



Appeal Decision

Hearing held on 30 July 2025

Site visit made on 31 July 2025

by **A J Sutton BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Appeal Ref: APP/J3720/W/25/3361840

Units 2 and 2a Tilemans Lane Industrial Estate, Shipston-on-Stour CV36 4PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Sainsbury's Supermarkets Ltd against the decision of Stratford-on-Avon District Council.
 - The application Ref is 24/00528/FUL.
 - The development proposed is erection of a new foodstore (Class E) and associated amended access, parking (including EV charging), servicing, infrastructure, works and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a new foodstore (Class E) and associated amended access, parking (including EV charging), servicing, infrastructure, works and landscaping at Units 2 and 2a Tilemans Lane Industrial Estate, Shipston-on-Stour CV36 4PR, in accordance with the terms of the application, Ref 24/00528/FUL and subject to the conditions in the attached schedule.

Procedural Matter

2. Attention is drawn to an emerging development plan and consultation literature related to it, but this is only at the preferred options stage. At this stage there are substantive matters that need to be resolved. This emerging plan attracts very little weight accordingly.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of residents on Brickhill Close having regard to noise.

Reasons

Character

4. The appeal site is a corner plot in a commercial estate at the northern edge of Shipston-on-Stour. It currently hosts a flat roof building with some parking space to its front. The building appears divided into two units: the larger of the two has few windows at ground floor level and while there is a door at its front, signs indicate access to the workshop as being at the rear of the building. The other unit on the

- site is significantly smaller but has a more conventional frontage, not dissimilar to a retail unit.
5. The immediate neighbouring unit, in keeping with the largest unit on the appeal site, does not appear to have a street facing access. That building and those on the appeal site, have a somewhat tired appearance, and green features are largely limited to the corner with Darlingscote Road, the side verge along that road and to the rear of the units.
 6. The wider commercial estate supports a mix of uses, and units vary in size and appearance. This built form generally has a functional appearance commensurate with the particular use it supports. Front boundaries on this stretch of Tilemans Lane also vary, with low walls near the appeal site, bollards and brick piers opposite and high palisade style security fences further along the road.
 7. With such variation in appearance and layout, coherency is mainly limited to the commercial nature of development that lines this section of Tilemans Lane. Similar to the appeal property, some of the other commercial units appear somewhat dated, and with the exception of the corner with Darlingscote Road, there are few green features in this part of the street scene to provide any meaningful visual contrast with the rather mixed, functional character of development that fronts this part of the estate.
 8. As a corner plot, the existing smaller unit on the appeal site is visible on Darlingscote Road. This side of the building also has few openings, and it hosts an air conditioning unit and sizeable ventilation equipment, and these visually detracting features are apparent when travelling towards the town centre.
 9. While the character of this side of the property is more verdant than is the case in Tilemans Lane, the boundary treatment does not seem particularly well maintained. That said, the vegetation on this corner and to the side of the site is in keeping with the green boundary on the opposite side of Darlingscote Road. The significant vegetation on both sides of this part of the road form a green corridor which pleasantly marks the transition from the edge of the settlement to the surrounding countryside.
 10. The proposal would replace the existing units with a single building, the mass and scale of which would not be at odds with other commercial units in this part of the estate. This building would be set back to the rear of the plot such that it would not align with the front of neighbouring units. However, while there is currently a common building line in this vicinity, this is only a short stretch of road. Moreover, the front of buildings opposite do not align and as such, stepping this new building back in the site would not harmfully disrupt any distinct pattern of development in this immediate setting.
 11. The side of the new building would be close to Darlingscote Road, but this would be largely consistent with the side boundary of the commercial unit on the opposing corner of Tileman's Lane. The proposal would not create visual discordancy in this regard at this edge of the estate.
 12. With 53 on-site parking spaces, the customer car park would be larger than parking provision at the front of other units nearby. However, hardstanding and parking spaces at the front of units is not uncommon in this area. Moreover, some trees would be planted centrally in the parking area, and to the side and front

corners of the site. These green features would provide a positive contrast and balance such that the new hardstanding would not unduly dominate the appearance of the development.

13. The proposed railings on a shallow wall, to the front of the site, would be a unique feature in this area. But as already indicated, there is no consistent front boundary treatment in this setting such that this would not create harmful discordancy in the street scene. Also, in keeping with national design guidance, the railings would provide a sense of enclosure at the site whilst their relatively open texture would allow views of the store's frontage from the street and of the green features introduced to the site.
14. The site slopes and under this proposal some of the site would be levelled with the ground raised by 1m. However, the changes in ground level would be largely confined to the footprint of the new building and even with the ground raised the store would not be significantly higher than the units it replaces or those neighbouring.
15. There was debate at the hearing as to the extent that vegetation that would be lost under this scheme. The appellant asserts that no existing trees would be affected, but drawings show two existing trees at the front corner of the site would be removed. This would have a detrimental visual effect. However, the Soft Landscape Strategy shows that four new trees and some hedging would be planted near the removed trees, such that there would be a significant net gain of verdant features in this part of the site.
16. While some trees would be removed to the rear. This involves a small number of category C trees, and new trees would be planted along the side boundary to compensate for this small loss and to ensure this section of the site retained its positive verdant qualities.
17. The space to the rear of the site would be bounded by a wooden fence, but this would replace the existing fence that appears in poor repair. Furthermore, this new fence would be largely screened by vegetation along this section of Darlingscote Road.
18. In short, the submitted drawings show that there would be space to retain, replant and enhance green features across the site. As well as introducing some verdant features in this part of Tilemans Lane, this would ensure that the site's positive contribution to the existing green corridor at the edge of the settlement would be maintained. Moreover, these features, and their long term maintenance, could be secured by condition.
19. Addressing the appearance of the building, the form would be relatively simple with a shallow roof, and this would be sympathetic to the prevailing commercial aesthetic in this locale. It is suggested that the roof would appear cluttered, but the solar panels and protection railings shown on submitted plans have clean, simple lines and these additions would be positioned centrally on the roof such that they would not be dominating features or out of keeping with the simple style of surrounding buildings in the area.
20. A significant section of the front of the building would be glazed, such that even being set behind the parking area, its frontage would appear distinct and active from the street. A good section of the side elevation, along Darlingscote Road,

would also be floor to ceiling glazing, and with two pedestrian breaks in the vegetation on this side and a set of steps, unlike the existing buildings on this site, the store would have some frontage on a road that is one of the main routes into the settlement. As such the proposal offers a significant active frontage that would address both streets at this corner location.

