools.
 - The Footpath Works contribution is based on the need to upgrade the footpath to the town so as to encourage its use, in line with LP policy COM.9. The costing of the works has been set out. As this provision is also provided for in the Obligation related to the Cala Homes site, the Obligation has been drafted to avoid double payment.
 - The provision of 35% Affordable Housing is based on LP policies COM.13 and COM.14, a Supplementary Planning Document (SPD) and a practice note. Although there is no policy specifically referring to affordable housing for Extra Care schemes, reference to this aspect is made in the SPD, which supports this element of the Obligation.
 - The Sustainability Welcome Pack is supported by policies in the draft Local Transport Plan, and the basis for the quantum of the contribution has been clearly set out.
 - The Healthcare Contribution is based on LP policies COM.3 and IMP.4, and would be targeted at the nearby Medical Centre, which is nearing capacity. The justification for the quantum of the development has been set out.
 - Sustainable Urban Drainage System (SUDS). This aspect of the Obligation relates to the future maintenance of the SUDS in line with LP policy DEV.7.
 - As it is accepted that the development would have an effect on the town centre, the Town Centre Contribution is intended to mitigate the effect in line with LP policies COM.2 and COM.19. Although there is no document to justify the quantum of the contribution, the Council has set out the agreed method of calculation and the targets for the monies – this justifies the need for and the amount of the contribution.
77. As summarised above, the Obligation accords with the policy in paragraph 204 of the Framework and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010. The Obligation is a material consideration in this case. Many of its provisions are designed to mitigate the impact of the proposal and these elements therefore do not provide benefits in favour of the appeal. However other matters, most notably the provision of affordable housing, weigh in favour of the appeal.

Planning balance and conclusion

78. The promotion of sustainable development is a key national policy, and I will summarise the key issues in terms of the three dimensions of sustainability as defined in the Framework: economic, social and environmental.
79. In terms of the economic dimension, the creation of employment, both during the construction stage and subsequently, is an important element of the proposal. The parties agree²⁵ that the development would create 65 full time equivalent (FTE) jobs in the Extra Care development and 110 FTE jobs in the supermarket. In addition, house building is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. The Council considers that the employment generation should be tempered by any loss of employment in the town centre. Even if that were accepted to be likely, the economic benefits would remain significant. In addition, in the longer term, the level of disposable income in the local area would be increased with some commensurate growth in the demand for goods and services.
80. In terms of the social dimension the proposal would add significantly to the supply and mix of housing in the town, including 35% affordable housing and the Extra Care accommodation. There would also be the provision of a community centre. Overall, the proposal would contribute to a strong and vibrant community, and the provision of new dwellings in a District with an identified housing shortfall carries significant weight. The provision of a retail development to address the current problems of leakage from the area would be a significant benefit. It is acknowledged that the development has raised concerns about the consequences for the existing town centre, although local representations are divided on this matter. However, as set out above, the balance of evidence is strongly in favour of the provision of retail facilities on the site.
81. With respect to the environmental dimension of sustainable development, whilst there would be an effect on the natural environment, this falls far short of an impact which would justify dismissing the appeal. In addition the more sustainable retail shopping patterns which would result from the development would reduce pollution and help foster more sustainable travel patterns.
82. Overall, the proposal represents sustainable development and would not cause any adverse impacts which would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole, or conflict with any specific development plan or Framework policies.
83. For the reasons given above I conclude that the appeal should be allowed.

P. J. G. Ware

Inspector

²⁵ Figures from Document 8

Land north of Campden Road, Shipston-on-Stour, Warwickshire

Annex - Conditions

Plans list

1. The development hereby approved shall be carried out in accordance with the following illustrative plans and drawings:
 - Site Location Plan Fig 2.1 (submitted with Environmental Statement);
 - Parameters Plan Fig 2.2 (submitted with Environmental Statement);
 - Access plan 0053-06 (submitted with Environmental Statement).

The development shall also be carried out in accordance with the Design and Access Statements and accompanying addendums unless otherwise required by conditions attached to this permission.

Outline matters

2. Approval of the details of the siting, design, external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
4. The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Phasing of development

5. No works shall be undertaken on site in relation to the development hereby approved until such time as a phasing schedule, report and plan of the development has first been submitted to and approved in writing by the Local Planning Authority; and implemented in accordance with such approved details or any subsequent revisions to the phasing information, as agreed in writing with the Local Planning Authority.

Restrictions on buildings and layout

6. No more than 54 dwellings, 80 'extra care' cottages and 50 'extra care' apartments and up to 500m² community building (falling within Use Classes D1/D2) shall be erected on the site in furtherance of the permission hereby granted.
7. The retail store shall be limited to a net retail sales area of 1,800m² comprising 1,500m² convenience retail space and 300m² comparison retail space. 'Net sales area' excludes lobby, customer toilets, customer service desk and checkouts.

