



Appeal Decision

Site visit made on 14 January 2026

by **JP Sargent BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 March 2026

Appeal Ref: APP/J3720/W/25/3372268

Bards Walk, Stratford-upon-Avon, Warwickshire, CV37 6EY

- 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 RPGL Bards Walk Limited against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/03277/FUL.
 - The development proposed is the creation of 19 dwellings in total through change of use at first and second floors and part of ground floor, to create 18 residential units, to include alterations and extensions to the existing building; construction of one further dwelling within existing service yard on Meer Street; internal changes to small elements of existing ground floor space to create central residential circulation core, as well as refuse/cycle store (with no changes to existing ground floor retail units); and provision of 4 parking spaces for residential use within existing service yard..
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Decision

1. The appeal is allowed and planning permission is granted for the creation of 19 dwellings in total through change of use at first and second floors and part of ground floor, to create 18 residential units, to include alterations and extensions to the existing building; construction of one further dwelling within existing service yard on Meer Street; internal changes to small elements of existing ground floor space to create central residential circulation core, as well as refuse/cycle store (with no changes to existing ground floor retail units); and provision of 4 parking spaces for residential use within the existing service yard at Bards Walk, Stratford-upon-Avon, CV37 6EY in accordance with the terms of the application, Ref 23/03277/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. In line with the appeal form I have deleted 'General Site' from the site address, as I consider it does not assist identification. At appeal stage amended plans were submitted reducing the number of proposed bedrooms overlooking the rear service area. I consider that such an amendment prejudices no party and so have considered the scheme on the basis of those.

Main Issues

3. The main issues are
 - a) the effect on the living conditions of future residents
 - b) whether, if future residents applied for permits to park in the identified residents' parking zones, it would result in an unacceptable effect on highway safety or unacceptably harm the living conditions enjoyed by residents who can currently use those zones and

- c) if harm would be caused by either/both of the above, whether material considerations indicate that the decision should be otherwise than in accordance with the development plan.

Reasons

Living conditions of future residents

4. This scheme seeks to convert and extend the floorspace above an existing shopping complex to form some 18 residential units, while an additional detached house (the detached house) would be built in the rear service yard.
5. The flats will be subject to a degree of noise from daytime activity in the surrounding streets and service areas. However, given the town centre location, the traffic restrictions in place, the layouts of the properties and the possible effects of acoustic measures, I have no reason to consider this would result in unacceptable living conditions in the units.
6. Turning to night-time noise, if residents chose to sleep with their bedroom windows open, it was said that those overlooking the service yard could be disturbed by delivery traffic. This service yard is not subject to any planning conditions that restrict its hours of use and so it could experience activity at any time. Evidence submitted though showed that at the moment deliveries arrived on some days only, and not in the dead of night but rather between 0500h and 0700h. I am aware though that there could be changes to the ground floor businesses in the complex or to their manner of operation, and so this pattern of activity could be different in the future.
7. The amended plans submitted with the appeal delete any rear-facing bedroom windows from the proposed units above the shopping complex, and so I have no grounds to find that those residents would be harmed in this way. However, if the occupiers of the detached house were sleeping with their windows open then unacceptable noise that disturbed sleep could be experienced from delivery traffic in the rear service yard manoeuvring, idling and loading/unloading before 0700h. Alternatively those residents could sleep with their window closed, and rely on mechanical ventilation. However, while I have noted the other appeal decisions, the information before me does not show that this would necessarily deliver the same benefits to these bedrooms as ventilation by means of open windows.
8. In coming to this view I appreciate any disturbance would be on the relatively few nights when people would want to sleep with the window open. I recognise too that it is probable it would occur for limited periods towards the end of the night rather than earlier. However, even though it would not be for many hours overall, the possibility of such noise means the residents would need to keep the windows closed all night every night if they wanted to be confident of undisturbed sleep. As such, the future occupiers of the detached house would experience some adverse and harmful impact on their living conditions.
9. Although not given as a reason for refusing the scheme, under the 'agent of change' principle, complaints arising from these residents could have implications for the servicing, and hence operation, of the ground floor commercial units in the shopping complex. However, the retail units are included within the site's red line, in effect forming a mixed use development, and indeed are subject to some works under this proposal. The appellant has also notified the other party who has a

freehold interest or leasehold interest in the site with at least 7 years left to run and no concerns have been raised. Mindful of this, I have no basis to find the scheme's effect would be harmful in this regard. Consequently, I consider the impact of the development on the operation of the service yard and the businesses it serves would not be a reason to resist what is before me.

