



Appeal Decision

Inquiry held on 5-7 February 2013 and 4-7 June 2013

Site visit made on 6 June 2013

by Elizabeth C Ord LLB(Hons) LLM MA DipTUS

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

Decision date: 27 June 2013

Appeal Ref: APP/J3720/A/12/2185727

Former IMI Norgren Site, Campden Road, Shipston on Stour, CV36 4PX

- 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 Cala Homes (Midlands) Ltd against the decision of Stratford on Avon District Council.
 - The application Ref 11/02380/OUT, dated 19 October 2011, was refused by notice dated 9 July 2012.
 - The development proposed on the application form is described as "*Mixed use development comprising up to 130 houses and 929 sqm Employment (B1).*"
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The Proposal

1. Although the above description appears on the application form, the proposal was amended prior to determination and the Council made its decision on the basis of "*Demolition of existing industrial buildings and caretakers house. Mixed use development comprising up to 125 houses and 929 sq m (10,000 sq ft) Employment (B1).*" This is the agreed description which appears in the Statement of Common Ground (SoCG).
2. At the inquiry the Appellant sought to further amend the proposal by reducing the number of houses to 112 and changing the scheme's illustrative layout. I understand that amended illustrative layout drawings had been sent to all statutory consultees and to all objectors prior to opening the inquiry¹.
3. Taking account of the *Wheatcroft* principles, I am satisfied that the requested amendments would not materially alter the nature of the application, and that nobody would be prejudiced who would normally have been consulted on the revised scheme. Consequently, I allowed the amendments. I have, therefore, determined the appeal on the basis of: "*Demolition of existing industrial buildings and caretakers house. Mixed use development comprising up to 112 houses and 929 sq m (10,000 sq ft) Employment (B1).*"

Decision

4. The appeal is allowed and planning permission is granted for the demolition of existing industrial buildings and caretaker's house. Mixed use development comprising up to 112 houses and 929 sq m (10,000 sq ft) Employment (B1) at the former IMI Norgren Site, Campden Road, Shipston on Stour, CV36 4PX, in

¹ NR ¶ 3.13

accordance with the terms of the application, Ref 11/02380/OUT, dated 19 October 2011, subject to the conditions set out in the attached schedule.

Application for costs

5. At the Inquiry an application for costs was made by the Appellant against the Council. This application is the subject of a separate Decision.

Preliminary matters

6. The application is in outline with all matters reserved except for access. This is the basis upon which I have determined the appeal.
7. The application was recommended for approval by the Council's planning officer subject to a legal agreement². However, it was refused by the Planning Committee on the basis of landscape/visual impact, its location outside of the settlement boundary and loss of employment land³, although the Council has not pursued the employment issue.
8. An executed unilateral undertaking (UU) made under section 106 of the Town and Country Planning Act 1990 has been submitted, which is considered further under the reasons section of this appeal decision.
9. A late proof of evidence by David Penn (DP), the Rule 6 Party's employment witness, was submitted before the start of the inquiry, to which the appellant objected. However, given the nature of the evidence and the presence of a witness for the Appellant who could deal with the relevant issues, this late evidence was allowed.

Main Issues

10. From the submitted evidence I consider the main issues to be:
 - 1) The effect of the proposal on landscape character and its visual impact;
 - 2) Whether the proposal constitutes sustainable development;
 - 3) Whether the proposal would result in the loss of employment or business opportunities;
 - 4) The effect of the proposal on housing supply; and
 - 5) Prematurity
11. The Council raises no objections with respect to 3) and 5), which are issues pursued by the Rule 6 Party.

Reasons

Policy Overview

12. Since the revocation of the Regional Strategy and the Structure Plan⁴ the Development Plan now consists of the saved policies of the Stratford-on-Avon District Local Plan Review 1996-2011 (SLPR), adopted in July 2006. The relevant SLPR policies need to be considered in accordance with their Saving

² NR App 1 Committee Report 5 July 2012

³ NR App 2 Notice of Decision 9 July 2012

⁴ ID 69 WMRSS Revocation Order

Letter⁵ and, therefore, in the context of up-to-date policies, which now includes the National Planning Policy Framework (the Framework).

13. The most relevant SLPR policies are PR.1 (landscape and settlement character), STR.4 (previously developed land), CTY.1 (control over development in the countryside), and COM.16 (existing business uses)⁶. Only Policies PR.1, STR.4 and CTY.1 are referred to in the Council's reasons for refusal. Whilst the starting point for determining this application is the saved policies of the SLPR⁷, these policies will be assessed according to their degree of consistency with the Framework⁸, the latter of which is agreed to be a material consideration of significant weight⁹.
14. The Framework states that "*Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*"¹⁰. As it is common ground that a five year housing supply cannot be demonstrated¹¹, relevant SLPR housing supply policies will be taken to be out of date. Consequently, with respect to the presumption in favour of sustainable development, the appeal should be allowed unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole¹².
15. Also of relevance is the Stratford-on-Avon Draft Core Strategy, which is proceeding through its various stages of consultation. However, it suffered a set-back when the Secretary of State in the *Shottery* appeal decision¹³ concluded that the Council's approach to housing land supply relied on a figure significantly below what was suggested in the most recent evidence based assessment. Consequently, neither the Draft Core Strategy nor the Site Allocations Document is sufficiently well advanced to afford either significant weight¹⁴.

Landscape character and visual impact

Landscape

16. The site is located within rolling open countryside comprising hedged fields, copses, and occasional isolated farmsteads. It fronts Campden Road (B4035) on an elevated saddle between Hanson Hill and Waddon Hill, some distance away from the Cotswolds Area of Outstanding Natural Beauty (AONB). It is separated from the western edge of Shipston-on-Stour mainly by fields, although isolated houses lie in between, and in close proximity to the site.
17. The site is within the Upper Stour sub-section of the Stour Valley character area¹⁵, which is characterised by hills, fields and valley bottom settlements¹⁶. It is also within the Feldon Parklands character area¹⁷, the characteristic

⁵ NR App 12

⁶ As identified in the SoCG @ ¶ 5.3

⁷ Section 38(6) of the Planning and Compulsory Purchase Act 2004

⁸ ¶ 215 of the Framework

⁹ SoCG ¶ 5.5

¹⁰ ¶ 49

¹¹ SoCG ¶ 5.6

¹² ¶ 14

¹³ AB App 2

¹⁴ ¶ 216 of the Framework

¹⁵ AW App B Figs 6 & 7 (2001 Stratford-on-Avon District Design Guide Character Areas)

¹⁶ AW p 20 ¶ 5.3.4

¹⁷ According to the Warwickshire Landscape Guidelines 1993

features of which include large woodlands, tree belts, nucleated settlements and isolated farmsteads¹⁸. However, the site as it currently stands does not reflect these characteristics.