8. The following restrictions will apply to the first and subsequent occupation of the supermarket hereby permitted:
 - The store shall not include a pharmacy.
 - The store shall not incorporate a cafeteria or restaurant.
 - The store shall not incorporate a post office.
9. Prior to the opening of the supermarket, full details of the location and design of the town centre information boards and directional signage to be provided on the site shall be submitted to and approved in writing by the Local Planning Authority. The town centre information boards and directional signage shall be retained and maintained in the agreed locations.
10. The store shall not open be other than between 0600 hours and 2300 hours Monday to Saturday and 1000 hours to 1700 hours on Sundays and Bank Holidays.
11. No development, hereby permitted, shall take place on any phase, as secured by condition 5, until detailed plans and sections showing existing and proposed site levels for that parcel of land and showing the proposed relationship with adjacent parcels of land have been submitted to and approved in writing by the Local Planning Authority and the development thereafter shall only be carried out as approved.

Access

12. As part of the submission of any reserved matters application an 'Access Strategy' for the whole site has been submitted to and approved in writing by the Local Planning Authority. Without prejudice to the generality of the requirements of this condition the Access Strategy shall, in particular, contain proposals in respect of the design and layout of the development (both internally and externally) and relationship to adjacent development that include the provision of measures to enable its use by residents and visitors with mobility impairments. The development shall thereafter be undertaken and laid out in accordance with the approved Access Strategy, including the provision, maintenance and retention of such measures and facilities as may be specified therein.
13. The access to the site shall be positioned and laid out in accordance with drawing no.0053_06 (submitted with Environmental Statement) prior to first occupation/use of any part of the development or phase hereby permitted.

Landscaping and ecology

14. No development hereby permitted shall take place on any phase, as secured by condition 5, until details of all hard and soft landscaping to be included within the site, together with an ecology and landscape implementation and management plan, relevant to that phase have been submitted to and approved in writing by the Local Planning Authority. The hard and soft landscaping works shall then be carried out in accordance with approved details and carried out prior to the occupation of any part of the development or in accordance with a programme of implementation that has first been agreed in writing with the Local Planning Authority.

15. The development hereby permitted shall be carried out in accordance with the criteria below to prevent possible disturbance and harm to nesting birds:
- All vegetative clearance to scrub, trees and hedgerows to be timed and carried to avoid the bird breeding season (March to August inclusive).
 - All vegetative clearance to scrub, trees and hedgerows not to commence until a qualified ecologist has been appointed by the applicant to inspect these features for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed until outside of the nesting bird season (March to August inclusive) or until after the young have fledged, as advised by the ecologist.
16. No arboricultural works to trees with high bat potential (as identified in the Ecological Assessment Report and numbered as T 19 and T24 on the Tree and Hedgerow Retention Plan) shall take place during November to March (bat hibernation period); outside of this period works should be carried out under the supervision of a suitably qualified bat worker. No trees shall be cross cut in close proximity to cavities or hollows. Any sections containing cavities or hollows shall be carefully lowered to the ground and left with openings exposed for a minimum of 24 hours after felling to allow any bats that could be present to leave of their own accord.
17. The site shall be surveyed for the presence of badgers immediately before any development on any phase takes place. If evidence of badgers is found at this time, a full badger survey should then be carried out by a qualified ecologist. The results of any badger survey, and recommendations made relating to this, shall be kept confidential, and taken into account during development design and implementation. If evidence of badgers is found, Natural England should be consulted, as badgers and their setts are protected under the 1992 Badgers Act.
18. No part of the development or any phase hereby permitted shall be commenced or equipment, machinery or materials brought onto the site until an Arboricultural Method Statement, to include details of tree and hedgerow protection, has been submitted to and approved in writing by the Local Planning Authority and implemented on site.
19. No development shall take place on any phase, as secured by condition 5, until a schedule of landscape maintenance for a minimum period of 5 years for the relevant phase of development has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
20. No development shall take place on any phase, as secured by condition 5, until details of a scheme for the external lighting of the relevant phase of development hereby permitted shall be submitted to and approved by the local planning authority. Without prejudice to the generality of this condition, such scheme shall be in accordance with the Access Strategy approved pursuant to Condition 12 insofar as material to this condition. The development shall thereafter be carried out in accordance with the approved scheme and all

lighting fixtures and equipment shall be maintained in accordance with the approved scheme.

Drainage

21. No development, hereby permitted, shall take place on any phase, as secured by condition 5, until a surface water drainage scheme for the relevant development phased, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- Surface water from the development will be restricted to a Greenfield runoff rate of 51/s/ha which equates to 231/s for the whole site
- On site attenuation will be provided to accommodate the 1 in 100 year plus 30% for climate change event with no flooding on or off site.
- The proposed on site surface water drainage system should be designed to the Sewers for Adoption, 30 year standard or similar. However, details must also be provided to confirm that surface water will not leave the proposed site in the 100 year 30% (for climate change) event. If the system surcharges, we may require additional space to be made for water, the location of any surcharging should be identified as should any resultant overland flood flow routes. Any excess surface water should be routed away from any proposed or existing properties. Drainage calculations must be included to demonstrate this (e.g. MicroDrainage or similar package calculations), including the necessary attenuation volume, pipeline schedules, network information and results summaries.
- Details of how the scheme shall be maintained and managed after completion.

22. No development shall take place on any phase, as secured by condition 5, until a scheme for the disposal of sewage relevant to the development phase has been submitted to and approved in writing by the Local Planning Authority and thereafter no part of the development phase shall be occupied until the approved works have been carried out.