21. Drawings show that the side elevation would have high level windows along most of its remaining length, and it was confirmed at the hearing it would be constructed in a mix of timber, bricks and metal cladding.
22. This mix of materials would not only add visual interest on this side of the building, but this detail nods to the aesthetic of buildings on the commercial estate and would not be out of keeping with the brick built houses to the south of the site. With this detail, a blank wall would be avoided on this main route. This choice of materials, alongside the green boundary treatment would ensure that the development integrates well in this mixed setting. The proposed brick work is not labelled on the submitted drawings, but certainty of this mix of materials can be conditioned.
23. It is stated that the high windows and the configuration on this side of the building would prevent natural surveillance in this area. However, the glazed lobby area, and the canopied forecourt at the entrance of the store, would provide a sense that the public spaces to the front and southwest of the site are overlooked. The building would be close to this southwest side boundary such that there would be limited space for people to accumulate at this side. Moreover, this space would be visible above the proposed green boundary, with a sense of being overlooked from the street.
24. Also, Darlingscote Road, as one of the few connecting roads to the main Fosse Way has a steady flow of traffic. With the features described there would be significant intervisibility between this road, the store's lobby and carpark and the side of the building.
25. The rear of the site is bounded by a footpath that is currently flanked by vegetation and boundary fences of dwellings on Brickfield Lane and Brickhill Close. It is suggested that this proposal would be an opportunity to link this path to the appeal site. However, there is a water tank in this location, impeding access.
26. Even if this constraint could be overcome, it seems to me that creating pedestrian access at this section of the site, would not only result in the loss of green features, but if envisaged by the Council that parking was at the rear of the building, any link with the footpath would be to a space that, unlike the scheme before me, would not be clearly visible in the wider street.
27. This aside, I saw that the footpath in its current arrangement is reasonably wide, short and straight such that it feels relatively safe to use. This proposal would not alter this existing level of safety. Indeed, conditions are suggested to ensure that vegetation would not encroach on the path at the rear of the appeal site. I find nothing before me that currently ensure this. Therefore, providing certainty of this could be a positive outcome that ensures this section of the footpath is as open as possible in this immediate area.
28. With the features described I find that the proposed design offers a good degree of natural surveillance such that criminal and antisocial behaviour would be deterred

and future users would feel safe accessing the store. Based on my assessment above and from what I observe on site, I find nothing that would lead me to conclude that the proposed arrangement would harmfully alter the current level of safety experienced in this part of the town.

29. There is criticism that the design is car focused. The store would be a size suitable for individuals to purchase a weekly shop, such that a car is likely to be required as means of transport, particularly if the food shop was for a family. A reasonable sized car park is therefore necessary. However, as stated there would be pedestrian routes both on Tilemans Lane and Darlingscote Road. While one of these would be via stairs, the other pedestrian opening on this southwest side would be just a short distance north of this.
30. The pedestrian openings would only be a few metres from the store's main entrance. Cyclists would be limited to the opening without steps and would need to dismount given its width, but they would only need to walk a very short distance to gain access to the cycle parking area and the store entrance. Access to the store would be convenient for these users in this regard.
31. There would be no direct pedestrian route across the car park from the bus stop on Tilemans Lane. However, as this bus stop immediately fronts the site, those traveling to the store by this mode would have a very short walk along the pathway aligning the main access before reaching the store.
32. The Council highlighted a lack of pedestrian crossing from Tilemans Lane to the store illustrates a car focused design. But as already stated, there would be a good level of intervisibility across this space, allowing motorists to see pedestrians and vice versa, and I see nothing that would discourage pedestrians from using this front access.
33. Improvements are proposed to the existing crossing on Darlingscote Road and to the pavement on this road. These improvements, to be secured by legal agreement, would allow bikes and pedestrians to cross safely to access the store, and would improve the pedestrian route between the residential area to the south and the appeal site.
34. These factors demonstrate that consideration has been given to the safe movement of cycles and pedestrians in and around the site, with the proposed design incorporating features that address the needs of those wishing to access the store by foot or by bike, in reasonably direct and convenient routes. I find no conflict with national design guidance or advice set out in local policy, the Local Transport Plan or local Supplementary Planning Documents on design matters relating to surveillance, crime prevention or connectivity and pedestrian focus for the reasons set out.
35. It was stated at the hearing that the scheme is not bespoke and has failed to consider site constraints and opportunities. However, the Design and Access Statement shows the consideration of existing character, site context and area identity have informed the design of this proposal. Key viewpoints were also considered, as well as area issues and opportunities and the importance of movement around the site.
36. For the reasons already outlined a good size car park would be expected for the type of store proposed. Other features such as the loading bay and access for

HGVs would also be expected for a store of this size. Not to have these features would harm the function of the store and this in turn would be a poor design.

37. Also, there is an expectation of how a supermarket should be laid out; a store with three frontages, as suggested at the hearing, may lack legibility for its users and would unlikely meet customer expectations. Even if I found issues with surveillance, three fronted buildings are not characteristic of this location, such that it would be an oddity in this setting.
38. In any event, the evidence presented in this case demonstrates that site features and its surrounds have been considered and for the reasons outlined above, I find that the proposed design meets the challenges of redeveloping this prominent corner site, addressing its mixed use setting, and transitional location in a positive manner. It would appear suitably bespoke in this regard. The attributes listed above in respect of this proposal would create a positive environment that is sensitive to its setting. I find no conflict with advice set out in the National Model Design Code, the National Design Guide or any other national or local design guidance in respect of layout and proposed plot form for these reasons.
39. The Council considers this location to be a prominent gateway to the town, and I agree with this assessment given that it is a key route into the settlement from the Fosse Way. Related to this matter, attention is drawn to Area Wide Projects identified in the Shipston-on-Stour Neighbourhood Plan (Neighbourhood Plan). A development brief is proposed for the Tilemans Lane area. However, it was clarified at the hearing that no development brief has been adopted.
40. That said, at section 2.9 of the Neighbourhood Plan, it is noted that this locality is most subject to change, and some support for housing on undeveloped areas is highlighted, along with the call to retain employment land. It seems to me the mixed use that currently characterises this locale will be a feature in the long-term. Limited to a previously developed site in the existing estate, and commercial in character, the proposal would not appear at odds with these guiding statements of the Neighbourhood Plan.
41. Also, the appeal site is separated from the designated Northern Wellbeing Zone by Darlingscote Road and as already set out, changes proposed in this scheme would be in keeping or would enhance positive features that currently edge this section of Darlingscote Road. Accordingly, this proposal would not harmfully disrupt the aspirations to improved public access to good quality open spaces in that designated zone.
42. I therefore find that the proposal would not have a harmful effect on the character and appearance of the area. In this regard the proposal would accord with Policies CS.9 and CS.15 of the Stratford-on-Avon District Core Strategy (Core Strategy) and Policies INF1 and ENV3 of the Neighbourhood Plan. These Policies collectively state all form of development will improve the quality of the public realm and enhance the sense of place, reflecting the character and distinctiveness of the locality and seek well designed places.