18. The site contains a dilapidated, industrial development and caretaker's house, which represent a substantial, incongruous, industrial feature, unsympathetic with its surrounding rural landscape. Although these buildings are generally well screened by mature planting within the site and around its perimeter, there has been some thinning of trees and bushes to remove ash species affected by the ash epidemic¹⁹. Also, as much of the tree cover is deciduous, it would provide reduced screening during the winter period.
19. The existing state of the site affects the baseline against which the proposal's impact on landscape character should be assessed. Therefore, the existing industrial character of the site and its unkempt, utilitarian appearance must be taken into account.
20. The proposal would result in the demolition of the existing site buildings, and the part removal of mature planting²⁰, which would be replaced by housing, an element of employment space and new planting. This would result in a suburban landscape character out of keeping with the surrounding open countryside.
21. However, from the indicative layouts²¹ it seems that there is significant scope to minimise this suburban effect. This could be done through a sensitive approach to the final layout, by controlling the scale and appearance of the built form, and by ensuring appropriate landscaping. All this could be controlled by conditions, some of which could be left to reserved matters stage.
22. Besides significant perimeter tree cover being retained²², a woodlands area would be maintained and supplemental planting would be undertaken as indicated in the illustrative layouts²³ and the UU²⁴. Although there might be some challenging areas, particularly in the south east corner, in general, taking account of growth rates for various tree species²⁵, appropriate cover should be achievable within the medium term at the latest. The proposed open spaces and wide verges would also soften the scheme.
23. The single vehicular access would replace the two existing access points and although this would involve the removal of some vegetation²⁶, it would also provide an opportunity to in-fill the existing easternmost access with native hedgerow and semi-mature planting.
24. Although concern was raised about the possibility of future residents removing tree cover in order to gain views out of the site, in my opinion this is unlikely to occur. This is because the perimeter screening, woodlands area and open space planting would be in the control of a management company, not individual residents, and would be subject to the terms of the UU. Adequate screening is, therefore, likely to be retained.

¹⁸ SWD p69;

¹⁹ MDB ¶ 4.4

²⁰ SW Fig 2; AW Fig 11; ID 102

²¹ ID 90a & 90b Illustrative layout drawings nos C1232/P001K and C1232/P002 (Option 2)

²² SW Fig 2

²³ Illustrative layout drawings nos C1232/P001K and C1232/P002 (Option 2)

²⁴ ID 48 (see particularly Part IX)

²⁵ ID 4; SWRC

²⁶ ID 102 Proposed Access and Highways Layout and Existing Landscape Implications Drawing; AW p 16 ¶ 4.3.15

25. Moreover, when comparing the scheme with the current built form on site, the footprint and volume of the proposed buildings would be considerably less than the existing, and the area of hardstanding would also be significantly reduced²⁷. Additionally, the building height is intended to be restricted to no higher than the existing industrial buildings. Therefore, the resultant built form would be somewhat less than at present. Consequently, it seems to me that the proposed scheme would have a lesser impact on the openness of the countryside than the existing industrial development.

Landscape sensitivity studies

26. When the Council's landscape expert, Simon White (SW), wrote his Landscape Sensitivity Assessment in July 2011 for the purposes of the emerging Core Strategy/Site Allocations Document²⁸ he assessed the general area to the west of the settlement which contains the site, as being, along with a much smaller area, the least sensitive area to housing development in Shipston²⁹, and less sensitive to housing than commercial use³⁰. SW also commented specifically on the appeal site that "*Housing development could be accommodated in landscape screening terms within the disused factory site providing tree cover was retained and increased to the west and the heights of new housing did not exceed the current building heights*"³¹.
27. In a subsequent December 2012 Assessment, where the appeal site and another site were considered for potential generic housing development³², SW indicated that overall the suitability of the appeal site depended on the retention and management of existing vegetation and reinforcement as necessary to maximise screening³³.
28. Whilst these assessments are limited in relevance, as they were not commissioned for any particular scheme, they nonetheless give a general indication that the site has the potential to accommodate appropriate, sensitively designed housing development.
29. The Appellant's landscape expert, Andrew Williams (AW) considers the landscape character to be at most of medium sensitivity to housing³⁴. Coupled with his assessment of a low magnitude of effect³⁵, his evidence indicates that the significance of the proposal's effect would be low³⁶. I accept this conclusion.

Visual Impact

30. On my site visit I viewed the site from viewpoints at varying distances, ground levels and aspects in order to assess the visual impact of both the existing industrial complex and the proposal and to compare the two. From some vantage points the tall chimney and main factory building was visible on the skyline above the trees to a greater or lesser extent, and from others only the site's vegetative boundary could be seen.

²⁷ Unchallenged evidence of AW App B pp 46, 47

²⁸ SWC

²⁹ SWC p53 (Land Cover Parcel Sh09-medium sensitivity)

³⁰ SWC cf. Sh09 housing – medium sensitivity (p 53) with Sh09 commercial – high/medium sensitivity (p 54)

³¹ SWC p55 (B185)

³² SWE

³³ SWE p 82 last bullet point

³⁴ AW pp 23

³⁵ AW p 24

³⁶ AW p 24

31. I noted the white roof of the factory from several places including higher ground on Ilmington Hill to the north-west, public rights of way in the vicinity, and at points on the Campden Road. The boundary vegetation was visible from the western edge of Shipston and could be glimpsed from other parts of the town on lower ground to the east. In my opinion the industrial buildings could have some adverse visual impact on receptors at certain locations, particularly at times of reduced leaf cover. However, the surrounding tree cover is still growing and over time the screening would increase and reduce the factory's visual impact.
32. The proposed development would be visible from the surrounding area including the viewpoints referred to above. As the proposed houses would be closer to the site perimeter than the existing industrial buildings, they would initially be more visible, particularly taking account of the proposed tree removal³⁷. This would result in a detrimental visual impact in the short term. However, as referred to above, the adverse visual effects would be mitigated by vegetative screening, which would provide reasonable, acceptable cover in the medium term.
33. The proposed scheme would include street lighting both within the site and probably outside on the Campden Road, which could have an adverse impact on visual amenity during the hours of darkness. However, I understand that the County Council promotes a night time lighting policy whereby street lamps are switched off from midnight to 5:30am³⁸. If this were implemented with respect to the proposal it would materially reduce any such adverse effects.
34. Overall, provided it is sensitively designed and appropriately landscaped, the proposed development should be an improvement to visual amenity within a reasonable timeframe.

Conservation Area and AONB

35. There would be no impact on the significance of the Conservation Area within the town or any of its listed buildings, given the limited inter-visibility resulting from their considerable separation distance from the site³⁹, the topography of the land, and the intervening buildings and features. This is agreed in the SoCG⁴⁰.
36. Likewise the AONB is too far away to be significantly affected. In any event, any impact would be positive for the reasons given above.

Policy

37. Turning to the policy basis for the proposal, the Council cited three SLPR policies in its reasons for refusal, namely PR.1, ST.4 and CT.1, all of which contain landscape protection measures.
38. The general thrust of PR.1 is to ensure that development proposals respect and, where possible, enhance the quality and character of the area by, amongst other things, seeking generally to prevent proposals that would damage or destroy features which contribute to the distinctiveness of the local

³⁷ Taking particular account of viewpoints within Fig SW3, SWE, SWG, SWRF, AW App B, ID 2, ID 103, and my own site visit observations

³⁸ SW ¶ 4.12

³⁹ SWC p 52

⁴⁰ ¶ 5.36

- area. The proposal would result in the destruction of industrial features, which harm the distinctiveness of the surrounding open countryside, and their replacement by a scheme that would enhance the quality and character of the area. Consequently, the proposal is in accordance with Policy PR.1.
39. Policy CTY.1 seeks generally to resist development in the countryside so as to avoid harmful impacts, and requires full justification of countryside proposals. The replacement of the existing industrial features with appropriate domestic scale development would not result in an unduly harmful impact, and provides justification for the proposal. Therefore, the aim of Policy CTY.1 is satisfied.
40. The aim of Policy STR.4 is to steer development to previously developed land (PDL) in accordance with certain criteria and principles. However, so far as it relates to landscape, the requirement to retain the local area character, except where there are appropriate opportunities for change, is met. Using derelict industrial PDL to provide a more open, visually improved, mixed scheme is appropriate in the circumstances of this particular case.
41. Although the Council's landscape expert, SW, suggests that the proposal does not comply with Policy DEV.1, this policy relates to layout and design which are reserved matters.
42. With respect to the Framework I find no conflict with respect to the effect on landscape character or visual impact. In particular, I am satisfied that the intrinsic character and beauty of the countryside has been fully considered and that, bearing in mind the identified baseline, overall the proposal would be an enhancement to the surrounding natural environment⁴¹.

