

Appeal Decisions

Hearing held on 17 February 2026

Site visits made on 16 and 18 February 2026

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decisions date: 20 March 2026

Appeal A - Ref: APP/J3720/W/25/3371351

Bridge House, 3 Timothy's Bridge Road, Stratford Enterprise Park, Stratford-upon-Avon, Warwickshire CV37 9NQ

- 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 WSP Homes against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/03270/FUL.
 - The development proposed is the redevelopment of site to provide 89 no. dwellings, associated landscape works and basement level vehicular and cycle parking.
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Appeal B - Ref: APP/J3720/W/25/3370345

5 Timothy's Bridge Road, Stratford Enterprise Park, Stratford-upon-Avon, Warwickshire CV37 9NQ

- 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 McVeigh Construction against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/03272/FUL.
 - The development proposed is the redevelopment of the site to provide 33 no. dwellings, associated landscape works and basement level vehicular and cycle parking.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for the redevelopment of the site to provide 33 no. dwellings, associated landscape works and basement level vehicular and cycle parking at 5 Timothy's Bridge Road, Stratford Enterprise Park, Stratford-upon-Avon, Warwickshire CV37 9NQ, in accordance with the terms of the application ref 23/03272/FUL, and subject to the schedule of conditions appended to this decision.

Procedural Matters

3. The proposals were submitted as separate applications and appeals. However, the appellants, represented by the same agent, requested that the appeals were dealt with by one Inspector. The sites adjoin and the Council's reasons for refusing planning permission in both cases are very similar such that the

appeals share many common factors. Although I have chosen to address these appeals in one decision notice, I have nonetheless had regard to considerations material to each site and the different proposals.

4. The descriptions of developments were changed during the application stage. While this is reflected in the Council's decision notices and the appeal form for Appeal A (No 3), this was not the case for Appeal B (No 5). However, I have amended the description of development in the decision above, to accurately reflect this change and the submitted drawings with this appeal.
5. Regarding Appeal A, the appellant at the application stage indicated that they are the sole owner of the land and Certificate A, in the application form, was completed accordingly. However, it came to light, before the hearing, that although the appellant has an option on the land, there are other parties with an interest in the land, and these parties should have been notified of the application. This raises the question as to whether the original application satisfied the requirements set out in Article 14 of the Town and Country Planning (Development Management Procedure)(England) Order 2015 (as amended) (DMPO).
6. While these are statutory requirements, Courts have held that Inspectors have some discretion in the interest of procedural fairness. The Council's view has been sought, and it appears content that I deal with this matter as I judge appropriate.
7. The appellant states that the response about ownership on the application form was an error that only came to light when due diligence was carried out with regards the legal agreement. It is understood that two parties that currently own most of the site have entered into a land option agreement with the appellant. The other parties, St Joseph Homes Limited and the Canal and River Trust, have interest at the boundary of the site, and both organisations were consulted about the original application and notified of Appeal A. Moreover notifications, pursuant with the ownership certificate requirements of the DMPO, were sent to all these parties when the error was identified.
8. These ownership notifications were sent only a couple of days before the hearing. However, as outlined above, all parties were aware of the application and the appeal in this case. While this error is regrettable, it appears to have arisen from confusion as opposed intent to mislead. Most significantly, as the other interested parties were made aware of the proposal and have had an opportunity to comment at both the application and appeal stage, I find that this error has not resulted in procedural unfairness in this case.
9. A local resident, after attending part of the hearing, emailed the Council on the day of the event, seeking details of the site visit and some clarification about the design of the developments. The Council attempted to gain further information regarding this matter, but no response was received by the close of the hearing or following the event. Addressing this, these applications were originally submitted in 2023 and there has been notifications and consultation periods through that stage and through the appeals process. I am content therefore, that there has been fair opportunity for all interested parties to view the details and comment on the proposed schemes.

10. Attention is drawn to the emerging South Warwickshire Local Plan for Stratford-on-Avon and Warwick District Councils. However, that plan has only reached the Regulation 18 stage. Given the early stage of preparation, policies of that emerging plan attract very little weight in these appeals.