Living Conditions

43. Although this proposal replaces commercial units with other commercial use, there would be changes to the layout of the site and the activities within it. Moreover, the activities towards the rear of the site would likely increase under this scheme, and this would be close to the small rear gardens of dwellings in Brickhill Close. Therefore, while the Council has been satisfied on this issue, in light of evidence advanced in this appeal, and therefore did not defend this original reason for refusal, this issue still warrants consideration in this decision.
44. The appellant submitted a Noise Assessment (Tetra Tech February 2024) with the original application. The most sensitive receptors around the site were identified in this Assessment, and this includes two locations close to the dwellings on Brickhill Close. Monitoring was carried out to establish the existing background sound levels experienced at these sensitive receptors. The monitoring results indicate that the properties immediately to the rear of the appeal site experiences an average background sound level of 40dB in the period 0700 – 2300, and this drops considerably to 25dB – 27dB during the nighttime. This equates to a very low ambient level.
45. It remains unclear whether the existing uses on the appeal site are subject to restrictions on opening hours, but it appears likely that given the nature of the uses they are not opening in the late evening. This proposal would result in a sizeable store that is likely to be operational 0700 – 2300. Also, in addition to the coming and going of customers and sounds associated with the car park, the use would require the regular deliveries of goods by heavy goods vehicles (HGVs). Not only would the level activity increase at the site over a longer period of the day and evening than existing, but the type of sounds emanating from the site would likely change as a result of this development.
46. The Noise Assessment adopts the worst case noise scenario with regard noises generated from the car park and deliveries and loading. The Daytime noise contour plan illustrates the noisiest areas of the development once operational and shows some encroachment to the dwellings on Brickhill Close. But only at +1.3dB increase, the change in noise levels, would not exceed established guidelines criteria with regards this matter. However, this would be subject to the mitigation measures which include the control of operational hours and enclosure of the proposed loading bay and service yard.
47. The Assessment references the building's service plant, however the components of this are not described. The Assessment concluded that noise from this plant would exceed the ambient background level during the nighttime. Exploring this, the proposed drawings show that plant which includes air conditioning units would be positioned to the rear of the store, and this would be around 10m from the boundary of the dwellings on Brickhill Close. Unlike deliveries and activities in the car park, some parts of the plant would likely need to operate on a 24 hour basis.
48. Additional information submitted during this appeal includes representative noise rating levels for the proposed plant. The appellant has also proposed an enclosure of 2.5m around the plant to ensure that this new potential source of noise would not be unacceptable to occupants during nighttime hours. Similar to operational hours and enclosures around the service yard, this is a matter which could be conditioned.

49. A further condition limiting sounds emanating from the site at any time has been suggested. I was not convinced that as presented the condition would give certainty that the sound limits would be controlled in the way anticipated. Revised wording of this was requested and submitted following the hearing. While the phrasing of condition still needs amendments to ensure enforceability and certainty of outcome, the principle appears to be that any noise arising from the site should not exceed an average 30dB sound pressure level at all sensitive receptors identified. This would ensure that nearby residents would not experience an unacceptable change in noise levels when in their gardens or rear habitable rooms.
50. In summary on this matter, the existing character of the area, with regards sound, has been established. The nature of likely noise resulting from the development have been assessed. Moreover, mitigation, including procurement of non-tonal plant, passive noise control measures (enclosures) and limits on operational hours have been offered. Subject to amended wording I am content that these measures could be secured, and this would make the development acceptable in terms of this issue.
51. Accordingly, I find the proposal would not have a harmful effect on the living conditions of the occupants of dwellings on Brickhill Close, having regard to noise. The proposal in this respect would not conflict with Policy CS.9 of the Core Strategy. This Policy, amongst other matters, requires a good standard of amenity for occupiers.

Other Matters

Legal Agreement

52. The Highways Authority has stated the need for offsite highway improvements to ensure safe and enhanced pedestrian and cycle access to the proposed development. Addressing this, while the proposal meets the threshold of minor development the store would nonetheless be a significant size. Also, a supermarket of this size would likely attract a significant number of customers during the proposed operational hours. This pattern of use over the day and evening would be very different both in magnitude and duration than is currently the case with the workshop and small retail unit at the site.
53. In addition to a residential estate, there is a secondary school and leisure centre, west of Darlingscote Road, near the appeal site. Therefore, a significant amount of the custom may come from pedestrians and cyclists that need to cross this main road.
54. There is already a pedestrian crossing just south of the site on this road and it is proposed that this would be improved to allow cyclists and pedestrians to cross together. The width of the pavement opposite that leads to the appeal site would be extended to allow pedestrians and cyclists to access the store. Provision of advisory 20mph is also proposed.
55. Given the nature of the road and proposed use, along with local and national policy that seeks to ensure the use of sustainable modes of transport and improved connectivity, the improvements proposed would be necessary to ensure these outcomes and to make the development acceptable in this regard.

56. These improvements would be on land outside the control of the appellant and would require financial payments to the Council. A planning obligation in the form of a Unilateral Undertaking (UU), pursuant to section 106 of the Town and Country Planning Act 1990, has been submitted. The deed is signed and dated, with reference to this proposal and obligates those with an interest in the land, and their successors, prior to development commencing to pay £12,250 to the Council to upgrade the footpath from Shipston High School and Hay Meadow to a 3m width and improve the existing crossing on Darlingscote Road to cater for both pedestrians and cyclists. The UU has a second obligation for the payment of £6000.00 towards the advisory speed limit.
57. Both these contributions relate directly to the development proposed, are reasonable and proportionate and make the development acceptable in terms of this planning issue. The planning obligation satisfies the test set in Regulations and national guidance, and I find the deed to be properly executed and necessary.