Conclusion

43. In landscape terms, and taking account of the Cotswolds AONB and the Conservation Area, the principle of housing development on the site is acceptable, and the indicative scale and layouts of the proposal is appropriate for this location. Although there would be a detrimental landscape and visual impact in the short term due to the removal of existing mature planting and the suburban nature of the development, this would be suitably mitigated in time as supplemental and retained planting matured. Moreover, taking account of the removal of the existing industrial buildings, the proposed scheme represents an overall benefit in terms of landscape character and visual impact.
44. There is no conflict with the landscape and visual amenity policies of the SLPR and the proposal is in conformity with the Framework in this respect. Consequently, in terms of its compliance with this aspect of policy, the scheme is acceptable.

Housing supply

45. The SLPR housing supply policies are now time expired as the SLPR only covers the period up to 2011. In any event, given that the Council accepts that it cannot demonstrate a five year supply of housing, the SLPR housing supply policies must be considered to be out of date. Therefore, in this regard the Framework is of paramount importance and it requires Local Planning Authorities to provide a five year supply of housing against their housing

⁴¹ ¶ 17 (core principles) bullet points 5 & 7

- requirements, usually with a buffer of 5%, which can be increased to 20% where there has been persistent under delivery⁴².
46. The Council estimates that its housing supply is for about 3.15 years⁴³, although it seemed a little reluctant at the inquiry to provide this information and questioned its relevance. The Appellant suggests that the shortfall is far greater and refers to a supply of only 1.08 to 1.88 years⁴⁴. Whilst I have not needed to determine the precise housing shortfall for the purposes of this appeal, I consider that information on the general extent of unmet housing need provides a relevant and helpful context in which to assess the proposal's effect on housing supply.
47. The Council's supply estimate is derived from a housing requirement figure of between 9,500 and 10,000 for the period 2008 to 2028 suggested by its most recent consultants ERM in April 2013⁴⁵. This underpins the 9,500 figure now being put forward for the emerging Core Strategy⁴⁶. Whilst this figure is ultimately a matter for the Examining Inspector, I note at this stage that it falls short of the 11,000 to 12,000 range which the Secretary of State accepted in the *Shottery* decision in October 2012⁴⁷, and which led to the Council reconsidering previously refused housing applications, including the proposal⁴⁸. It is also well below the 12,000 to 13,000 range suggested by the Council's consultants GL Hearn in January 2013⁴⁹.
48. Nonetheless, no matter which figures are preferred, and regardless of which buffer is applied, it is clear that the shortfall is significant and contrary to the Framework's requirements. Consequently, the development of 112 houses would provide a much needed contribution to meeting a serious shortage of housing in the district and would assist in bringing supply closer to what is required by the Framework. This I find to be a substantial benefit of the scheme.
49. Furthermore, the Strategic Housing Market Assessment Update of January 2013 shows the estimated net affordable housing need for Shipston (2012-2017) to be 77⁵⁰. Evidence presented by the Rule 6 Party on housing need in 2005⁵¹ is now out of date and cannot be relied upon. Therefore, in providing for a minimum 35% of total internal floor area of dwellings to comprise affordable housing⁵², the proposal goes some way to meeting this need. This is another considerable benefit of the scheme.

Employment/Business opportunities

50. The Council does not raise the loss of employment use of the site as an issue. In fact the Council agrees in the SoCG that the site has been marketed consistently for alternative employment use since its closure, and that given the lack of realistic offers for alternative employment use, it has been adequately demonstrated that alternative business uses cannot be attracted to

⁴² ¶ 47 second bullet point

⁴³ ID 86

⁴⁴ ID 84 Table 3.

⁴⁵ ID 81

⁴⁶ ID 70 Cabinet Minutes 29 April 2013; ID 70 Council Notice of Special Meeting 15 May 2013

⁴⁷ NR App 16 SoS Decision ¶ 14

⁴⁸ ID 89 Regulatory Committee minutes

⁴⁹ ID 80 ¶ 4.23

⁵⁰ ID 78 Fig 1

⁵¹ IC App 5

⁵² ID 48 UU Part VI ¶ 2.2

- the site⁵³. The Rule 6 Party, however, raises objections on the grounds of loss of employment land.
51. The buildings on site, comprising engineering, distribution and office accommodation, are somewhat outdated, having been constructed from between the 1950s to 1996 when the more modern warehouse extension was built. Since the Plant closed in 2008 there has been no employment use on the site and it has lain vacant. Despite the owners taking security measures the site has been badly vandalised.
52. On my site visit I noted buildings in various states of disrepair. Some had broken windows and doors and internally I observed considerable damage including smashed sanitary units, pulled down ceilings, and ripped out cabling and radiators. There was evidence of water ingress and some of the internal walls and panelling appeared damp or rotten. I am told that in early 2012 Western Power Distribution removed its 11KV substation from the site, and the gas connection was also removed for safety reasons⁵⁴.
53. According to the Appellant's expert, Rupert Detheridge (RD), the only element of the site that has any prospect of re-use is the more modern warehousing extension, which would require subdividing. However, this should be considered in the context of the premises being a large, purpose built facility, which reduces its flexibility. In his opinion the remainder of the buildings should be demolished as they have no intrinsic value and would have a substantial cost with respect to security, management and maintenance.
54. Even the warehouse is in a state of disrepair and has deep indentations running through its concrete floor, which probably once held plant and machinery in place. I also understand that the roller shutter loading doors and eaves height of 6.8 metres is less than modern requirements of 8 to 10 metres⁵⁵. Consequently, the evidence suggests that the costs of work to this unit to make it usable would be high, as would the costs of demolition of the other buildings⁵⁶.
55. The Rule 6 Party's employment witness, DP, has not undertaken an internal inspection of the buildings on site⁵⁷ and, therefore, his knowledge of the internal disrepair is limited. In my opinion, considerable work and expenditure would be required on the property if it were to have any prospects of becoming usable for employment purposes. In this regard I accept the Appellant's evidence that only the more modern warehouse is likely to have any realistic prospects of being re-used and, even then, at a substantial cost.
56. Moreover, the site might be considered to be unsuitable for the type of industry that would use such a large warehouse, due to its rural location and its distance (13-15 miles) away from the motorway network. The prospects of attracting a single occupier to the site are also likely to be reduced by the fact that there are other industrial/warehousing units available within better reach of the motorways⁵⁸.