23. No development shall take place on any phase, as secured by condition 5, until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes for the relevant part of the site, has been submitted to and approved in writing by the Local Planning Authority. The relevant development phase shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

Residential conditions

24. All new residential dwellings within each phase shall achieve a minimum rating of Level 3 of the Code for Sustainable Homes or such similar requirements that supersede the Code for Sustainable Homes as applicable at the time of commencement of development within that parcel. No dwelling shall be

occupied until a final Code Certificate has been issued for it certifying that a minimum of Code Level 3 has been achieved. Copies of certificates shall be supplied to the Local Planning Authority on request.

25. Not less than 50% of all Private Market Dwellings shall fully comply with all relevant requirements of the Joseph Rowntree Foundation's "Lifetime Homes" standards and details of which of the Private Market Dwellings will comply with the "Lifetime Homes" standards shall be set out in reserved matters for each parcel and thereafter the Private Market dwellings identified in reserved matters approvals as being those which will comply with the "Lifetime Homes" standards shall be constructed in accordance with these standards.
26. No development shall take place on any phase, as secured by condition 5, until a scheme for the provision of bins to serve the residential elements together with details showing the location, size and design of all waste/bin collections areas have been submitted to for agreement in writing by the Local Planning Authority. The bin locations shall be provided/installed on site in accordance with the approved details.

Noise

27. No development in relation to the retail store shall take place until details of a Noise Mitigation Scheme shall have been submitted in writing to and approved by Council. Development shall be carried out as approved.
28. Deliveries to the supermarket and the petrol station shall not take place other than between 0700 hours and 2100 hours Monday to Saturday, and 0800 hours and 1700 hours Sundays and Bank Holidays.
29. The development of the supermarket and the petrol station, and the installation of any plant together with any processes or operations conducted thereon, shall be such as to ensure that noise levels arising from the use of the site shall not exceed the following limits as measured and including any corrections in accordance with the provisions of BS 4142: 1997 "(Method of rating industrial noise affecting mixed residential and industrial areas)", at any point along or beyond the boundaries of the supermarket and petrol station.

Mondays to Fridays 0700 - 1900 hours - 45dBLAeq(1 hour)
 1900 - 2200 hours - 40dBLAeq(1 hour)

Saturdays 0700 - 1400 hours - 45dBLAeq(1 Hour)

At all other times (including Bank Holidays) - 35dBLAeq(5 minutes)

Amenity and environment

30. No development shall take place on any phase, as secured by condition 5, until a Construction and Environmental Management Plan relevant to the development phase has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for:

- the parking of vehicles of site operatives and visitors;

- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- installation and maintenance of wheel washing facilities;
- measures to control the emission of dust, dirt and odour during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- an appropriately scaled plan showing "Environment Protection Zones" where construction activities are restricted and where protective measures will be installed or implemented;
- details of protective measures (both physical measures and sensitive working practices) to minimise impacts during construction;
- details of persons/organisations responsible for: a) compliance with legal consents relating to nature conservation; b) compliance with planning conditions relating to nature conservation; c) installation of physical protection measures during construction; d) implementation of sensitive working practices during construction; e) regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction; f) provision of training and information about the importance of "Environment Protection Zones" to all construction personnel on site;
- pollution prevention measures;
- in relation to every element topic or subject included in the Plan, proposals for the standards to be achieved, monitoring schedules, record keeping and communication of results to the Local Planning Authority.

All works shall be carried out in accordance with the approved details.

31. No development shall take place on any phase, as secured by condition 5, until a scheme for the provision of energy from on-site renewable sources, or a fabric first design sufficient to replace a minimum of 10% of the predicted carbon dioxide emissions from the total energy requirements of the development above that of current Building Regulations at the time of commencement, for each phase of development, has been submitted to and approved in writing by the Local Planning Authority. The design features, systems and equipment that comprise the approved scheme shall be fully implemented in accordance with the approved plans and particulars prior to the development first being brought into use, or alternatively in accordance with a phasing scheme which has been agreed in writing by the Local Planning Authority, and shall thereafter be retained in place and in working order at all times.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr David Manley QC, instructed by the Solicitor to the Council

He called:

Dr R Doidge BA(Hons) PhD FRGS	Independent retail consultant
Ms B Kirkham DipTP BLD CMLI	Director, Kirkham Landscape Planning Ltd
Mr P Smith BA(Hons) DipTP TPR MRTPI	Director, Brian Barber Associates

FOR THE APPELLANT:

Mr Paul Tucker QC, instructed by Messrs Shoosmiths

He called:

Mr A C Bateman BATP(Hons) MRICS MRTPI MCMi MIOd FRSA	Managing Director, Pegasus Group
Mr J P Cooper BSc(Hons) DipLD FLI	Director, SLR Consulting
Mr S A Tibenham MRTPI	Director, Pegasus Group

FOR THE Co-op:

Mr Giles Cannock of Counsel, instructed by NJL Consulting

He called:

Mr M Saunders MA	Director, NJL Consulting
---------------------	--------------------------