Vitality of Town Centre and Impact on Existing Retail Provision

58. There is concern that the proposed store would have a harmful effect on the independent character of this town centre. Regarding this matter, local policy requires comprehensive retail impact assessment, but this is for schemes exceeding 1000 sqm. Despite this, some assessment of retail impact has been provided in support of this proposal.
59. The assessment found that the commercial core currently supports a good range of independent and national retailers. There are vacant units, but the level of vacancy is below the national average. The retail health check carried out by the appellant and the Council shows a vital town centre and I observed this when visiting Shipston, and saw the centre maintains a strong sense of place.
60. While this is a rural settlement, as will be explored in more detail below, it is a main rural centre, and in recent years it has been extended significantly. Despite this, while there are currently seven food stores in town, (four of which are operated by national retailers), the largest store is only 325 sqm. Evidence states that these small stores are used mainly for 'top up' food purchases as opposed to weekly food shops. This assertion is supported by the findings of the appellant's householder survey and confirmed by the Appraisal of Retail and Town Centre Issues (Nexus Report) commissioned by the Council in response to this proposal.
61. Although permission was granted on appeal for a large food store, at the edge of the town, this was in 2015 and was never implemented. Given the expanded scale of the settlement since that decision was made and the existing state of the centre described above, even accepting that some residents may shop on-line for food, or at the small food stores in town, the evidence points to many residents choosing to travel some distance to large stores outside the settlement to purchase a main food shop.
62. Planning Practice Guidance (PPG) advises retail impact should be assessed on a like for like basis in respect of a particular sector. As a larger store than existing in the settlement, the trade diversion resulting from the development would impact on large stores outside Shipston. That said, the evidence does show that if permission was granted, there would be some loss in trade over the following few years, particularly for the largest existing Co-op store in the town centre. However, the appellant and the Nexus Report agree that this store is currently over trading

compared to company benchmark figures such that the small loss shown when conservative assumptions are applied, could be absorbed without risking closure of that store.

63. The Nexus Report highlights the possibility of the second Co-op store in the town closing, stating this would free up a unit for other uses and may bolster custom in the larger Co-op Store. There is no certainty of this positive outcome, and I attach limited weight to these assumptions accordingly. But even if the smaller Co-op closed, as a national brand, it seems to me that the independent retail offering in the town would be largely unaffected by such a change. Also, while there would be one more vacant unit, this would only add one unit to the existing low vacancy rates in the town. I find no significant adverse impact in this regard for these reasons.
64. Turning to concerns about other retail sectors, the appellant states that the new store would have limited space for comparison goods such that there would not be a harmful impact on comparison retailers in the town centre. Again, I find no certainty that the floorspace for these products would be as stated. Also, I must consider the development in the long-term and circumstances change.
65. This aside, the scheme before me is a food store, and given the scale of the unit it is reasonable to assume the type of comparison goods likely to be on offer in this new development would be different to that which is available in considerably smaller independent retail units in the town centre. Moreover, as already stated national guidance establishes the principle of assessing impact on a like for like basis.
66. Retail uses tend to compete with their most comparable competitive facilities; the large resultant facility in this case would function for a particular sector that is distinctly different from the small independent units in the town centre such that the respective stores would unlikely compete directly. For these reasons I agree with the conclusions of the appellant's Retail Impact Assessment and those in the Nexus Report that there would be no significant harm on this existing sector in the town centre as a result of this development.
67. Council representations relating to the 2015 Campden Road appeal and the findings of the retail impact assessment for the 2001 Tilemans Lane appeal have been highlighted. However, both proposals predate the current local policy context. Moreover, even in respect of a larger store than is proposed in this case, the Inspector in the 2015 appeal found the development would be acceptable with regards this issue.
68. Attention is also drawn to a 2014 appeal decision for a supermarket at the appeal site which the Inspector dismissed for reasons that included significant adverse impact on convenience stores in the town centre. However, similar to the cases above, that appeal was decided prior to the adoption of the Core Strategy and Neighbourhood Plan, when the policy context was different to now and the settlement was significantly smaller. The decisions attract very limited weight for this reason and my findings are unaltered.
69. In summary, the state of the existing centre has been established as having vitality. Evidence shows there would be trade diversion as a result of the new store, but in Shipston, this would largely impact on town centre convenience stores operated by national retailers. While closures have been highlighted this would

likely be just one unit which is not operated by an independent retailer. Even with one unit closed, there would still be six other small food stores in the centre. Moreover, given the nature of the scheme proposed, there would be limited market overlap such that independent retailers in the town centre would not be harmfully impacted. Existing retail in the town centre would not be adversely affected by this development, and the vitality of the town would therefore be protected.

70. Also, the proposal could significantly address the current leakage of main food shop expenditure outside of the settlement. While this would be moderated by some trade diversion from small food stores within the settlement, when assessed in the round there would be some economic benefit for Shipston resulting from this development.
71. Concern is raised about impact on County and local economic initiatives such as Warwickshire Means Business and Love Shipston. These strategies appear focused on marketing and improving visitor numbers. A condition is suggested requiring signage about these campaigns at the store. However, no significant harmful impacts have been identified in terms of the town's vitality, and in turn I find no conflict with these initiatives, such a condition would therefore be unreasonable and unnecessary.
72. It is also suggested a condition requiring the closure of the store if it was found to have an adverse impact on retail in the town centre. For the reasons already stated, I find no significant harm would arise in this regard and such a condition would not satisfy the test of reasonableness.
73. In light of the above I find the proposal would not have a harmful effect on the vitality of the town. In this regard the proposal would generally accord with Policy AS.6 of the Core Strategy and Policy EC.1 of the Neighbourhood Plan, which amongst other matters collectively support the vitality of the town centre.