⁵³ ¶¶ 5.20 & 5.21

⁵⁴ RD ¶ 1.3.4

⁵⁵ RD ¶¶ 1.3.15 & 1.3.16

⁵⁶ RD Apps 3 & 4

⁵⁷ DP ¶ 4.1

⁵⁸ RD ¶ 2.1.18

57. The site could potentially be redeveloped for employment uses. Nonetheless, the Rule 6 Party accepts that speculative redevelopment is unlikely to occur, and indicates that only redevelopment by an owner occupier is likely⁵⁹. Even then I am told that such redevelopment is likely to be limited to light industrial or general industrial type users such as the engineering, automotive and aerospace sectors, or others such as Research and Development in food, horticulture and pharmaceuticals⁶⁰.
58. Although the Rule 6 Party suggests that there are no directly comparable properties within at least a 35km radius of the site⁶¹, the Appellant's evidence indicates that this is of little consequence as there is limited demand for new employment space of any type in the area⁶². This is supported by the GL Hearn Employment Land Study, prepared as evidence for the Council's Core Strategy. This indicates that there is an overprovision of warehouse and industrial floorspace in the Stratford-on-Avon district⁶³, and whilst it refers to a requirement for additional office/research and development floorspace in the district⁶⁴, it does not suggest that this should be in Shipston.
59. In fact the GL Hearn study indicates that the 1.9 hectares of land available for employment development at the Tilemans Lane Industrial Estate⁶⁵ is adequate to support the settlement, and that there is a risk that a significant employment component on the appeal site could attract investment away from Tileman's Lane⁶⁶. In this respect I note that only a small fraction of the "Business Village" space recently granted permission for employment use at Tilemans Lane has been taken up and built out⁶⁷. This adds weight to the suggestion that there is little demand for employment space in Shipston.
60. The Rule 6 Party's employment witness DP indicated in cross examination that his evidence did not extend to the issue of need for employment land. Accordingly, there is little before me to challenge the Appellant's evidence in this respect or the relevant contents of the GL Hearn Employment Land Study. Consequently, I accept the Appellant's evidence on employment land provision.
61. Although the marketing of the site for employment use has been criticised⁶⁸, it nonetheless attracted in excess of 30 inquiries from the start of marketing in January 2008 to June 2011 when terms were agreed with the Appellant⁶⁹. This is not an insignificant response and, taking account of the existing economy, seems to me to reflect a reasonably successful marketing effort.
62. Reference has also been made to potential employment offers being discouraged or ignored due to the owner's suggested preference to dispose of the land for housing in an attempt to obtain higher residential values compared to employment values. Nonetheless, besides the interest shown by 12 commercial developers, 10 residential developers expressed an interest⁷⁰ prior

⁵⁹ DP oral evidence

⁶⁰ DP ¶ 9.4

⁶¹ DP ¶ 6.5 and App III

⁶² RD section 5

⁶³ ID 49 ¶ 11.25

⁶⁴ ID 49 ¶ 11.24

⁶⁵ RD App 7

⁶⁶ ID 49 ¶¶ 11.50 & 11.51

⁶⁷ RD ¶ 5.3.4

⁶⁸ See particularly proof of DP

⁶⁹ RD App 6 App B

⁷⁰ RD App 6 App B

to the Appellant's offer being accepted, but none of these were taken forward. Therefore, the evidence does not indicate any particular preference.

63. Complaint is also made about an offer on the land for employment purposes from Sir John Aird (formerly chairman of Matcon Group Ltd), which was not taken up⁷¹. However, I understand that the offer was low and was for only part of the site, which included the more modern warehouse. This was apparently unacceptable as it would make it difficult to dispose of the less attractive remainder of the site. I am told that although Sir John was invited to come back with a better offer, he never did⁷². I accept this explanation.
64. Even if there were inadequacies in the marketing, it is unlikely that this would have made any significant difference, given the lack of demand for new employment land in the area.
65. There has been a substantial loss of employment in Shipston in the recent past, which the Rule 6 Party is keen to redress. In this regard the Shipston-on-Stour Town Plan for 2008-2013⁷³ seeks initiatives to proactively encourage new employment opportunities to the area. However, in the absence of demand for employment land, preventing the proposal from being developed is unlikely to enhance employment opportunities in Shipston and, in fact, would probably reduce them by stopping the scheme's economic potential.
66. Taking account of the purpose built industrial buildings on site, their considerable state of disrepair, the location of the site some distance from the motorway, and the lack of demand for employment space in Shipston, I find that the proposal would not result in any unacceptable loss of employment or business opportunities.
67. The proposed development includes an element of B1 employment space. However, the Rule 6 Party considers this to be tokenism and refers to its proposed location, lack of prominent frontage and critical mass, amongst other things, as being inappropriate, thereby forecasting its eventual use for housing⁷⁴. Regardless of this, the prospect is insufficient in itself to dismiss the appeal.
68. I turn now to policy. SLPR Policy STR.4, the main aim of which is the use of PLD, requires sites currently or formerly in industrial or commercial uses to remain substantially in this type of use⁷⁵. Whilst the proposal does not substantially fall into these categories, the site is, nonetheless, PDL. The Policy also seeks to prevent the development of greenfield sites for employment use which is only required to sustain employment levels because of employment land being developed for other purposes⁷⁶. However, the proposal would not result in a displaced employment use being re-established on a greenfield site as the appeal site is currently vacant and there is already sufficient employment land available at Tilemans Lane⁷⁷. Consequently, although the proposal does not fully accord with Policy STR.4, it does meet its purpose of encouraging the use of PDL.

⁷¹ IC App 11 Sir John Aird's letter of 22 November 2012; ID 60 Sir John Aird's letter of 4 Feb 2013

⁷² RD ¶¶ 3.2

⁷³ IC App 6

⁷⁴ DP section 8; IC 1.13 & 1.14

⁷⁵ Principle (a)

⁷⁶ Principle (c)

⁷⁷ ID 49 Employment Land Study p 157 ¶ 11.50

69. Moving on to SLPR Policy COM. 16, this states that where a site is vacant, and where there is clear evidence that an alternative business use cannot be attracted, an alternative may be appropriate. I am satisfied that the Appellant has clearly demonstrated that an alternative business use cannot be attracted and, therefore, this Policy requirement is met.
70. Finally, the Framework states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose⁷⁸. This is up to date national policy which, in the circumstances of this case, is sufficient to outweigh the scheme's conflict with SLPR Policy STR.4.

Sustainability

71. The Framework makes clear that there are three dimensions to sustainable development⁷⁹, namely economic, social and environmental⁸⁰, which are mutually dependent⁸¹. Before considering these roles, it is relevant in this case to consider the context in which the issue of sustainability should be assessed.
72. Shipston has undergone rapid growth over recent years and the gap between the western edge of the settlement and the site has been reduced by approximately 50% over the last 60 years⁸². In terms of settlement hierarchy, after Stratford-on-Avon, which is the district's main town, SLPR Policy STR.1 identifies Shipston as one of eight Main Rural Centres in the district. As such Shipston is identified in the 2008 Strategic Housing Land Availability Assessment (SHLAA) and the 2009 SHLAA Review for significant housing development⁸³. Although the appeal site is not allocated for housing in the SLPR, it is identified for potential housing of up to 140 units in the SHLAA and SHLAA Review⁸⁴.
73. Moreover, each of the three versions of the Draft Core Strategy up to February 2012 has put forward the appeal site for housing/mixed use development⁸⁵. In identifying eight potential edge of settlement locations, the Draft Core Strategy of February 2012 makes it clear that land outside of the built up boundary of the town will need to come forward for housing development⁸⁶. Whilst the Council points out that the appeal site is the only one of the eight locations that is not contiguous with the existing settlement⁸⁷, it should also be noted that it is the only one which is PDL⁸⁸. Effective use of PDL is encouraged by the Framework⁸⁹ and is sustainable.
74. Whilst SLPR Policy STR.4 seeks to restrict non-allocated sites within Main Rural Centres to the built-up area boundaries, its main aim is to utilise PDL, which the appeal site clearly does. In any event the area boundaries would have

⁷⁸ ¶ 22

⁷⁹ ¶ 6 states that the policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development means

⁸⁰ ¶ 7

⁸¹ ¶ 8

⁸² MDB ¶¶ 4.1 & 4.2; MDB 1; MDB 9 p 158

⁸³ MDB 8

⁸⁴ MDB 8 2008 SHLAA p 73 (SHP904) & 2009 Review p 161 (SHP904)

⁸⁵ NR App 13

⁸⁶ MDB 9 ¶¶ 10.6.23 & 10.6.24 & Plan 6

⁸⁷ ID 107 Council's Closing ¶ 3.8

⁸⁸ MDB 9 Plan 6

⁸⁹ ¶ 17(core principles) bullet point 8; ¶ 111

been drawn up to reflect housing requirements up to 2011, the end of the Plan period, and not beyond. Furthermore, the Policy draws on *Planning Policy Guidance 3: Housing*, which was cancelled as long ago as November 2006. Consequently, it is out of date and now represents an unreasonable constraint on development.