Main Issues

11. The main issues in Appeals A and B are:
- The effect of the proposals on the character of the area, including the setting of the Stratford-upon-Avon Conservation Area;
 - Whether appropriate provision for affordable housing and contributions to improve infrastructure would be made, having regard to local policy; and
 - Whether the proposed residential units would provide satisfactory living conditions for future occupants, having regard to outlook, privacy and daylight.

Reasons

Character

Background

12. The appeal sites are located on a short no through way spur, off the main Timothy's Bridge Road. The commercial building previously located at No 3 (Appeal A) is now demolished and this site comprises mainly hard standing with some poorly maintained shrubs on the boundary with the canal tow path.
13. At neighbouring No 5 (Appeal B), the site comprises a two storey warehouse/office building with hardstanding for parking to the front and storage to the rear. There is also some vegetation at the boundary with the tow path. The plot of land to the west of No 5 has been cleared and similar to No 3 that site is predominately hardstanding. The land to the rear and the east of the appeal sites has also been cleared of commercial units.
14. Turning to the wider setting of the sites, the main Timothy's Bridge Road (to the west of the spur road) is lined by commercial properties. With residential development largely confined to beyond the railway line to the north or south of the canal, the area is distinctly commercial. However, with the site clearance at No 3 and immediately surrounding both sites, the character of the area is evidently undergoing substantial change.
15. The canal at the edge of the sites, provides a relatively natural break in the retained built form and the previously developed sites in this area. I saw that the tow path, even with site clearance and poorly managed vegetation, provides a positive visual contrast from the development of this settlement and a pleasant pedestrian route for people to exercise and for access to the town centre. Consequently, this feature positively characterises the setting of these two sites.
16. Timothy's Bridge Road forms part of the Canal Quarter Regeneration Zone (CQRZ). Policy CS.16 of the Stratford-on-Avon Core Strategy (Core Strategy) identifies this as a strategic allocation for housing or housing led mixed

development. Proposal SUA.1 of Core Strategy clarifies that this is a 27 ha allocation where over the plan period approximately 650 homes will be delivered and features such as a linear park alongside the canal are sought. Consistent with the requirements of Proposal SUA.1 a Masterplan Supplementary Planning Document (CQRZ SPD) was adopted in 2018 to guide this regeneration, and I will address this document in more detail shortly.

17. The appeal sites, even when considered collectively, comprise a relatively modest part of the Timothy's Bridge Road section of the CQRZ in terms of size. However, they nonetheless hold a prominent position, aside the canal, such that changes at this locale would have substantial influence over the emerging character of the area, regardless of the modest size of these sites.
18. The cleared land to the west and north of the appeal sites benefited from a hybrid planning permission¹ for over 500 dwellings and mixed commercial floorspace(hybrid permission). Under the hybrid permission, a detailed scheme was approved to the west of the appeal sites, at the boundary of No 5.
19. That approved scheme (Phase 1 scheme) included a six storey apartment block with commercial units at the ground level. At the canal side, the approved building had narrow pitched gables with the aesthetic of a converted waterside warehouse. Set to the side of that plot of land a considerable part of the site was public open space. (Ref. figure 12 of the appellants Design and Access Statements (DAS)) The Phase 1 building was described as a landmark building and with the features outlined above, I find no reason to dispute that assertion.
20. Reserve matters of this hybrid permission were approved for the area to the north and east of the appeal sites. The approved details of that permission (Phase 2 scheme) comprised mainly houses. Near the canal side the approved dwellings formed a gentle crescent. At the eastern extreme of that plot of land, there was an approved apartment block. This is shown as a relatively modest mass and four storeys in height. Described as a landmark building, its roof form was in keeping with other built forms approved in both phases. Also, the approved plans for the Phase 2 scheme shows a good amount of open space to be retained between the dwellings and the apartment block near the canal tow path. (Ref figure 13 of the appellants DAS').
21. At the hearing it was indicated that, although some conditions of the hybrid permission had been discharged there remains uncertainty as to whether that permission has been implemented, and whether the hybrid permission and approved reserved matters related to that permission are extant. The Council stated at the hearing that a lawful development certificate should be sought to establish the status of these permissions, but there is currently no application of this nature pending.
22. The planning history for No 3 shows a prior approval permission granted for a four storey apartment block comprising 32 units². The evidence also indicates that this permission has lapsed. Moreover, none of the parties have presented evidence that would lead me to disagree with the Council's view on the status of those permissions.