INTERESTED PERSONS: ²⁶

²⁶ Some names on the attendance list are hard to decipher, please accept my apologies if I have given incorrect spellings

Ms G Poole Murray	Local resident
Ms G Kiely	Local resident
Ms R King	Local resident
Mr G Bourge	Local resident
Ms J Warner	Local resident
Councillor J Kenner	District Councillor, Shipston Ward
Mr N Butler	Council for the Protection of Rural England
Ms King	Local resident and shopkeeper
Ms H Ashton	Local resident
Mr D Passingham	Local resident
Councillor I Cooper	Shipston Town Councillor
Mr G Legg	Local resident
Councillor R Cheney	District Councillor, Shipston Ward
Ms S Campbell	Local resident
Ms Harvey	Local resident
Councillor Ms Rollins	Nearby Parish Councillor

Richborough Estates

DOCUMENTS

Inquiry documents

Document 2013/1	List of persons present 1 October 2013
Document 2013/2	Letters handed in 1 October 2013
Document 1	List of persons present July 2014
Document 2	Letter (8 July 2014 from Antony Aspbury Associates
Document 3	Campaign to Protect Rural England statement
Document 4	Housing Strategy 2009 – 2014, Review 2012
Document 5	Stour United Businesses statement
Document 6	2 Fant Hill Barn – objection from Cllr J Kenner (2 July 2014)
Document 7	South Oxfordshire Core Strategy Inspector's Revised Conclusions (Thame)
Document 8	Planning policy note (Brian Barber Associates)
Document 9	Stour United Businesses retailer survey (letter 19 April 2012 and subsequently)
Document 10	Housing Land Availability Statement of Common Ground
Document 11	Retail Statement of Common Ground
Document 12	Planning and Landscape Statement of Common Ground
Document 13	Planning Obligation (15 July 2014)
Document 14	Statement by Cllr Richard Cheney
Document 15	Plans showing site layout and vegetation at former IMI Norgren site (CALA Homes)

Documents submitted after the close of the Inquiry

Document 16	Council's email (5 January 2015) and Note regarding housing land supply
Document 17	Appellant's email (14 January 2015) regarding housing land supply
Document 18	Appeal on land south of Campden Road (4 August 2014) (2217247)
Document 19	Council's comments on appeal decision on land south of Campden Road
Document 20	Appellant's comments on appeal decision on land south of Campden Road

Council's documents

C1	Council's closing submissions
C2	Council's statement regarding Planning Obligation and Regulation 122 of the CIL Regulations

Appellant's documents

APP1	Secretary of State decisions, Wychavon (2199085 & 2199426)
APP 2	Appellant's note in response to Dr Doidge's note
APP 3	Application (16 August 2013) for works to Co-op premises at 9 – 11 High Street

APP 4	Appellant's closing submissions
APP 5	Appellant's response to Co-op closing submissions

Co-op's documents

C1	Co-op's closing submissions
C2	Plan showing proposed alterations at 11 High Street

Core Documents

Adopted Development Plan and SPD'S/SPG'S		
SDC/ASL/CO OP	1.1	Saved policies of the Stratford-on-Avon District Local Plan Review 1996 – 2011
SDC	1.2	Meeting Housing Needs 2008
SDC	1.3	Car and Cycle Parking Standards 2007
SDC	1.4	Sustainable Low Carbon Buildings 2007
SDC	1.5	Provision of Open Space 2005
SDC	1.6	Stratford on Avon District Design Guide 2002
LDF and evidence base documents (Not retail or landscape related)		
SDC	2.1	Intended Proposed Submission Core Strategy July 2013
SDC	2.2	Draft Core Strategy 2012
SDC	2.3	Draft Core Strategy 2010
SDC	2.4	Draft Core Strategy 2008
SDC	2.5	Review of housing requirements for Stratford District Council (ERM) March 2013
SDC	2.6	Housing provisions options study update (GL Hearn) Jan 2013
SDC	2.7	Strategic Market Housing Assessment - Jan 2013 prepared by GL Hearn
SDC	2.8	Strategic Housing Land Availability Assessment - Jan 2013. Prepared by Peter Brett Associates.
SDC	2.9	Housing Provision Options Study (GL Hearn, June 2011)
SDC	2.10	Strategic Market Housing Assessment – 2009
SDC	2.11	Strategic Housing Land Availability Assessment – 2009 review
SDC	2.12	Strategic Housing Land Availability Assessment - 2008
SDC	2.13	Employment Land Study (August 2011)
SDC	2.14	PPG17 Open Space, Sport and Recreation Assessment and Playing Pitch Strategy (Arup, April 2011)
SDC	2.15	Open Space, Sport and Recreation Assessment update – (ARUP) June 2012
ASL	2.16	Analysis of Representations to 2008 Draft Core Strategy, Nov 2008
ASL	2.17	Assessment of Land Parcels
ASL	2.18	Detailed Response Document to 2012 Draft Core Strategy
ASL	2.19	Core Strategy New Proposals Consultation July 2013