Social role

75. Location and accessibility to shops and services has an impact on social sustainability. Shipston is connected to Stratford-upon-Avon, about 8-10 miles away to the north, via the A3400, and to Banbury, about 12 miles away to the east, via the B4035⁹⁰. Access to the site is from Campden Road (B4035), which connects to the Fosse Way (A429) a short distance to the west, and runs eastwards into Shipston. Consequently, facilities in larger nearby surrounding towns are reasonably accessible along this road network. Furthermore, as referred to in the 2009 SHLAA Review, the existing access to the site is good⁹¹.
76. The site is approximately 0.5km from the built up edge of Shipston and around 1.5km from the town centre⁹² where there are a range of facilities. The route to the town centre is along footpaths on an incline⁹³. However, from walking it both ways on my site visit, I am of the opinion that for an unencumbered, able bodied person, the town centre is readily accessible on foot. Whilst the walk would be more difficult or even unmanageable for the less able, the journey by car is a short one. Also the Appellant's undertaking to provide a contribution towards footpath improvements adjacent to Campden Road⁹⁴ would enhance accessibility. I also note that the site lies as close to the town centre as parts of south Shipston, and probably nearer to the schools and certain other facilities⁹⁵.
77. In terms of public transport, whilst there is a bus stop nearby, bus services are somewhat infrequent and the overall public transport options are limited⁹⁶, although this is not unusual for a rural location. Whilst the Appellant has undertaken to provide a public transport contribution towards enhancing public transport provision serving the development and the local area⁹⁷, I note that its uptake would be dependant on the adjacent Ainscough's development coming forward⁹⁸, which renders the benefit somewhat uncertain.
78. Nonetheless, the Framework advises that "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*"⁹⁹. The proposal would not create any severe impacts and, consequently, it should not be refused on transport grounds.
79. Overall, the proposal's location and accessibility are reasonably sustainable. Furthermore, as noted above, it would provide both market and affordable housing to meet identified needs. In addition, there would be contributions to

⁹⁰ MDB ¶ 4.1; RD ¶ 1.2.2

⁹¹ MDB 8 p 188 under *Suitability Summary*

⁹² SoCG ¶ 1.1; AW p 16 ¶ 4.3.16

⁹³ SW 4.21 350m horizontal separation distance with a minimum 20m change in level

⁹⁴ ID 48 p 22 Part V

⁹⁵ ID 58 Ordnance Survey Plan; ID 94 Walking and cycling distances; ID 7 Distances to facilities

⁹⁶ MDB ¶8.5 & MDB 6; ID 8 Bus Services and timetables; ID 93 Public Transport Note

⁹⁷ ID 48 p 19 Part II

⁹⁸ ID 59 Section 3 CIL statement

⁹⁹ ¶ 32 third bullet point

improve social infrastructure including local educational facilities¹⁰⁰. Therefore, the scheme's social role is significant.

Economic role

80. House building provides a boost to economic growth, as advised in the Government's Housing Strategy for England¹⁰¹. Such a boost to the local economy of Shipston would be delivered by the proposal's provision of employment during the demolition and construction phases. It would also be reflected by benefits to town centre retail and catering outlets, which are likely to experience increased patronage from new residents.
81. Moreover, the scheme's provision of Class B1 employment land would add to its economic contribution. As reasoned above, there would be no detriment to the economic sustainability of Shipston through the loss of employment land, as this would not appreciably impact on employment or business opportunities.
82. Consequently, the proposed development would have a significant economic role in boosting the local economy.

Environmental role

83. Overall, the proposal would improve the landscape character and visual amenity by replacing an existing derelict, industrial feature with appropriate housing and employment land. This would represent an effective use of vacant PDL. Consequently, it is environmentally sustainable.

Conclusion

84. In considering each of the Framework's sustainability dimensions, the evidence suggests that the proposal is socially, economically, and environmentally sustainable.

Prematurity

85. The Council's planning expert, Malcolm Brown (MB) referred to the granting of permission for the proposal as being premature, due to it prejudicing the outcome of the emerging Local Plan¹⁰². However, Counsel for the Council made it clear in opening that prematurity is no part of the Council's case. Prematurity is, however, argued by the Rule 6 Party, who is particularly concerned to ensure that regard is had to the Shipston-on-Stour Town Council's Draft Neighbourhood Plan¹⁰³, work upon which apparently started in October 2012¹⁰⁴.
86. In accordance with the Framework, Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan, which should be up to date¹⁰⁵. The SLPR spanned a period up to 2011 and, therefore, is not up to date. I am told that the emerging Core Strategy is not likely to be adopted before November 2014, and that the Site Allocations Document is unlikely to be adopted before 2016¹⁰⁶. Both will be subject to further consultation in an

¹⁰⁰ ID 48 pp 19-22 Part IV

¹⁰¹ AB App 7 particularly executive summary ¶ 11

¹⁰² MDB ¶ 13.4

¹⁰³ Being prepared as per The Neighbourhood Planning Regulations of April 2012

¹⁰⁴ See particularly the proof of Stephen Miles of 15.1.13

¹⁰⁵ ¶ 184

¹⁰⁶ Evidence of Cllr. Saint

attempt to resolve outstanding fundamental issues, not least of which relate to housing.

87. Government guidance on prematurity is provided in *The Planning System: General Principles*¹⁰⁷. Of particular relevance is the following advice, which applies to the Stratford-on-Avon Core Strategy:

*"Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question"*¹⁰⁸.

88. Until the Core Strategy is adopted, the Town Council's emerging Neighbourhood Plan should not proceed to a referendum¹⁰⁹. Therefore, in the context of this appeal, it can be given little weight.
89. It has been suggested that allowing this appeal would increase the likelihood of the adjacent Ainscough's site¹¹⁰ being granted permission on appeal. Furthermore, the Rule 6 Party has indicated that both sites should be considered together as one effective joint allocation or release. Therefore, taking account of the possible landscape consequences of such a large joint development coming forward, the Rule 6 Party indicates that the appeal site should only be considered through the Development Plan process¹¹¹.
90. Government guidance indicates that it could be justifiable to refuse planning permission on the grounds of prematurity where a proposed development is so substantial, or the cumulative effect would be so significant, that granting permission could prejudice the Local Plan by predetermining decisions about the scale, location or phasing of development which is being addressed in the Local Plan¹¹². In this case, such scale and impact could only arise if the two appeals were considered together.
91. However, the appeals have not been conjoined or considered together at this inquiry, and the evidence suggests that each proposal is quite different from the other and should be dealt with separately on its own merits. One significant difference is that the appeal site is PDL, which the Ainscough's site is not. Consequently, I am not persuaded that granting permission for the appeal site would necessarily result in a grant of permission on the Ainscough's site. Therefore, it is not premature to allow the Appellant's proposal simply because of any potential impact it might have on the adjacent site.
92. The Rule 6 Party refers to SLPR Policy COM.1, which states that: *"The views of the local community as expressed preferably in a Parish Plan (or equivalent)....will be fully taken into account in the planning process"*. My attention has also been directed to the Aarhus Convention¹¹³ and the need to allow public participation in plan making and decision taking¹¹⁴.