Compliance with Economic Development and Spatial Policies

74. Interested parties state that this proposal would conflict with spatial policies of the Core Strategy and would result in a loss of employment land. Relevant to this matter, Policy CS.15 of the Core Strategy defines Shipston-on-Stour as a main rural centre suitable for housing, business development and the provision of local services. This Policy requires development to take place on allocated sites, sites set out in the neighbourhood plan or through the redevelopment and re-use of suitable land in built-up area boundaries.
75. The site is not shown as an allocation on the Core Strategy Policies Map but is in the boundary of the settlement. As already set out, the site is in an area identified in the Neighbourhood Plan for a development brief, but this has not yet been prepared. However, Section 2.9 of the Neighbourhood Plan, which relates to this, states that the economy policies in the plan call for the retention of employment land and business space.
76. Policy CS.15 does not define 'suitable land'. However, the appeal site forms the edge of a commercial estate and near to residential development. It is previously developed, and with these characteristics would seem to be suitable for re-use for a proposed commercial premises that, as agreed by the main parties, would be an employment generator. The appeal site would appear suitable in these regards.

77. Core Strategy Policy CS.15 also confirms that the strategy for this main rural centre is set out in Policy AS.6 of the Core Strategy. This Policy outlines environmental, social and economic principles to be taken into account when considering development in the town. Applicable in this case, amongst other matters, consideration should be given to supporting the business uses on Tilemans Lane and retain it for employment purposes.
78. Related to this, Policy CS.22 of the Core Strategy guides economic development, stating a wide range of commercial activity will be promoted in sustainable locations, to foster growth, provide more jobs and improve the vitality of the local business environment. It states, amongst other matters, a flexible approach will be taken to accommodate a wide range of employment generating uses on industrial areas. However, this is subject to specific provisions including Policy CS.23 Retail Development and Main Centres. Relevant to this proposal, the supporting text of Policy CS.22 identifies the top five employment sectors include retail.
79. Core Strategy Policies CS.22 and CS.23 are cited as being of most relevance to Policy EC1 of the Neighbourhood Plan. The objective of this Policy is to retain in employment uses the undeveloped commercial land and vacant commercial buildings within Tilemans Lane and it specifically addresses change of use or redevelopment of land.
80. On this point, the appellant's Employment Land Report suggests that the existing uses on the site are E class uses, but I find nothing confirming this. Regardless, the site is in employment use. It is notable that Use Class E has been introduced following the adoption of the Core Strategy and Neighbourhood Plan. This is a broad class that not only allows for the display or retail sale of goods, other than hot food, principally to visiting members of the public, but a host of other commercial and business services.
81. It is understood that the current units on the site support 8 jobs. These businesses would be displaced from this employment site. Focusing on employment, this proposal would result in 27 full time equivalent jobs, so a net gain of 19 jobs would arise at the site under this scheme. The development would be employment generating. Moreover, in light of this net gain and the changes in Use Classes, setting aside the impact on existing business at this property, it seems to me that while this proposal may be a redevelopment, the site would nevertheless be retained in employment use; the proposal would be largely consistent with the aims of Policy AS.6 and Policy EC1 in this regard.
82. That said, although the local policy context adopts a flexible approach to employment generating uses on industrial areas, existing businesses would be displaced and there is a distinction in policy between retail and other employment uses. While the proposed use class may allow for a range of activities, the description of development in this case is for a food store, Policies guiding retail are therefore relevant. Mindful of this nuance, while this development would create more jobs, this would be in a different employment sector than the existing workshop on the site.
83. Dealing with this matter, although the Employment Land Report suggests that the owner of the appeal site has other commercial units that would be available to these existing businesses, I find nothing giving certainty of this outcome. That said, the Report indicates there are plots on the Tilemans Lane Estate and in other parts

of the settlement available for employment uses and no convincing evidence has been advanced to challenge this. It therefore seems that there is a sufficient supply of sites for a range of employment uses to meet both immediate and longer term requirements over the current development plan period. This criterium of Policy EC1 is satisfied in this case.

84. Policy EC2 of the Neighbourhood Plan provides strong support for re-using previously developed land to create additional business space. Retail development is excluded from this local policy support, and I am directed, with regards this type of development to Policy CS.23 of the Core Strategy.
85. Focusing on the location of retail development, the National Planning Policy Framework (the Framework) support the role that town centres play at the heart of local communities by taking a positive approach to their growth. It sets out, amongst other matters, a sequential approach, allocating suitable sites in town centres, where suitable and viable town centre sites are not available, appropriate edge of centres that are well connected to town centre should be allocated. If sufficient edge of centre site cannot be identified, policies should explain how needs can be met in other accessible locations well connected to the town centre.
86. Core Strategy Policy CS.23 seeks to strengthen the function and character of the district's towns and identifies the commercial cores of main rural centres as a focus of shopping and services for their local area. And already stated, Core Strategy Policy AS.6 and Policy EC1 of the Neighbourhood Plan support the vitality of Shipston's town centre. Local policy generally reflects the provisions of the Framework on this matter.
87. More than 300m from the primary shopping area, but within the boundary of the settlement, the appeal site is an out of centre location in terms defined in the Framework's Glossary. The proposal would not be in the commercial core or in an edge of centre location.
88. The proposal falls below the threshold set in Policy CS.23 that specifies that comparison retailing schemes exceeding 1000 m² and convenience retailing schemes 2,500 m² should be located within or on the edge of commercial centres. The supporting text also states, given the nature and relatively small size of main rural centres, that in certain instances a degree of flexibility could be justified in relation to the location of retail and commercial development in order to help bolster their role.
89. The methodology of the appellant's Sequential Site Analysis shows that sites in central locations where appraised, and a range of site sizes was considered; a degree of flexibility was adopted in this regard. All vacant sites in this central location appear to be either too small to accommodate the proposed store or unavailable.
90. The Council assert that limited information was provided as to why a podium style development was unviable. However, conversely the Council has not provided any compelling evidence to challenge the appellant's conclusion on this matter. The only sites that may be of a sufficient size to accommodate such a configuration appear to be car parks. With regards a thriving town centre, the local economy aims of the Neighbourhood Plan include, amongst other matters, improved parking. Using an existing town centre carpark for this proposal would appear at

odds with this aim. In any event these car parks, unlike the appeal site, do not appear to be available for the proposed development.