ASL	2.20	2010 Core Strategy - Summary of Representations Received February – April 2010 dated 21 st February 2011
SDC	2.21	Proposed Submission Core Strategy
SDC	2.21	Strategic Housing Market Assessment (Nov 2014)
SDC	2.22	Focused Consultation: 2011 – 2031 Housing Requirements and Strategic Site Options (Feb/March 2012)
SDC	2.23	Coventry and Warwickshire Joint Strategic Housing Market Assessment (SHMA) Nov 2013
SDC	2.24	ERM report - Update to Review of Housing Requirements for Stratford 18 th Dec 2013
SDC	2.25	Report to Cabinet 28 th April 2014
SDC	2.26	Report to Cabinet 12 th May 2014
SDC	2.27	Report to FUL Council 12 th May 2014
Planning Policy and Companion Guides and Legislation		
SDC/ASL/COOP	3.1	DCLG: National Planning Policy Framework (March 2012)
SDC	3.2	ANNEX A ONLY - Circular 11/95: The Use of Conditions in Planning Permissions
SDC	3.3	Community Infrastructure Levy Regulations 2010
SDC	3.4	The Planning System: General Principles (ODPM 2005)
SDC	3.5	Ministerial Statement 'Planning for Growth'
COOP	3.6	Government Response to Portas Review
SDC	3.7	Planning Practice Guidance (2014)
Retail documents		
SDC	4.1	Planning for Town Centres – Practice Guidance on need, impact and sequential approach (aka Planning Policy Statement 4 Practice Guidance) (PPS4 PG)
SDC	4.2	Convenience Goods Retail Study update (Apr 2012)
SDC	4.3	Comparison Goods Retail Study (May 2011)
SDC	4.4	Convenience Goods Retail Study (2008)
SDC	4.5	Richard Doidge - Proof of Evidence for the public inquiry into Tilemans Site, Tilemans Lane, Shipston planning reference 00/02887/OUT
SDC	4.6	Experian Retail Planner Briefing Note 10.1, September 2012.
SDC	4.7	Understanding High Street Performance, A Report Prepared by Genecon LLP and Partners, Department for Business Innovation & Skills, December 2011.
SDC	4.8	The Portas Review, An Independent Review into the Future of Our high Streets, Mary Portas, December 2011.
SDC	4.9	The Effect of Supermarkets on Existing Retailers, Roger Tym & Partners on behalf of The Federation of Small Businesses (Scotland), December 2006.

SDC	4.10	Planning Impact Assessment, Shipston Heart Alive, November 2012.
SDC	4.11	Shipston on Stour Business Confidence Survey, 2012 Report, Action for Market Towns, August 2012.
SDC	4.12	Supplementary Retail Statement, Land at Shipston Road/Trinity Way, Stratford upon Avon, Roger Tym & Partners, February 2010.
COOP	4.13	Planning Appeal Ref: APP/HI705/A/12/2188392 - Former Smiths Industries Aerospace Limited, Winchester Road, Basingstoke. Tesco v Basingstoke and Deane Council)
COOP	4.14	Planning Appeal Ref: APP/E2340/A/12/2188392 Skipton Road Business Park, Skipton Road, Barnoldswick. Pendle Projects Ltd V Pendle Borough Council)
COOP	4.15	Planning Appeal Ref APP/C1570/A/11/2152457 & APP/C1570/A/11/2158685 - Land at Thaxted Road, Saffron Walden, Essex. Sainsbury's Supermarkets Ltd V Uttlesford District Council)
COOP	4.16	Planning Appeal Ref: APP/P4605/a/12/2187738 - Land off Pershore Road/Fordhouse Lane, Sturichley, Birmingham, West Midlands. Asda V Birmingham City Council)
COOP	4.17	Planning Appeal Ref: APP/E2340/A/12/2175946 - L & P Springs UK, Ravenscroft Way, Barnoldswick - Liberty Properties Ltd, Leggett and Platt Components Europe Limited and Tesco Stores Ltd V Pendle Borough Council
COOP	4.18	Planning Appeal Ref: APP/J3720/A/01/1057814 - Land fronting Tilemans Lane, Shipston-on-Stour - Pettifer Ltd/Gallagher Estates Ltd v Stratford-on-Avon District Council
COOP	4.19	Convenience Goods Update December 2012 (Cabinet Paper)
SODC	4.20	Sainsbury's Supermarkets Ltd, Land off The Fosse Way, Moreton-in-Marsh, Retail Assessment by WYG, April 2013
SODC	4.21	Proposed Class A1 Supermarket, Stow Road, Moreton-in-Marsh, Minton Property Developments, Retail Assessment by GVA, April 2013.
SODC	4.22	Proposed Sainsbury's, Wellesbourne, Retail Assessment by Applied Planning, February 2013
ASL	4.23	PPS4 - Planning for Sustainable Economic Growth (revoked)
ASL	4.24	Verdict UK Food & Grocery Retailers 2012
ASL	4.25	Stratford on Avon Retail Study 1997
ASL	4.26	Stratford on Avon Retail Study 2003
ASL	4.27	NEMS Household Shopping Survey 2013
ASL	4.28	SoA Convenience Goods Retail Study Update (Nov 2012)
ASL	4.30	SoA Cabinet Meeting Papers for 3 rd December 2012
ASL	4.31	SoA Cabinet Meeting Papers for 20 th August 2012
ASL	4.32	Carborn Statement, 1999
ASL	4.33	McNulty Statement, April 2003
ASL	4.34	PPS6, 2006
ASL	4.35	PPSG6, 1996