10. Turning to the matter of privacy, the Council's suggested Condition 5 requires obscured glazing to some of the bedroom windows within the scheme that look directly onto communal areas. The semi-public nature of these areas means the privacy of those using them does not need to be further protected, while it is reasonable to assume that those living in the respective units would take whatever action was necessary to safeguard their own privacy. Other windows subject of that condition look onto nearby terraces, but these could be reasonably and sufficiently screened.
11. There is also a requirement for obscure glazing to the bi-folding doors on the top floor of the detached dwelling. While no doubt seeking to safeguard the privacy in that lounge, it is unclear as to which other properties such a measure is intended to protect. I am aware though that the development is in a tight urban area, and those doors will be offering views over the service yard to the similar terraces serving Units 105 and 106, and to the windows to Unit 104 beneath them. With suitable balustrades in place, which could be secured by condition, the resultant level of overlooking to and from the detached dwelling would not be unacceptable here. As such, it is unnecessary for the bi-folding doors to be obscured.
12. Accordingly I conclude that the residents of the detached dwelling could experience undue noise disturbance from the effect of service traffic in the night time, and so the scheme would conflict with Policy CS.9 in the *Stratford-on-Avon District Core Strategy*, which seeks development sensitive to its setting. In this regard it would also conflict with Policy BE11 in the *Stratford-upon-Avon Neighbourhood Development Plan 2011-2031* (made in 2018), which says developments to utilise vacant plots and buildings will be looked on favourably providing there are no adverse environmental impacts.

Parking

13. The site is in the area where residents are eligible for permits to allow them to park in either zone S2 or zone S3 of the Stratford-upon-Avon parking scheme, which covers a significant part of the town centre and the area to the immediate north. Car-owning residents in this area rely heavily on kerbside parking in relatively narrow streets, and on-street parking is broadly limited to 2 hours or less, unless a resident parking permit is displayed. The second reason for refusal arises because the appellant has failed to enter into a legal agreement to revoke the rights of future residents to apply for parking permits, thereby potentially increasing the on-street parking pressure in those 2 zones.
14. The reasons for establishing this parking control are unclear. I was told though that, even if restricted to those that had permits, parking was heavily over-subscribed in these zones at present. Indeed in zone S2 specifically it was said there were 131 kerbside spaces, yet as there were 148 dwellings they could generate up to 592 permits (4 per dwelling). This would be far in excess of what the kerbside could accommodate. A Freedom of Information Request though confirmed that, in 2024, some 375 permits were issued to the 317 properties in

zones S2 and S3. It would therefore appear that although 4 permits could be sought for each house, the take-up is, on those figures at least, in the region of 1.2 permits per dwelling. I have no grounds to consider there is likely to be a material departure from this. It was nonetheless contended by local residents that each of the proposed properties could have 2 or more vehicles, and hence apply for 2 or more permits.

15. Numerous services and public transport connections are within easy walking-distance of the appeal site. Indeed such factors contribute to national planning policy tending to support the reuse for residential purposes of vacant upper storeys in highly sustainable locations such as town centres. In this case too, traffic restrictions in the area mean that any residents who owned a car, even if they had a permit, could have to park some distance away from the site. As a result, the scheme's accommodation may well appeal to those who, for whatever reason, have no access to private motorised vehicles.
16. The parking standards seek only one space for each unit in the centre of Stratford-on-Avon. Given this, and noting the 4 spaces to be provided in the service yard, the appellant accepted that the scheme could still generate a parking demand for some 15 vehicles off the site. The Highway Authority said there was sufficient public parking in the town centre area to accommodate any parking that may occur from the development over and above the allocated spaces the development offers. I noted the extensive public car parks that are available nearby to cater for additional demands that may arise from the development, but, due to cost, they are more likely to be a reasonable option for short-term visitors to the site rather than for those who live there permanently or visit for longer.
17. No matter how many have been issued to existing properties, if all the scheme's future occupiers also applied for permits this would inevitably increase pressure for on-street parking in the zones where those with S2 and S3 permits are allowed to park. This, in turn, would result in a greater difficulty in finding a space for all who are entitled to park in those zones.
18. The appellant contended there were spare spaces available, and indeed that may be the case on occasions. However, if I accepted the comments of local residents, and considered that for most of the time parking within those zones was at or very near to capacity, this parking tends to be in quiet residential streets, and any drivers looking for a parking space would be travelling slowly. Furthermore, any additional pressure from the scheme is likely to be spread over the relatively extensive area where those with S2 and S3 permits can park, thereby diluting its impacts. In such circumstances, even if all the proposed residents applied for a reasonable number of parking permits, it has not been shown this would lead to unacceptable harm to highway safety.
19. A further concern arising from this possible additional demand for kerbside parking related to the increased stress and inconvenience likely to be experienced by those already entitled to park in the zones, as spaces became harder to find. I have little to support or quantify this concern, beyond the local residents emphasising their difficulties in this regard. I accept that in such areas finding spaces, especially at certain times, can be very difficult and inevitably gives rise to some stress and dissatisfaction. However, I am once again mindful of the scale of the additional pressure from this development when compared to what is now experienced in these zones, and also note the relatively extensive areas where