¹⁰⁷ NR App 21 ¶¶ 17-19

¹⁰⁸ ¶ 18 first bullet point

¹⁰⁹ NR App 5 *Report Of The Examination Into The Dawlish Parish Neighbourhood Plan* March 2012

¹¹⁰ ID 74; ID 104

¹¹¹ ID 106 p 5

¹¹² NR App 21 *The Planning System: General Principles* ¶ 17

¹¹³ MDB 10 *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters* June 1998

¹¹⁴ MDB ¶¶ 11.4 – 11.9

93. The appeal proposal has been widely consulted upon by a range of respondents¹¹⁵, some of whom have spoken at the inquiry. I have noted the considerable local opposition to the scheme, and all written and oral representations have been taken into account. Therefore, in view of this, Policy COM.1 has been complied with. Furthermore, in taking account of the representations on prematurity with respect to the Core Strategy, I note the Inspector's remarks in the Bishops Cleeve appeals¹¹⁶, to the effect that granting planning permission before adopting the Core Strategy would not contravene the Aarhus Convention.
94. In summary, there is nothing before me to suggest that there has been a breach of policy with respect to taking local opinion into account, and it is clear that the Aarhus Convention has been complied with. Therefore, for the reasons given and in accordance with Government guidance there is no good reason to refuse the proposal on the grounds of prematurity.

s106 obligation

95. In the absence of a Community Infrastructure Levy (CIL) Charging Schedule, the Appellant has signed a UU covering infrastructure as well as affordable housing¹¹⁷. In order for me to take the various obligations into account, they have to comply with the CIL tests in that they must be necessary, directly related to the development, and fairly and reasonably related in scale and kind¹¹⁸. The UU contains a clause making the payment of any obligated contribution dependant upon me expressly finding that it complies with the CIL tests.
96. The Council has submitted a CIL statement setting out how the CIL tests are met for each element of the UU¹¹⁹. This was discussed at the inquiry and its contents were not challenged. Since drafting the UU the Council has confirmed that the police contribution is no longer CIL compliant as the Police Authority has withdrawn its request for finance¹²⁰. I agree that this element of the UU is not CIL compliant. With respect to the remainder of the obligations, I shall consider each of them in turn.
97. The policy justification for public open space contributions is largely contained in SLPR saved policies COM.4, COM.5 and DEV.3, which seek open space provision in relation to development. An Open Space Audit identifies a shortfall in open space for children's play. I accept this conclusion. Detailed advice is set out in the Council's 2005 Supplementary Planning Guidance on the "Provision of Open Space", which provides a formulaic approach directly linked to the number of proposed dwellings. The percentage increase in dwellings in Shipston resulting from the proposal is applied to the existing deficit to calculate the additional amount of public open space that would be required by the scheme. Taking account of the Council's explanation within its CIL statement¹²¹, I am satisfied that the public open space contribution which would result from the public open space contribution formula is CIL compliant.

¹¹⁵ See NR p 51 under *Community Consultation Obligations*

¹¹⁶ NR App 17 ¶ 14.26

¹¹⁷ ID 48

¹¹⁸ Regulation 122 of the CIL Regulations 2010 as amended

¹¹⁹ ID 59

¹²⁰ Letter dated 19 March 2013 appended to ID 59

¹²¹ ID 59 Section 2

98. Turning to the public transport contribution, the policy justification is found within SLPR Policies COM.7 and IMP.5, which seek to protect, improve and extend local bus services, and obtain contributions in doing so from developers. Also, the Warwickshire Local Transport Plan 2011-2026 contains Policies PTB4 and LUT3, which together seek good accessibility by bus to and from new development, and require contributions from developers to satisfy this aim. Warwickshire County Council has requested finances in accordance with these policies. Taking account of the costs of providing a new bus service and sharing it with the potential development adjacent to the appeal site, the quantum requested is reasonable. I am satisfied that the public transport contribution meets the CIL tests.
99. With respect to the library contribution, SLPR Policies COM.2 and IMP.4 together seek to protect local services and obtain developer contributions for physical and social infrastructure. New residents would use Shipston library, which I understand needs upgrading. Consequently a contribution is justified. I am content that the quantum justification¹²², based on *Public Library Service Standards* set by the Department of Culture, Media and Sport, results in an appropriate sum. The library contribution, therefore, meets the CIL tests.
100. The educational contribution is supported by SLPR Policy IMP.4, which requires developer contributions for physical and social infrastructure. The Education Authority has requested finance towards early years, primary, secondary, and secondary post 16 education. I accept that a shortfall in school places is likely to arise as a result of the development, and that the quantum formula¹²³ is justified to arrive at the appropriate sums to cover this need. I am satisfied that all of the education contributions meet the CIL tests.
101. The Policy justification for the footpath contribution is found within SLPR saved Policy COM.9, which seeks improvements to existing pedestrian and cycling facilities from developers. The footpath into the town from the site needs upgrading and the County Highway Authority has provided details of the costs. On this basis I accept that the footpath contribution is CIL compliant.
102. SLPR saved Policy COM.13 seeks to maximise the proportion of affordable housing within a development. Under Key Principle MHN2 of the Council's adopted Supplementary Planning Document "*Meeting Housing Need*" there is a requirement for a minimum of 35% on-site affordable housing. There is a need for affordable housing in the area and the tenure split is appropriate for this need. Consequently, the affordable housing obligation based on 35% of the internal floor area of dwellings on site is CIL compliant.
103. The policy basis for the sustainability packs is Policies LUT3, CTB6 and CTB7 of the Warwickshire Local Transport Plan 2011-2026, which together seek to promote the benefits of sustainable modes of transport and to obtain developer contributions, where appropriate, for travel packs for new developments. Promoting sustainable transport in this way should be encouraged, and the quantum justification¹²⁴ is acceptable. Therefore, the sustainability welcome pack contribution complies with the CIL tests.
104. SLPR saved Policies COM.3 and IMP.4 provide support for the provision of new services and social infrastructure which meet the needs of local

¹²² ID 59 Section 4

¹²³ ID 59 Section 5

¹²⁴ ID 59 Section 8

communities. The Shipston Medical Centre, which is the only medical centre in Shipston, is at capacity and is in need of expansion and improvement. Therefore, it does not currently have the capacity to take new patients from the proposed development. For the reasons set out by the Council¹²⁵ a new facility is needed. I accept the need for this facility and the quantum justification for the contribution sought. Accordingly, I find the healthcare contribution to be CIL compliant.

105. The management of the SUDs (Sustainable Urban Drainage) area and woodlands area does not require the transfer of monies but is needed to secure the future maintenance and operation of these areas. Policy justification for this is found within SLPR saved Policies DEV.2(e) and DEV.7, which together require development to incorporate sustainable drainage and provide for the long term management and maintenance of landscape features. Therefore, I find this obligation to be CIL compliant.
106. The policy basis for the on-site open space and incidental open space is SLPR saved Policies COM.4, COM.5, and DEV.3, which refer to the potential need to incorporate such space within the layout of new development. Detailed requirements are provided within the Council's 2005 Supplementary Planning Guidance "*Provision of Open Space*". I accept the need for this type of open space on site, given the scale of the proposed development. I am also satisfied that the precise size of these areas can reasonably be incorporated into a scheme to be approved by the Council. Consequently, the provision of on-site open space complies with the CIL tests.