91. The Framework requires when considering out of centre proposals, preference should be given to accessible sites. Focusing on this, there is a bus stop at the immediate boundary of the site and the Transport Assessment indicates that there are around four bus services with a frequency of around 1 – 3 hours.
92. Although the bus service does not appear to be particularly frequent the town centre is approximately 600m from the appeal site. It is asserted that the pavements into town are substandard, but I saw reasonable width footpaths on both sides of Darlingscote Road leading into town. Moreover, there are residential estates in walking distance of the site. With some public transport options, a short distant for residents to walk and well connected to the town centre, I find the site to be reasonably accessible.
93. The Sequential Site Analysis appears to be carried out in accordance with the approach set out in PPG and nothing has been advanced that would lead me to dispute the conclusions. I find the sequential test has been passed.
94. In summary on this matter, for the reasons stated, the proposal would comprise the redevelopment of a suitable site in a built up area. It would displace existing business uses on Tilemans Lane and this would be inconsistent with the aims of Policy AS.6 of the Core Strategy. However, this is countered somewhat, as the site would be retained for employment purposes. Moreover, the development management considerations of Core Strategy Policy CS.22 advises, where discordancy in policy exists, economic impacts should be weighed against social, environmental impacts, taking full account of any longer term benefits as well as the costs of development such as job creation and consider whether the proposal would meet the wider objectives of the Core Strategy.
95. Regarding these considerations the new store would add to the provision of services in a main rural centre, resulting in a net gain in full time jobs. Existing jobs would be lost at the site with no guarantee that the existing businesses would remain locally. However, the submitted evidence points to a sufficient supply of sites for employment uses in the area for both the immediate and long term.
96. A condition requiring jobs at the new store to be safeguarded for local people has been suggested but I am not convinced that this could be enforced, and in this manner, it would not satisfy the tests for conditions. But this aside given the circumstances outlined, I find overall job creation in this case would amount to a moderate economic benefit.
97. The existing tired appearance of this previously developed site would be improved under this scheme. As already outlined the store would expand the type of convenience retail currently on offer in the settlement and there would be some social and economic benefits in this regard.
98. There is suggestions that a larger supermarket than this is required in the town. But even if I agree with this, my decision is confined to the proposal before me. This aside, as already explored the new store, at around double the floorspace of existing convenience shops, would provide something different to that currently available in town. While some residents may carry on doing weekly shops outside the settlement, this development would nonetheless provide some options for

residents to do their weekly food shop locally. It is reasonable to conclude that trips for this purpose outside Shipston would likely be reduced as a consequence of this development.

99. These social, economic and environmental benefits identified weigh moderately in favour of the development. I find the adverse economic impact of losing existing jobs and businesses currently available at the site would be outweighed by the significant economic, social and environmental benefits for the town.
100. Moreover, the evidence demonstrates there are currently no suitable, viable and available sequentially preferable sites for the proposed development than the appeal site. I find, when applying a flexible approach to accommodating a wide range of employment uses on existing industrial areas, as advocated in local policy, the development, at this location, would be acceptable and would accord with relevant economic development and spatial policy outlined above.

Highways

101. Interested parties have raised issues regarding parking and road safety. The Transport Assessment, using TRICs data, indicates that the development would have a negligible effect in terms of traffic flows in this area. While it would generate HGVs trips, the site and access would be improved, and the road network of the wider industrial estate appears designed to safely accommodate these vehicles.
102. There is concern these vehicles present a safety issue for children accessing the nearby school. However, the anticipated HGV movements would be no more than one vehicle per hour. Moreover, as already indicated there is a pedestrian crossing on Darlingscote Road, the roads are straight with reasonable pavements and good intervisibility between motorists and pedestrians. Given the favourable highways conditions and the negligible increase in traffic resulting from the development, I find the proposal would not alter the existing level of highway safety in this immediate area.
103. Lorry routing is suggested. However, this would be difficult to enforce, and, in any event, I find no necessity for this given the factors described above. Such a condition would not satisfy national guidance on this matter for these reasons.
104. Collisions have been highlighted on the Fosse Way crossroads, and it is suggested that lights should be installed. However, that junction is some distance north of the appeal site. Also, the incidents cited, while serious, appear to result from driver error as opposed to unsafe road conditions. This aside this is a major crossroads, but as outlined the increase in vehicles arising from this development would be negligible, it would therefore be unreasonable and unnecessary to require improvements at this location for this reason.
105. Questions have been raised about the level of onsite parking provision. While this falls below that advised in local parking standards, the Transport Assessment includes a Car Park Accumulation Assessment that shows, at peak time, the occupancy of the proposed car park would be 83%. Account was also taken for seasonal peaks.
106. I note this excludes staff parking, but even at peak usage from customers, there would still be some onsite parking capacity. Also, a Travel Plan seeks to encourage future employees to use sustainable modes of transport or to car share.

The implementation of the Travel Plan could be conditioned. Taken these factors into account, as well as the availability of some on street parking in the area, and no evidence of particular parking stress advanced in this regard, I find no reason to challenge the level of parking proposed.

107. National guidance cautions development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety. For the reasons stated, I find that there would not be an unacceptable impact in this regard in this case.

On-site Ecology

108. Concern has been expressed about the impact on ecology in the area. The proposal was supported by a preliminary ecology assessment, which identified potential habitats and the species they support on site. In particular the assessment showed that most of the site is hardstanding with nature interest mainly limited to the rear.

109. As outlined, the rear of the site would be relatively undeveloped under this scheme. Consistent with the requirements of Core Strategy Policy CS.6, the appellant seeks to safeguard on-site biodiversity and to provide enhancements. Some details regarding this mitigation and the method for safeguarding habitats and species during construction need to be confirmed by condition. On this basis I am satisfied that this proposal would comply with the aims of this local policy.

Conditions

110. In addition to the statutory time period, accordance with approved drawings is necessary for certainty and to protect the character of the area. Details of external materials on the drawings are incomplete. For certainty and to protect character these need to be approved.

111. A construction management plan is necessary given the sensitivity of surrounding development. Wildlife protection schemes is necessary to protect species and habitats during this phase. Site investigation is necessary due to previous industrial uses and to protect the environment. It is justified that details of these are approved prior to the commencement of development given the nature of these matters. Written agreement has been provided by the appellant for pre-commencement conditions.

112. Tree protection measures are necessary to safeguard verdant features. Some details of soft and hard landscaping have been submitted, but it was clear at the hearing that a finalised scheme is necessary to ensure the positive environmental outcomes stated. Tree replacement is required for similar reasons.