¹ Ref 19/02585/OUT

² Ref 22/02663/NDAZ

23. This aside, the main parties are in agreement that the setting of the proposals before me is a changing environment. As the permissions for residential use outlined above no longer appear extant, this limits the weight that they attract in these appeals. That said, these appear to have lapsed relatively recently, and the approved details were determined against local design policy and guidance which guides the proposals subject of these appeals. Indeed, the appellants have taken the details of these lapsed permissions into account in their design approach for the appeal proposals³. I agree with the appellants for the factors outlined above that these previous permissions have some relevance in these cases. Accordingly, I have taken this planning history into account when considering the proposals' effects on character, albeit ascribing them very limited weight.

Assessment of Proposal at No 3 - Appeal A

24. The Appeal A site is an irregular triangle with a long southern boundary next to the canal tow path. The proposal would comprise a L-Shaped apartment block with a stepped down flat roof line. Ranging from seven to four storeys and 22 m at its highest point, not only would the new built form be tall, but much of this site would also be filled with the sizeable building. It would appear a substantial mass on the canal side and would in turn be an overwhelming feature in this prominent and sensitive locale.
25. The proposed canal side façade would be a mix of red and buff brick, and it was clarified at the hearing and in written evidence that these materials are common in the town. Some of the residential units would have balconies on this side of the building. But other than this detail, the proposed building would appear a collection of boxlike forms with a simple contemporary appearance and limited visual interest.
26. The appellant at the hearing highlighted that the proposed brick bonding would be in keeping with local vernacular, but it was conceded that this detail would be difficult to discern from public vantage points such that this feature would not significantly add visual interest to the appearance of the building. I observe that this proposed architectural style appears popular in urban areas around the country, such that the design has a generic quality and would not be out of place in most towns and cities.
27. Although this setting is urban, and Stratford-upon-Avon is sizeable, it is nonetheless a market town, and this factor is very much reflected in the style and scale of built form that positively characterises the town centre and the development that surrounds it. Tall flat roofed forms as proposed in this case would be considerably at odds with this prevailing character. It would also be out of keeping with relatively recent development that I saw when walking alongside the canal and at the edge of the town centre. This proposal would not readily assimilate into this particular townscape.
28. The proposed building would be set back from the canal tow path. However, this would only be by a small amount such that the resultant green features at this side of the built form would be a narrow strip rather than a meaningful and

³ Design and Access Statements and Design Rationale Statements

usable public open space. Also, the appellant's Shadow Analysis Study shows that most of the remaining proposed public space, with the exception of that proposed at the eastern extreme of No 3, would be significantly shaded by the high building for a good part of the day, particularly in winter months. The high quality sunny open space sought by the design principles of the CQRZ SPD would not be achieved in this case. Moreover, any benefit of the new landscaping and the limited sunny public open space on the southern boundary would be considerably diminished by the harmfully dominant appearance of the new apartment block.

29. As already outlined, this is a visually sensitive part of a wider Core Strategy allocation, and the local policy and design guidance aspires to enhancement of important existing features, most notably the waterfront and its tow path. The previously approved development around both appeal sites was sensitive to this aspiration and would have largely enhanced the individual quality of this setting as well as being generally in keeping with the scale of this market town. However, unlike those approved developments, with a generic aesthetic, this proposal would not appear bespoke to this site and in this regard, it would not enhance the existing positive features on its southern boundary and would fail to work towards establishing a beneficial character for this changing environment.
30. As previously stated, this is only a small part of the CQRZ, however it is prominent. The proposed blocky mass which would cover most of the southern boundary of No 3 would visually dominate, in height and length, this canal side location. Offering limited design interest along this southern elevation, it would be at odds with the landmark style of development which is being sought to the west of No 5, and immediately to the east of No 3. Even if I disregard the detail of the lapsed permissions, this insensitive design, and the mediocre character it would establish in this part of the CQRZ, would be clearly evident in the skyline in this immediate setting and at key view lines and vistas along the canal.
31. The prior approval, consented at No 3, permitted a simple blocky building of a similar style to that proposed in Appeal A, and it is highlighted that the Council found the appearance of that design acceptable. However, that was a four storey block and considerably smaller than the building that would result under this scheme. This matter has not altered my findings for this reason.
32. While I question the quality of the open space at the canal side under this scheme, the proposal would ensure some connectivity for pedestrians through the site and to the tow path. This would be in keeping with the aims of local policy and the design principles of the CQRZ SPD and could be secured by condition. Limited external surface materials are proposed, and this approach would generally be in keeping with local policy which seeks the use of a limited palette of materials to give coherence to the overall design. Moreover, as already stated the choice of materials would generally reflect those which have been approved in development surrounding the site, and this can also be conditioned. There is concern regarding the hedging between the site and the tow path, but again I am content that this could be dealt with by condition. However, these measures could not mitigate the substantial harmful visual effect of this poorly designed tall built form.