Planning Balance and Overall Conclusion

107. With respect to landscape and visual amenity, the proposal represents an overall benefit when considered against the existing industrial nature of the site. It would also provide much needed market and affordable housing and, therefore, would be a significant benefit to housing supply. As there is limited demand for the site for employment purposes, there would be no loss of employment or business opportunities. On the contrary, the proposal's small employment element would provide some employment opportunities.
108. As regards sustainability, in terms of location and accessibility, the site is separated from the town and public transport is limited. However, the town is readily accessible on foot for the able bodied, and only a short drive away in any event. Overall, the proposal is sustainable when considered against the Framework's three dimensions of sustainability. With respect to prematurity, as the draft Core Strategy still has fundamental issues to resolve and is proceeding through another round of consultation, it can only be given limited weight. Consequently, in accordance with Government guidance, allowing the proposal is not premature.
109. Turning to policy, the proposal is in accordance with the Development Plan apart from SLPR Policy STR. 4 with respect to the scheme's location outside of the settlement boundary, and its failure to leave the site substantially in industrial or commercial use. However, the proposal meets the main aim of Policy STR.4, which is to use PDL. In any event, the SLPR only spanned a period up to 2011 and the boundary/employment parts of STR.4 do not

¹²⁵ ID 59 section 9

conform with the Framework, which is a material consideration that outweighs this Development Plan conflict.

110. The proposal must be considered in the context of the Framework's presumption in favour of sustainable development. As relevant local plan policies are out of date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Not only do the adverse impacts fail to significantly and demonstrably outweigh the benefits of the proposal, but the benefits significantly and demonstrably outweigh the adverse impacts. Consequently, the clear balance is in favour of allowing the appeal subject to conditions.
111. In reaching my decision I have taken account of the various appeal decisions that have been put before me. However, each case is different and the appeal proposal must be considered on its own merits.

Conditions

112. The main parties submitted a list of agreed conditions, which were discussed and amended at the inquiry, resulting in a further agreed list, which is set out in the attached schedule. I have considered these conditions in the light of Circular 11/95 and reworded them where necessary in the interests of precision, relevance and enforceability.
113. The plans list condition has been amended to include the red line drawing. I have also taken out the two layout plans because they are illustrative only, and in any event are included and explained in the Design and Access Statements, which form part of the list.
114. Reserved matters conditions are included with time limits of one year for submitting details and commencement thereafter, rather than the usual three/two years, in order to encourage prompt delivery of the proposal because of the housing supply situation.
115. Restrictions on the buildings and layout are imposed in the interests of landscape character and visual amenity. Closure of existing accesses and the provision of an appropriate access surface and visibility splays are required for reasons of highway safety.
116. Although landscape is a reserved matter, given its importance to the principle of development at outline stage, the parties suggested the imposition of landscape conditions at this stage. I have imposed the suggested conditions in the interests of character and appearance. Ecology conditions are also included for reasons of nature conservation and enhancement.
117. Conditions relating to drainage, renewable energy, sustainable homes standards and waste provision have been imposed in the interests of sustainability and climate change. An archaeology condition is included to record any finds of historical interest, and a play area condition is included to ensure that the required space for play is provided.
118. The employment land use is restricted to Class B1 and a marketing plan is required to encourage the development to be built out as proposed. Conditions for cycling facilities and a travel plan are imposed to promote sustainable

modes of transport. Land contamination and construction management conditions are included for environmental reasons.

Elizabeth C Ord

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Paul Cairnes of Counsel	Instructed by Stratford on Avon District Council Head of Legal Services
He called	
Malcolm Brown FRICS MRTPI	Director of Sibbett Gregory
Simon White DipLA DipUD(Dist) MA CMLA	Director of White Consultants

FOR THE APPELLANT:

Jeremy Cahill QC	Instructed by Savills
He called	
Andrew Williams BA(Hons) DipLA DipUD CMLI	Define
Rupert Detheridge MA MSc MRICS	Bruton Knowles
Anthony C Bateman BA(Hons) DipTP MRICS MRTPI MCMi MIOd	Pegasus Group
Nicholas J Rawlings BA(Hons) MA MRTPI	Savills

FOR THE RULE 6 PARTY:

John Steel QC and James Potts of Counsel	Instructed by Stour United Businesses
Who called:	
David Penn BA(Econ) BSc (Est Man) MRICS	Managing Director of Shortland Penn & Moore
Ian Cooper	Local Resident, Stour United Businesses Committee Member, Town Councillor
Stephen Miles BSc DipTP MRTPI was not called due to unavailability. His written proof was taken into account	Volunteer Planning Advisor to Shipston-on-Stour Town Council

INTERESTED PERSONS:

Cllr Cheney	Local Councillor
Cllr Rathkey	Local Councillor
Caroline Warren	Local Resident
Cllr Kenner	Local Councillor
Cllr Saint	Local Councillor

Documents Submitted at Inquiry 5 - 7 February 2013 & 4 - 7 June 2013

Document ID	Document Description
1	Notification of Inquiry Letter
2	Additional Viewpoints – Appellant Fig 10K – 10Q
3	New Plans – Appellant (Figure 14)
4	Tree Nursery Letter – Appellant
5	SWF – Council
6	David Penn – Rule 6 Proof of Evidence
7	Walking Distances Schedule (Rule 6 Party)
8	Bus Services & Timetables (Rule 6 Party)
9	Decision – Adderbury
10a	Cheney – Statement
10b	Cheney – Update Statement (June 2013)
11	Opening – Appellant
12	Opening – Council
13	Opening – Rule 6 Party
14a	Stratford on Avon Local Plan Policies (including PR11)
14b	Stratford on Avon Local Plan Policy COM.1
15	Addendum Brief – Simon White
16	Statement – M Ashley
17	Statement – Tim Haworth
18	Statement – Lucy Walker
19	Statement – Steve Farnsworth
20	Statement – Dave Passingham
21	Statement – Barry Stewart
22	Statement – William Trevethick
23	Statement – D M Hodges
24	Statement – Peter & Doreen Mc Carroll
25	Statement – Pamela Hudson-Bendersky
26	Statement – Jane Brabyn
27	Statement – C L Barnes & J E Heath
28	Statement – Tim Newcombe
29	Statement – Mr and Mrs Nabbs
30	Statement – Kate Clarke
31	Statement – M C A MacDonald
32	Statement – Richardson
33	Statement – Davies
34	Statement – Holberton
35	Statement – Lowes

Document ID	Document Description
36	Statement – Williams
37	Statement – Kirby
38	Statement – Fortescue
39	Statement – Butler
40	Statement – Barratt & Glover
41	Statement – Lovatt
42	Statement – Briscoe
43	Statement – Risk
44	Statement – Kent
45	Statement – Mead
46	Statement – Whorrod
47	Statement – Fossey
48	Section 106 Agreement – Unilateral Undertaking
49	GL Hearn Employment Land Study
50	Bidford on Avon Appeal Decision
51	New Homes Bonus : Cabinet Paper 28/01/13
52	Statement - Lodder
53	Statement - Crimp
54	Statement - Sewell
55	Statement - Howard
56	Statement - Pusey
57	Statement - Gaymond
58	Outline Plan (Ordinance Survey)
59	CIL Regulations : Council's Statement
60	Sir John Aird letter
61	Statement - Hodgkinson
62	Statement - Winniffrith
63	Statement - Sewell
64	Statement - Davies
65	Statement - Doyne
66	Highway Access Drawing – Robert West
67	Council's Determination Plans
68	Statement - Sharkey
69	WMRSS Revocation Order (SI No. 933)
70	Council's Cabinet Minutes 29 April 2013
71	Rt Hon Mr Justice Males Decision re Bishops Cleeve Appeal
72	Wincanton Appeal Decision
73	Wincanton Appeal Decision Challenge – Skeleton Argument
74	Council's Decision Notice re Ainscough Strategic Land planning application