ASL	4.36	Richard Doidge Response to Planning Application 24/07/2012
ASL	4.37	Richard Doidge Response to Planning Application 05/11/2012
ASL	4.38	DCLG High street at the heart of our communities – The government's response to Mary Porters Review
ASL	4.39	Southampton University – revisiting the impact of large foodstores on market towns and district centres
ASL	4.40	Competition Commission – The supply of Groceries in the UK Market Investigation
ASL	4.41	Competition Commission – Grocery market provisional findings
ASL	4.42	Holmfirth appeal decision (APP/Z4718/A/13/2191213)
SDC	4.43	Further updates of comparison goods and convenience goods retail studies (March 2014)
SDC	4.44	Report to Cabinet (7 th April 2014) on retail study – further update
ASL	4.45	Experian Retail Planner Briefing Note 11
ASL	4.46	Verdict Sector Report on UK Food & Grocery 2013 + Retailer Company Briefing Reports
SDC	4.47	Shopper Trends 2012 – IGD.com
SDC	4.48	House of Commons Business and Enterprise Committee; Post Offices – Securing their future 8 th Report of session 2008-2009 Vol.1 (7 th July 2009)
SDC	4.49	Beyond Retail; Redefining the shape and purpose of Town Centres, Task Force, November 2013
COOP	4.50	Planning Appeal Ref: APP/F0114/A/13/2191952 - Former Bath Press, Lower Bristol Road, Bath. Tesco Stores Limited v Bath and North East Somerset Council
ASL	4.51	NEMS 2013 – Shipston by CO-OP Stores
ASL	4.52	NEMS 2013 – Shipston by Stratford Stores
SDC	4.53	The retail Planning Knowledge Base – Briefing Paper – Linked Trips (June 2104) – The Institute for retail studies (university of Sterling)
Landscape Documents		
SDC	5.1	Guidelines for Landscape and Visual Impact Assessment (3 rd Edition)
SDC	5.2	Landscape Character Assessment Guidance for England and Scotland 2002
SDC	5.3	Landscape Sensitivity Study (July 2011)
SDC	5.4	Landscape Sensitivity Study update (June 2012)
SDC	5.5	Warwickshire Landscape Guidelines 1993
SDC	5.6	1:25,000 OS map Cotswolds OL45
SDC	5.7	European Landscape Convention
SDC	5.8	Landscape Capacity Study 2014
SDC	5.9	National Character Area Profile 96: Dunsmore and Feldon 2013
Other documents		
SDC	6.1	Warwickshire Local Transport Plan 2006 (LTP2)
SDC	6.2	Warwickshire Local Transport Plan 2011-2026 (LTP3)
SDC	6.3	Shipston-on-Stour Town Plan 2008

SDC	6.4	Shipston-on-Stour Housing Needs Survey 2005
SDC	6.5	IMI Norgren Appeal decision (Ref: APP/J3720/A/12/2185727)
SDC	6.6	IMI Norgren Appeal – Costs decision (Ref: APP/J3720/A/12/2185727)
SDC	6.7	High Court Judgement into Shottery Appeal
SDC	6.8	Report to Regulatory Committee 14 th August 2103
SDC	6.9	Officers Report to East Committee 24 th January 2013
ASL	6.10	Cabinet Papers – April 2013
ASL	6.11	Cabinet Papers – 5 th September 2011
ASL	6.12	Shottery Appeal Decision (Ref: APP/J3720/A/11/2163206)
ASL	6.13	Shottery Court Decision (Ref: APP/J3720/A/11/2163206)
ASL	6.14	Council Meeting Papers - July 2013
ASL	6.15	Tewkesbury v Secretary of State Decision (Ref: CO/8962/2012) (Ref: CO/10438/2012)
ASL	6.16	Andover Appeal Decision (Ref: APP/X3025/A/10/2140962)
ASL	6.17	Bude Appeal Decision (Ref: APP/D0840/A/09/2115945)
ASL	6.18	West Midlands Phase 2 Review and Panel Report
ASL	6.19	DCLG: Laying the Foundations
ASL	6.20	Winchcombe Appeal Decision (Ref: APP/G1360/A/12/2183317)
ASL	6.21	Wootton Bassett Appeal Decision (Ref: APP/Y3940/A/10/2141906)
ASL	6.22	Tetbury Appeal Decision (Ref: APP/F1610/A/11/2165778)
ASL	6.23	Honeybourne Appeal Decision (Ref: APP/H1840/A/12/2171339)
ASL	6.24	Moat House Farm, Marston Green Appeal Decision (Ref: APP/Q4625/A/11/2157515)
ASL	6.25	Stratford on Avon Information Sheet 21/2013 on 5 Year Housing Land Supply
ASL	6.26	Markfield Appeal Decision (Ref: APP/K2420/A/12/2180699)
ASL	6.27	Ashby de la Zouch Appeal Decision (Ref: APP/G2435/A/13/2192131)
ASL	6.28	Torquay Appeal Decision (Ref: APP/X1165/A/11/2165846)
ASL	6.29	Moreton in Marsh Appeal Decision (Ref: APP/F1610/A/10/2130320)
ASL	6.30	Chapel-en-le-Frith Appeal Decision (Ref: APP/H1033/A/11/2159038)
ASL	6.31	Bath and North East Somerset Core Strategy – Inspector’s Preliminary Conclusions
ASL	6.32	2011 AMR
ASL	6.33	2010 AMR
ASL	6.34	2009 AMR
ASL	6.35	2008 AMR
ASL	6.36	2007 AMR
ASL	6.37	2006 AMR
ASL	6.38	Stratford on Avon Housing Strategy 2009-14 - Review 2012
ASL	6.39	Stratford on Avon Housing Strategy 2009-14 - Review 2012 Evidence Log