parking can occur. Mindful of this, I have insufficient basis to find any increase in this regard would be sufficient to resist the scheme.

20. It has therefore not been shown that a legal agreement revoking the rights to apply for parking permits would be directly related to the development and necessary to make the development acceptable in planning terms. Consequently, such an agreement would not satisfy the requirements of Regulation 122 in the *Community Infrastructure Levy Regulations 2010* (the Regulations).
21. The appellant has suggested a condition could be imposed to require them to enter into a legal agreement to limit the number of permits for each residential unit to 2 rather than 4. However, the Council advised that this would be rejected on the grounds that a Traffic Regulation Order application to make this change would not be approved by the County Councillors. Given this opinion, the condition would have to be negatively worded so as to avoid a completed or part-completed scheme standing empty, and, whilst the view of the County Councillors has not been sought, if the Council's opinion is soundly given there nonetheless seems little if any prospect of them approving the application. In any event, for the same reasons I have found there is no justification in revoking the rights of occupiers to apply for any parking permits, the evidence does not support reducing them to just 2 only.
22. It was unclear as to which of the scheme's residents would be using the on-site parking spaces. As a result there was a concern this could give rise to wasted trips to the site, and a possible effect on highway safety, as drivers went to see if any spaces were in fact available. This matter could be addressed through a condition requiring the agreement of a parking management plan.
23. Accordingly, having regard to the evidence before me I conclude that, despite the absence of an agreement to revoke the rights of future residents to apply for parking permits, it has not been shown that the development would have an unacceptable impact on highway safety or a severe effect on the highway network, or that it would detract unduly from the living conditions of existing residents. As such, I have no basis to find it would conflict with Core Strategy Policies CS.9, CS.26 (which seeks to resist unacceptable transport impacts) or CS.27 (which promotes necessary developer contributions), and it would also not conflict with Neighbourhood Plan Policy BE11.

Other Matters

24. The site is in the heart of the Stratford-upon-Avon Conservation Area. Insofar as this appeal is concerned, the significance of this designated heritage asset lies in the manner in which its buildings, street pattern and open spaces show it to be a historic town that has grown over the centuries. In this regard, when seen from the rear the shopping centre subject of this appeal is a discordant element, due to its scale, its materials, its design and its sizeable flat roof. Furthermore, the large, open service yard, with its functional surfacing, is a significant breach in the otherwise tight, finely grained streetscape of Meer Street, and allows views through to the rear elevation discussed above.
25. I consider that the alterations to the rear elevation would break up the building's scale and reduce its discordant nature. Furthermore, the detached dwelling would narrow the width of the gap in the street scene and go some way to re-instating the

streetscape in a manner that was sensitive and sympathetic to the buildings around, concealing the rear of the shopping centre to a great extent.

26. When seen from the front, alterations are generally confined to minor, sensitive changes to windows and their arrangement. Although roof works are proposed, looking from the nearby multi-storey car park the resultant building would not be at odds with the over-riding roofscape of the conservation area with regard to its materials, its height, its form, or its massing. The issues around the storage and collection of refuse could be tackled by means of a condition requiring agreement of and adherence to a refuse management plan.
27. Accordingly, this scheme would not harm the significance of the conservation area, but would, to a degree, enhance its character and appearance.
28. There are also a number of listed buildings nearby. Their settings are very much focussed around them being in historic commercial streets with diverse built form of varying ages. This contributes to the significance of each, by emphasising the organic urban context in which they have stood for many years. Mindful of my reasoning concerning the scheme's impact in relation to the conservation area, and noting the separations involved, I consider the effect of the proposal on the settings of any of these listed buildings would not harm their significance.
29. The County Council requested a legal agreement to cover road safety education and monitoring but little evidence was submitted to support these requests. I am not therefore in a position to find they comply with the Regulations.