Document ID	Document Description
75	Shipston on Stour - current planning applications and recent developments (Map)
76	Shipston Business Village – site & premises details
77	Rural Business Parks (Google images)
78	Stratford on Avon Strategic Housing Market Assessment 2013
79	Council's Cabinet Report 15 May 2013
80	GL Hearn Housing Provisions Options Study: 2012 Update
81	ERM Review of Housing Requirements
82	Summary of Ian Cooper Proof of Evidence (June 2013)
83	Information Sheet on 5 year housing land supply - Pegasus
84	Housing Land Supply Table - insertion (Column 4) into Table 3 - Pegasus
85	Caroline Warren Statement
86	Housing Land Supply Table (Council)
87	Procedural Guidance (PINS)
88	Summary of Representations to 2012 Draft Core Strategy re. Shipston on Stour
89	Council's Regulatory Committee Minutes 30 November 2012
90a	Illustrative Layout Drawing No. C1232/P001K
90b	Illustrative Layout Drawing No. C1232/P002 (Option 2)
91	Upper Rissington Appeal Decision
92	Land adj. Gretton Road, Winchcombe Appeal Decision
93	Shipston on Stour Public Transport Note (Savills)
94	Walking & Cycling Distances Note (Savills)
95	Draft Planning Conditions
96	Howell Brooks Letter dated 21 May 2013
97	Local Business Parks Without Road Frontage Note (Bruton Knowles)
98	List of Documents submitted to Inquiry 5 - 7 February 2013
99	Management Company Arrangements Note (Savills)
100	Stratford on Avon Core Strategy Update Note (Pegasus)
101	Council's Information Sheet May 2013: 5 Year Housing Land Supply
102	Proposed Access and Highways Layout and Existing Landscape Implications Drawing (Define)
103	Photographic montages: 30cm viewing distances (Define)
104	Land at Campden Road – Illustrative Masterplan Drawing No.010-020-P002 (Ainscough Strategic Land)
105	Statement by Councillor Kenner
106	Closing Submission on Behalf of Stour United Businesses
107	Closing Submission on behalf of Stratford on Avon District Council
108	Closing Submission on behalf of CALA Homes (Midlands) Ltd (the appellant).
109	Appellant's application for costs
110	Council's costs rebuttal

Schedule of Conditions

Plans list

1. The development hereby approved shall be carried out in accordance with the following plans and drawings: 2797/003/100/Rev P2; DE.067.001; and C1232/Site Loc. 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

2. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the local planning authority not later than one year from the date of this permission.
4. The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.

Restrictions on buildings and layout

5. The number of dwellings hereby permitted is limited to 112 units and the area for employment use hereby permitted is limited to 929 square metres of B1 use.
6. No buildings hereby permitted shall exceed 9.8m from existing ground level to ridge height. A topographical plan of the existing site shall be submitted to and approved in writing by the Local Planning Authority at reserved matters stage.

Access

7. Prior to first occupation of the development hereby permitted all parts of the existing accesses from the public highway not included in the access hereby permitted shall be closed and the kerbs and verges shall be reinstated in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
8. Prior to first occupation of the development hereby permitted visibility splays shall be provided to the vehicular access hereby permitted with an 'x' distance of 2.4 metres and 'y' distances of 120 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the area of these visibility splays which exceeds, or is likely to exceed at maturity a height of 0.6 metres above the ground level of the highway carriageway.

9. Prior to first occupation of the development hereby permitted the vehicular access hereby permitted shall be surfaced with a bound material for a distance of 15 metres as measured from the near edge of the highway carriageway in accordance with details submitted to and approved in writing by the Local Planning Authority.

Landscaping and ecology

10. The development hereby permitted shall not be commenced until details of hard and soft landscaping, and an ecology and landscape implementation and management plan, have been submitted to and approved in writing by the Local Planning Authority. The hard and soft landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development or alternatively in accordance with a programme of implementation submitted to and agreed in writing by the Local Planning Authority.
11. The development hereby permitted shall not be commenced and no equipment, machinery or materials shall be brought onto 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 in accordance with the approved details.
12. The development hereby permitted shall not be commenced until a schedule of landscape maintenance, including details of implementation, for a minimum period of 5 years from the date of planting, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved schedule.
13. Prior to the demolition of buildings B2, B3 and B10 identified in the Ecological Assessment report by FPCR of Oct 2011, a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details, monitoring and further surveys if appropriate) shall be submitted to and approved in writing by the Local Planning Authority. Mitigation shall be carried out in accordance with the approved details.
14. The demolition of buildings and vegetative clearance shall not be carried out between the 1 March and 31 August to avoid the bird breeding season unless in accordance with written advice given by a qualified ecologist, appointed by the developer, to the written satisfaction of the Local Planning Authority.

Drainage

15. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment, Ref: 2797/003/R002 Rev A prepared by Robert West, dated September 2011. Prior to commencement of development a scheme of drainage mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Mitigation shall be carried out in accordance with the approved details and concurrently with the commencement of development.
16. The development hereby permitted shall not be commenced until a scheme for all drainage works (foul and surface) has been submitted to and approved

in writing by the Local Planning Authority. The approved drainage works shall be carried out prior to first occupation.

Archaeology

17. The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority, and shall allow that person to observe the excavations and record items of interest and finds.

Other residential conditions

18. The development hereby permitted shall not be commenced until a scheme for the provision of energy from on-site renewable sources sufficient to replace a minimum of 10% of the predicted carbon dioxide emissions from the total energy requirements of the 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 unless otherwise agreed in writing with the Local Planning Authority.
19. The dwellings hereby permitted shall achieve a minimum of Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for that dwelling certifying that the minimum Code Level has been achieved.
20. Not less than 50% in number of all dwellings hereby permitted shall fully comply with the relevant requirements of the Joseph Rowntree Foundation's 'Lifetime Homes' standards (or any substitute therefore which may be published from time to time). The details of which dwellings are to comply with the "Lifetime Homes" standards shall be submitted to the Local Planning Authority at reserved matters stage, and those dwellings so identified shall be constructed in accordance with the said standards.
21. Prior to first occupation of the development hereby permitted a scheme for the provision of bins to serve the employment and residential units, including details of the location, size and design of all waste/bin collection areas, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

Play areas/equipment

22. An on-site area of equipped children's play space measuring a minimum 650m² shall be provided in accordance with details, including timings of implementation, submitted to and approved in writing by the Local Planning Authority.

Employment land

23. Prior to first occupation of the employment units details of cycle parking/storage provision to serve those units shall be submitted to and approved in writing by the Local Planning Authority, and implemented in accordance with the approved details. The cycle parking shall be provided at a rate of one cycle space for each 6 car parking spaces provided to serve these units.
24. The employment units shall be used for Use Class B1 and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
25. Prior to occupation of any employment unit hereby permitted that employs 10 or more full time equivalent employees a travel plan statement shall be submitted to and approved in writing by the Local Planning Authority. The approved travel plan statement shall be implemented for the lifetime of that unit.
26. Prior to commencement of development, a sales and marketing strategy for the B1 units shall be submitted to and approved in writing by the Local Planning Authority. The B1 units shall be marketed in accordance with the approved strategy.

Land contamination investigation

27. No development shall take place until site investigations of the nature and extent of contamination has been carried out in accordance with the recommendations detailed in paragraph 6 of the Phase 1 Land Quality Assessment Ref: A0810-00-R1-1, produced by BAE Systems Environmental, dated March 2008 and paragraph 10 of the Phase 2 Assessment of Ground and Groundwater Conditions Ref: A0810-01-R2-1, produced by BAE Systems Environmental, dated June 2008. The results of the site investigations shall be made available to the Local Planning Authority before any development begins. If any contamination is found during the site investigations, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigations, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

Construction Management Plan

29. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be

implemented throughout the construction period. The Statement shall provide for:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. the erection and maintenance of security hoarding including decorative displays, facilities for public viewing, and where appropriate wheel washing facilities
- e. measures to control the emission of dust and dirt during construction, and a scheme for recycling/disposing of waste resulting from demolition and construction works.

Richborough Estates