113. Requiring ecology enhancements is necessary to ensure the outcomes stated in local policy. Boundary treatments must be installed as stated on submitted plans or with regards hedging as approved in the landscaping scheme, for certainty and appearance. As boundaries will be address thus, it is unnecessary for separate conditions to manage vegetation and fencing near the footpath. Also, no clear reason was advance for requiring remedial work to the footpath, and I am unconvinced that this would be enforceable in any event.

114. Drainage details shall be implemented to protect against flood risk.

115. Highway improvements shall be carried out prior to use in the interest of highway safety. This is on areas outside the control of the appellant, but as this is required by the Council, there is reasonable certainty of this outcome. Site access, parking and the HGV loading area needs to be in place for the same reason.
116. The appellant agreed to implementation of the travel plan and approval of staff cycle details which are necessary to promote alternative modes of transport to the car.
117. Details regarding public art (and its long term management) at the front of the site needs to be confirmed in the interest of character. Lighting should be implemented according to submitted details to protect amenity and ecology.
118. Many of the climate change measures listed on the local Checklist are addressed by other conditions. Solar and renewable energy features are not however, and therefore it is necessary to require compliance with this list to ensure local policy on low carbon measures is achieved. BREEAM good rating is necessary for certainty of sustainable construction as supported by local policy.
119. Controlling sound levels is also necessary to protect amenity. Conditions dealing with noise have been amended for certainty of the intended outcome.
120. Deliveries hours are necessary to protect living conditions. It is reasonable to limit the size of the retail sales floor area, as further consideration of matters such as parking are warranted if the development was larger than proposed in this scheme.
121. National guidance cautions that restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. However, given the prominence of this site, future changes to boundary treatment require further consideration to protect the character of the area. It is therefore necessary to restrict rights related to these matters for these reasons.
122. It was clarified at the hearing that provision for electric vehicle charging points is required under a regime separate of planning. This is not imposed for this reason.

Conclusion

123. The proposal would accord with the development plan when read as a whole for reasons outlined above. Having regard to this, and material considerations, including the Framework, the appeal should be allowed.

A J Sutton

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

I Whittaker - Sainsbury's Supermarkets Ltd

S Hawkins - Alder King Planning Consultants

R Robinson - Alder King Planning Consultants

J Partridge - Hadfield Cawkwell Davidson

FOR THE LOCAL PLANNING AUTHORITY:

S McIver – Planning Officer

A Folliss – Urban Design Officer

INTERESTED PARTIES:

Cllr Passingham - Adjacent Ward Councillor

Mr Dinnie - Town Council

DOCUMENTS

Submitted prior to Hearing:

Appellant

APP1 - Covering Letter addressing Unilateral Undertaking and Housing Update

APP1 a - Public Consultation Shipston-on- Stour Brochure (Bellway and Ashbery)

APP2 - Compliance Statement

APP3 - Land Registry Title Plans

Council

LPA1 - Compliance Statement

LPA2 - Copy of a Unilateral Undertaking

Submitted following the Hearing:

Appellant

APP5 - Suggested Conditions; Boundaries and Noise

APP6 - Official Copy of Registry Title

Appendix

Schedule of Conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - Site Location Plan drawing no. DR-A-9100 P01;
 - Proposed Site Plan drawing no. DR-A-9102 P02;
 - Built Form Analysis drawing no. DR-A-9112 P01;
 - Proposed Elevations drawing no. DR-A-2012X P02;
 - Proposed Roof Plan drawing no. DR-A-2710 P01;
 - Proposed Sections drawing no. DR-A-9103 P01;
 - Proposed Unloading Bay Plan & 3D View drawing no. DR-A-9104 P01;
 - Proposed Boundary Treatments & Street Furniture drawing no. DR-A-9700 P02;
 - Proposed Site Access Arrangements drawing no. 21133-010 Rev C.
 - Darlingscote Road/Tilemans Lane Junction drawing no. DR-A-9120 P01;
 - and
 - Soft Landscape Strategy Plan drawing no. J211489-GC-L-DR-3-004 Rev E.
- 3) No development above slab level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 4) 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 Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) means of accessing and routing plan for construction traffic;
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of noise, vibration, dust and dirt during construction;
 - viii) management of surface water run-off;
 - ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;

- x) provision of site manager contact details to be displayed at the site;
- xi) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) No development shall take place until a wildlife / habitat protection plan has been submitted to and approved in writing by the local planning authority. The wildlife / habitat protection plan shall include:
 - i) A plan showing wildlife / habitat protection zones;
 - ii) Details of development and construction methods within wildlife / habitat protection zones and measures to be taken to minimise the impact of any works; and
 - iii) Details of phasing of construction.The protection plan shall be implemented in accordance with the approved plan.
- 6) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - i) a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii) the site has been remediated in accordance with the approved measures and timescale; and
 - iii) a verification report has been submitted to and approved in writing by the local planning authority.
- 7) If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:
 - i) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii) a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 8) The development hereby permitted shall be carried out in accordance with the Conclusions and Recommendations set out in the Arboricultural Impact Assessment (Ground Control 20 February 2024) and the details stated on Tree Removal and Protection Plan Ref J231042-GGC-XX-ZZ-D-ARB-010 P02. The tree protection scheme shall be kept in place until all parts of the development have been completed, and all equipment, machinery and surplus materials have been removed from the site. Furthermore, the following work shall not be carried out within the Root Protection Area (RPA) of any retained tree or hedgerow:

- i) No materials, equipment, machinery or structure shall be attached to or supported by a retained tree or hedgerow, nor stored or stacked within said RPA;
 - ii) No mixing of cement or use of other contaminating materials or substances shall take place within, or close to, a RPA such that seepage or displacement could cause them to enter a RPA;
 - iii) No fires shall be lit within any RPA or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of any retained tree or hedgerow within or adjacent to the site as per the requirements of BS5837 :2012;
 - iv) Levels shall not be raised or lowered in relation to the existing ground level within the RPA of any retained tree or hedgerow;
 - v) No roots shall be cut, trenches dug or soil removed within the RPA of any retained tree or hedgerow;
 - vi) No buildings, roads or other engineering operations shall be constructed or carried out within the RPA of any retained tree or hedgerow; and
 - vii) No vehicles shall be driven over the area within the RPA of any retained tree or hedgerow.
- 9) No development shall progress beyond slab level until a scheme of soft and hard landscaping has been submitted and approved in writing by the local planning authority. This landscaping scheme shall include:
- (i) planting plans (to a recognized scale) and schedules indicating the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
 - (ii) the method and specifications for operations associated with planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting;
 - (iii) existing landscape features such as trees, hedges, shrubs and ponds which are to be retained and/or removed, accurately plotted (where appropriate);
 - (iv) location, type and materials to be used for hard surfacing where applicable for permeable paving, including specifications and details of manufacturer, type and design, colour and bonding pattern where appropriate;
 - (v) the position of boundary treatments not addressed in condition 12;
 - (vi) car parking layout and any other vehicular and pedestrian access and circulation areas; and
 - (vii) a timetable for the implementation of the soft and hard landscaping scheme.