Other material considerations

30. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* says development should be in accordance with the development plan (which, in this case, includes the Neighbourhood Plan) unless material considerations indicate otherwise.
31. The *National Planning Policy Framework* is such a material consideration. In paragraph 11d) it states that where the policies which are most important for determining the proposal are out-of-date (including situations where the Local Planning Authority cannot demonstrate a necessary housing land supply) permission should be granted unless (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Footnote 8 then accepts that paragraph 11(d)(ii) is engaged for developments for the provision of housing where the Council cannot demonstrate a 5-year supply of deliverable housing sites.
32. In terms of the scheme's benefits, the Council has a housing land supply of only 2.74 years, which is significantly less than the requirement of 5 years. Although 19 extra units would not reduce this sizeable shortfall by an appreciable percentage, given the scale of need in the District I consider that significant weight should nonetheless be given to this additional accommodation. I also afford moderate weight to the scheme's economic benefits both during and after the construction phase, while moderate weight is given to the benefits to the conservation area referred to above.
33. Against this the bedrooms in the proposed detached dwelling could experience noise disturbance from the service yard on the days. As stated this could well

mean the residents had to sleep with the windows closed every night, and result in development plan conflict. However, this requirement would only be harmful on the limited instances when they would have wanted to sleep with the window open, and, whilst not shown to be bringing the same benefits, there would be mechanical ventilation available on such occasions.

34. On balance, given the relatively limited nature of this harm I conclude it would not clearly and demonstrably outweigh the benefits cited.

Conditions

35. The development should be subject to the general condition concerning commencement, and should accord with the approved plans.
36. Having regard to the character and appearance of the locality, and mindful of its position in a conservation area, details should be agreed of the external joinery, lighting, flues, ducts, external materials, balconies/balustrades, rear gates, and, in the case of the detached dwelling, finished floor levels. Refuse provision should also be provided.
37. The agreement of the balconies/balustrades and lighting is also necessary to safeguard living conditions. Moreover, for this reason the scheme should be in compliance with an approved acoustic report and a Construction Management Plan should be approved.
38. Mindful of biodiversity, bats should be suitably protected and the scheme should accord with the submitted drainage strategy so as to avoid exacerbating flooding. To address any potential archaeology an investigation should be undertaken before works on the detached dwelling start.
39. Finally, in the interests of highway safety and sustainable transport, the parking for cars and bicycles should be delivered.
40. The basis for the various other conditions imposed has been given in my reasoning above.
41. A number of the conditions require actions before the development is commenced. Given the nature of the proposal I consider this needs to be so to establish how the development proceeds from the outset. Some of the conditions suggested comprised lists stipulating what the submitted details should include. While not necessarily doubting the need for some of these criteria, I consider there is no requirement for them to be listed in this way, as the relevant matters can be more flexibly identified and addressed in the discharge of the condition.

Conclusion

42. Accordingly, I conclude the appeal should be allowed.

JP Sargent

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise amended under the conditions below, the development hereby permitted shall be carried out in accordance with the following plans and drawings:
 - Location Plan - 3240-00 Rev A
 - Existing Ground Floor Plan 3240-01 Rev A
 - Existing First Floor Plan 3240-02 Rev A
 - Existing Second Floor Plan 3240-03 Rev A
 - Existing Elevations 3240-04 Rev A
 - Existing Roof Plan 3240-05
 - Existing Sections Sheet 1 of 2 3240-15 Rev A
 - Existing Sections Sheet 2 of 2 3240-16 Rev A
 - Proposed Ground Floor Plan 3240-30 Rev E
 - Proposed First Floor Plan 3240-31 Rev D
 - Proposed Second Floor Plan 3240-32 Rev D
 - Proposed Roof Plan 3240-33 Rev B
 - Proposed Elevations 3240-34 Rev E
 - Proposed Sections Sheet 1 of 2 3240-40 Rev D
 - Proposed Sections Sheet 2 of 2 3240-41 Rev B
- 3) Prior to the commencement of any development hereby permitted, and notwithstanding any information on the approved plans, details shall be submitted to and approved in writing by the Local Planning Authority of
 - a) materials to be used in the external surfaces of the development (comprising samples, trade descriptions and colours);
 - b) all external joinery details, along with architectural details, of all external windows and doors (comprising elevational drawings at a minimum scale of 1:20 and plan and vertical sectional drawings at a minimum scale of 1:2);
 - c) all lintels and cills;
 - d) the locations, heights, sizes, materials of construction and colour finishes of all external flues, ducts, rainwater goods, external vents, extracts, meters and any other external attachments;The development shall then be undertaken using the approved details only
- 4) Prior to the commencement of any development hereby permitted, and notwithstanding any information on the approved plans, details shall be submitted to and approved in writing by the Local Planning Authority of the heights, materials, design, appearance and finish of any balconies, balustrading, railings and associated attachments. All balconies, balustrading, railings and associated attachments at each property shall then