ASL	6.40	Representations by Ainscough Strategic Land to 2010 Draft Core Strategy including letter dated 8th April 2010 (L005mv3), Schedule of Representations (R001mv3).
ASL	6.41	Representations by Ainscough Strategic Land to 2012 Draft Core Strategy
ASL	6.42	Warwickshire Structure Plan (revoked)
SDC	6.43	Irchester appeal decision (APP/H2835/A/12/2182431)
ASL	6.44	Judgement in Colman V SoS [2013] EWHC 1138
ASL	6.45	Judgement in Hunston Properties V SoS [2013] EWHC 2678
ASL	6.46	Mistletoe Row, Tenbury Wells appeal (APP/J1860/A/13/2194904)
Appeal Documents		
SDC	7.1	SDC Statement of Case
ASL	7.2	ASL Statement of Case
COOP	7.3	COOP Statement of Case
SDC	7.4	Statement of Common Ground – Planning and Landscape (Superseded)
SDC/ASL/COOP	7.5	Statement of Common Ground – Retail (Superseded)
SDC	7.6	CIL Justification (Updated June 2014)
ASL/SDC/COOP	7.7	Legal Agreement
SDC	7.8	LPA Landscape Proof of Evidence – Simon White (Superseded)
SDC	7.9	LPA Retail Proof of Evidence – Richard Doidge (Superseded)
SDC	7.10	LPA Planning Proof of Evidence – Philip Smith (Superseded)
SDC	7.11	Cllr Saint – Statement on Landscape
ASL	7.12	Appellants Planning Proof of Evidence – Tony Bateman (Superseded)
ASL	7.13	Appellants Retail Proof of Evidence – Sebastian Tibbenham (Superseded in part)
ASL	7.14	Appellants Landscape Proof of Evidence – Julian Cooper (Superseded)
COOP	7.15	Co-Op Retail Proof of Evidence – Mark Saunders (Superseded)
ASL	7.16	Appellants Supplemental Retail Proof – Sebastian Tibbenham (Superseded)
Third Party	7.17	Antony Aspbury Associates
Third Party	7.18	Third Party Letters
SDC	7.19	SDC EIA request letter dated September 2013
SDC	7.20	PINs Screening Opinion dated 12 th Nov 2013
SDC	7.21	Application Documents and plans for residential scheme ref: 14/00318/OUT
ASL	7.22	Updated Planning and Landscape Statement of Common Ground
ASL	7.23	Updated Retail Statement of Common Ground
SDC	7.24	New LPA Landscape Proof of Evidence – Bettina Kirkham
SDC	7.25	Updated LPA Retail Proof of Evidence – Richard Doidge

SDC	7.26	Updated LPA Planning Proof of Evidence – Philip Smith
ASL	7.27	Updated Appellants Planning Proof of Evidence – Tony Bateman
ASL	7.28	Updated Appellants Retail Proof of Evidence – Sebastian Tibenham
ASL	7.29	Updated Appellants Landscape Proof of Evidence – Julian Cooper
COOP	7.30	Updated Co-Op Retail Proof of Evidence – Mark Saunders
ASL/SDC	7.31	SOCG – Planning and Landscape June 2014
ASL/SDC/CO OP	7.32	SOCG – Retail June 2014
ASL	7.33	Housing supply note
ASL/SDC	7.34	Agreed position statement on 5yr housing land supply
ASL	7.35	Rebuttal Retail Proof – Sebastian Tibenham
Co-Op	7.36	Rebuttal Retail Proof – Mark Saunders
Application Documents		
ASL	8.1	Application Form and Certificates
ASL	8.2	Committee report
ASL	8.3	Committee update sheets and formal minutes of committee
ASL	8.4	Decision notice
ASL	8.5	Planning Statement
ASL	8.6	Design and Access Statement
ASL	8.7	LVIA and appendices (inc. Tree survey)
ASL	8.8	Retail Impact Assessment (Feb 2012)
ASL	8.9	Addendum planning and Retail Statement (April 2012)
ASL	8.10	Letter from Pegasus re: Retail following Councils retail assessment
ASL	8.11	Composite retail statement (Oct 2012)
ASL	8.12	The Bird Group supplementary retail statement Feb 2012 – supporting info
ASL	8.13	Pegasus Retail note – comments on Richard Doidge (10 th Jan 2013)
ASL	8.14	Ecology Assessment
ASL	8.15	Agricultural land assessment
ASL	8.16	Heritage based assessment
ASL	8.17	Geophysical Survey Report
ASL	8.18	WSI – Archaeology and Confirmation e-mail from WCC Archaeology for WSI
ASL	8.19	Draft – Archaeological evaluation
ASL	8.20	Lighting assessment
ASL	8.21	Noise assessment and additional information (Letter dated 18 th May 2012)
ASL	8.22	Phase 1 environmental investigation
ASL	8.23	Drainage assessment
ASL	8.24	Utilities assessment
ASL	8.25	Sustainability and Energy statement
ASL	8.26	Flood risk assessment
ASL	8.27	Drainage statement
ASL	8.28	Potential heads of terms
ASL	8.29	Statement of Community Involvement