The approved soft and hard landscaping scheme shall be completed in accordance with the approved timetable of implementation and shall thereafter be protected, maintained and managed in accordance with the approved details.

- 10) Except for any trees, hedges or shrubs identified for removal on the approved drawings and the landscaping scheme, if within a period of five years from the date of the completion of the building works or the completion of the landscaping scheme pursuant to condition 9 (whichever is later), any tree, hedge or shrubs are felled, removed, uprooted, destroyed or dies, or becomes seriously damaged, diseased or defective, shall be replaced by planting as originally approved. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.
- 11) No development shall progress above slab level until a scheme of ecological mitigation and enhancement is submitted to and approved in writing by the local planning authority. The approved scheme shall be completed according to the agreed timetable and mitigation and enhancement features will be retained thereafter in accordance with approved details.
- 12) Prior to the first use of the development, boundary treatments shown on approved drawing Ref DR-A-9700 P02 shall be installed and retained thereafter in accordance with the details of the approved drawing.
- 13) Prior to the first use of the development, drainage systems shall be completed in accordance with proposed works and drainage strategies set out in the Drainage Design Report Ref 21105-C-12-01 (GDP - 21 February 2024) and Appendices of that report. The drainage systems shall thereafter be retained and maintained in accordance with these approved details.
- 14) Prior to the first use of the development, details of upgrades to the pavement and pedestrian crossing on Darlingscote Road for improved pedestrian and cycle access from Hay Meadow to Tilemans Lane shall be submitted to and approved in writing by the local planning authority. The upgrades shall be completed in accordance with the approved details prior to the first use of the development.
- 15) Prior to the first use of the development, the access to the site for vehicles, pedestrians and cyclists shall be completed in accordance with the details shown on approved drawing Ref 21133-010 Rev C and retained in accordance with these approved details thereafter.
- 16) Prior to the first use of the development, internal roads, on-site parking, cycle spaces and the vehicle loading/unloading area shall be completed in accordance with the details shown on the approved drawing Ref DR-A-9102 Rev 02, approved drawing Ref DR-A-9104 Rev P01 and the approved landscape scheme pursuant to condition 9. These areas will thereafter be retained for the purposes intended and in accordance with the approved details.
- 17) Prior to the first use of the development, details of cycle storage for staff shall be submitted to and approved in writing by the local planning authority. The cycle storage shall be completed in accordance with the approved details and timetable and thereafter retained for the purpose intended.
- 18) Prior to the first use of the development, the Tilemans Lane Travel Plan (Connect Consultants February 2024) shall be implemented in accordance with the approved details and timescales of the Travel Plan.

- 19) Prior to the first use of the development, a scheme of landscaping and structures for the Darlingscote Road and Tilemans Lane Junction corner of the site (as guided Drawing Ref DR-A-9120 P01) shall be submitted to and approved in writing by the local planning authority. The approved details shall be completed according to the agreed timetable and thereafter maintained in accordance with the approved scheme.
- 20) External lighting on the site shall be limited to that detailed in the Lighting Assessment (Tetra Tech - 22 February 2024) and shall thereafter be retained and maintained according to the details of that Assessment.
- 21) Prior to first use of the development hereby permitted, the sustainability measures set out within the submitted 'Climate Change Checklist' shall be incorporated into the development and/or site layout as relevant. Thereafter, the approved sustainability measures shall be retained and maintained.
- 22) The building shall achieve a BREEAM Level 'Good' in accordance with the requirements of the relevant BREEAM scheme. The building shall not be used until a Final BREEAM Certificate has been issued for it and produced to the local planning authority certifying that BREEAM Level 'Good' has been achieved.
- 23) Prior to the operation of any plant and equipment necessary for the function of the building or use of the development permitted, a noise mitigation scheme for deliveries and fixed plant shall be submitted to and approved in writing by the local planning authority.

The scheme shall include measures to ensure that any noise associated with the development does not exceed the noise limit stated in condition 24 below. It shall also include detailed specification of noise barriers and enclosures in accordance with section 3.2 and figure 3.1 of Noise Assessment 784-B055089 (Tetra Tech February 2024).

The measures shall be installed according to the agreed timetable and retained and maintained thereafter in accordance with the approved scheme.
- 24) The level of noise emitted from the development shall not exceed 30 dB L_{Aeq} 1 hour, between 0700 and 2300 Monday to Sunday and 30 dB L_{Aeq} 15 mins, at any other time, when measured on the rear site boundary at monitoring location points R04, R05 and R06 as indicated in the Noise Assessment 784-B055089 (Tetra Tech February 2024). All measurements shall be made in accordance with the methodology of BS4142:2014+A1:2019: Methods for rating and assessing industrial and commercial sounds.
- 25) Save for the delivery of newspapers, deliveries shall be taken at or despatched from the site only between 0700 and 2300 on Monday to Saturday, and between 1000 and 1600 Sundays or on Bank or Public Holidays.
- 26) The extent of retail sales floor area and display of products to the public shall not take place from any part of the application site other than the ground floor area of the approved building as indicated on the approved drawing Ref DR-A-9102 Rev P02. There shall at no time be any additional internal retail sales floor space provided within the building (including no creation/provision of additional internal (mezzanine) floor space), nor shall the building be divided

into smaller retail units, nor shall there be any franchise sales or retail outlets elsewhere on the application site.

- 27) Notwithstanding the provisions of Article 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure shall be erected, other than those specified in the approved drawings listed in condition 2 or approved scheme pursuant with conditions 19 and 23 of this decision.

End.