- be installed in accordance with the approved details prior to its first occupation and thereafter retained.
- 5) Prior to the commencement of any development hereby permitted, details of a Construction Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Construction Management Plan shall be adhered to throughout the construction period.
 - 6) Prior to the commencement of any development hereby permitted, and notwithstanding any information already submitted, an acoustic report shall be submitted to and approved in writing by the Local Planning Authority. This report shall state the acoustic treatment throughout the scheme, and include details of the intended mechanical ventilation system, including sound levels and frequency spectrum, and calculations to show that when operating at design capacity to overcome heating it would not exceed the limit conditions and the spectral content does not exceed NR20. Prior to the first occupation of each unit, the approved acoustic treatment and mechanical ventilation system for that unit shall be installed and thereafter retained.
 - 7) Prior to the commencement of any of the external works hereby permitted and notwithstanding the information contained within the *Preliminary Bat Roost Assessment and Bird Survey* report by S. Christopher Smith (dated 14 May 2024), details on the bat roosting and bird nesting provision to be installed, together with a timetable for their installation, shall be submitted to and approved in writing by the Local Planning Authority. The roosting and nesting provision shall be installed in accordance with the approved details and timetable, and thereafter retained. Otherwise, the development shall be undertaken in accordance with the mitigation measures and method of working for bats and nesting birds contained in that report.
 - 8) Prior to the first occupation of the development, details shall be submitted to and approved in writing by the Local Planning Authority of a refuse management plan, and the development shall thereafter be operated in accordance with the approved plan. No residential unit hereby permitted shall be occupied until the communal refuse/bin storage areas indicated on the approved drawings have been provided and made available for such use. These refuse/bin storage areas shall be used solely for such purposes in association with the residential units hereby permitted only and shall not be used by any adjoining business/commercial uses. These refuse/bin storage areas shall thereafter be retained and maintained for that purpose.
 - 9) Prior to the first occupation of the development, details shall be submitted to and approved in writing by the Local Planning Authority of a parking management plan, and the development shall thereafter be operated in accordance with the approved plan.
 - 10) No residential unit hereby permitted shall be occupied until the vehicular and bicycle parking spaces have been laid out and delineated in accordance with the details indicated on the approved plan. These parking spaces shall thereafter be retained for that purpose.
 - 11) No gates to the service yard shall be erected until their details (including their system of operation) have been submitted to and approved in writing by the Local Planning Authority. The gates shall then be installed and operated in accordance with the approved details.

- 12) No residential unit hereby permitted shall be occupied until
- a) the mitigation measures detailed in the *Updated Drainage Strategy* Technical Note v1.1 (by Ridge Built Environment Consultancy dated 04.12.2024), have been installed and implemented and
 - b) a site specific maintenance plan for the drainage strategy has been submitted to and approved in writing by the Local Planning Authority.

These mitigation measures shall thereafter be retained and maintained in accordance with the approved maintenance plan.

- 13) Before its first installation, the luminance, operating hours, height, direction, cowling and location of any external lighting to be used shall be submitted to, and approved in writing by, the Local Planning Authority, and shall thereafter be installed and operated in accordance with those approved details.
- 14) No development shall take place in connection with the detached dwelling referred to as unit 118 on the approved plans, until the applicant, or their agents or successors in title, has secured and had implemented a programme of archaeological work in accordance with a written scheme of investigation and timetable which has first been submitted to and approved in writing by the Local Planning Authority.
- 15) No development shall take place in connection with the detached dwelling referred to as unit 118 on the approved plans, until its proposed finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved finished floor levels only.