ASL	8.30	Transport assessment
ASL	8.31	Social Case for extra care development
ASL	8.32	Stage 1 Safety Audit for Roundabout Junction
ASL	8.33	Environmental Statement Volumes 1 and 2
Original Application Plans		
ASL	9.1	Location Plan P001
ASL	9.2	Illustrative masterplan and indicative layout – P002 Rev D1
ASL	9.3	Illustrative cross sections – P003
ASL	9.4	Parameters plan – indicative levels P004 Rev B
ASL	9.5	Parameters plan – building heights P005 Rev A
ASL	9.6	Parameters plan – Open space hierarchy P006
ASL	9.7	Parameters plan – Public Realm P007 REV A
ASL	9.8	Parameters plan – Urban Grain P008 REV A
ASL	9.9	Parameters plan – Parking Allocations P009 Rev A
ASL	9.10	Parameters plan – Indicative public realm materials P010
ASL	9.11	Detailed Site Cross Sections P011 Rev A
ASL	9.12	Indicative Floor Plans – Extra care apartments – P012
ASL	9.13	Tree and Hedgerow Retention Plan – P004
ASL	9.14	Indicative accommodation schedule
Superseded Plans		
ASL	9.15	Superseded plans and accommodation schedule
Latest Appeal Plans		
ASL	9.16	Illustrative masterplan and indicative layout – P002 Rev F
ASL	9.17	Illustrative cross sections – P003
ASL	9.18	010_20_P004a - Parameters – Topo Rev A
ASL	9.19	010_20_P004b - Parameters – Levels Rev B
ASL	9.20	010_20_P005 - Parameters plan – Building heights Rev B
ASL	9.21	010_20_P006 - Parameters plan – POS Rev A
ASL	9.22	010_20_P007 - Parameters plan – Public Realm Rev B
ASL	9.23	010_20_P008 - Parameters plan – Urban Grain Rev B
ASL	9.24	010_20_P009 - Parameters plan – parking Allocations
ASL	9.25	010_20_P010 - Parameters plan – Public Realm materials
ASL	9.26	010_20_P011 – Detailed Cross Sections - Rev B
ASL	9.27	010_20_P012 – Extra care Apartments - Rev A
ASL	9.28	Revised Access plan – showing roundabout 53-04 Rev A
ASL	9.29	Revised Access plan – showing roundabout 53-05 Rev A
ASL	9.30	Parameters Plan in Environmental Statement – Figure 2.2
Documents Submitted at Inquiry		
ASL	10.1	Inspectors decision Pulley Lane, Droitwich Spa
Third Party	10.2	Letter From Anthony Asbury Consultants – New Retail Store, Shipston
ASL	10.3	Appellants opening statement
Third Party	10.4	Letter from CPRE
Third Party	10.5	Housing Review Strategy 2009 – 2014 - Review 2012
Third Party	10.6	Cllr Kenner Objection to Budgens application – Shipston (ref: 14/01447/FUL)
Third Party	10.7	Town Council Objection to Budgens application – Shipston

		(ref: 14/01447/FUL)
ASL	10.8	Note from Appellants Retail consultant Appendix 37b
ASL	10.9	Letter from NJL consultants dated 16 th August 2013
Third Party	10.10	Extract of speech – reference to Local Government Association in response to Portas Review
Third Party	10.11	Statement from Stour United Businesses
Third Party	10.12	Survey responses from Stour United Businesses 2012
Third Party	10.13	Survey responses from Stour United Businesses 2014
ASL	10.14	Hand note – re: photomontages
ASL	10.15	3D perspective of site
ASL/SDC	10.16	Planning statement – agreement of details
ASL	10.17	IMI Norgren REM matters plans – Planting Plan - Overview
ASL	10.18	IMI Norgren REM matters plans – Vegetation removed plan
COOP	10.19	Plans for Shipston Co-Op expansion
COOP	10.20	Closing Statement from Co-Op
SDC	10.21	Closing Statement from LPA
ASL	10.22	Closing Statement from Appellants
SDC/ASL	10.23	Conditions
SDC/ASL	10.24	S.106 Agreement
SDC	10.25	CIL Justification
ASL	10.26	Response to Co-Op closing statement from appellants
Third Party	10.27	Cllr Cheney comments
ASL	10.28	Appellants list of plans