33. As a sizeable addition in this locale, this unsympathetic development would miss an opportunity to positively contribute to a changing environment. The proposed scheme fails to reflect the local guidance design principles and aspirations for delivering high quality development in this regard. I find that the resulting visual harm from this development would be substantial to the character of the area.

Assessment of Proposal at No 5 - Appeal B

34. The Appeal B site is a more regular shape than No 3 and shares a relatively short boundary with the canal tow path. Accordingly, although No 5 has a prominent setting next to the canal, its short southern boundary somewhat limits the influence that the redevelopment of this site would have in determining the future character of this part of the CQRZ.
35. The proposed apartment block under this scheme would be six storeys. While the top floor would be stepped in, this would be by a small amount. Essentially the building would be a plain large block that would fill most of the site along the canal side.
36. This proposal would have a strip of public open space at its southern boundary adjacent to the canal. Much of the open space to the north of the block would be reserved for future occupants. Whilst this would be a significant benefit to the residents, conversely, the public benefits with regards public open space would be limited in this scheme.
37. Similar to the scheme in Appeal A, this proposed block would have a generic architectural style. This incongruent form would be visually harmful in this sensitive setting, and this harm would not be adequately mitigated by the choice of external materials or by the improved landscaping at the site. However, as the new building would affect a relatively small section of the canal frontage, the degree of visual harm to the character of the area would be lower than that which would occur in the scheme in Appeal A, but it would still be significant.

Heritage – Appeal A and B

38. The Stratford-upon-Avon Conservation Area(CA) covers most of the town centre and extends considerably to the suburbs of this settlement. The CA Appraisal shows that the significance and historic interest of the character areas of the CA closest to the appeal sites largely relates to 19th Century suburban residential development. The evidence shows that this interest and the few listed buildings in these character areas are around half a kilometre from these appeal sites. Not only are the heritage assets some distance from the Timothy's Bridge Road area, but I saw that they are visually separated by the railway line and other significant development.
39. The Council's Conservation Officer has expressed concerns that tall buildings in this locale would disrupt the town's existing hierarchy in terms of built forms, and this would be evident from the edge of this market town and for the reasons stated above I agree with this conclusion. However, focusing on the effects of the proposals on this designated heritage asset, the boundary of the CA is some distance from the appeal sites, and moreover there is limited intervisibility between the CA and sites.

40. The tall structures proposed in the cases would likely be visible from the edge of the town, particularly on the approach from Evesham Road. However, this is an elevated and distant vantage point, and the new structures would be seen in glimpsed views and as part of wider development of the settlement. While I find the proposed buildings in these appeals to be visually harmful to the character of the area, this negative effect would be localised to the CQRZ and would not harm how the historic significance of the CA and its interest is currently experienced.
41. In light of the circumstances outlined in this matter, I find the proposed changes at the appeal sites would not harm the setting of the CA, and how the historic interest in that designated heritage asset is presently appreciated. The character or appearance of the CA would be preserved under these schemes. I find no conflict with Core Strategy Policy CS.8 and Policy BE8 of the Stratford-upon-Avon District Neighbourhood Development Plan (Neighbourhood Plan) in this regard.

Findings on the matter of Character

42. Although these schemes would preserve the setting of the Stratford-upon-Avon Conservation Area and its significance, I find that the proposal under Appeal A would have a substantial harmful visual effect on the character of the area. I also find that the proposal in Appeal B would have a significant harmful visual effect on the character of the area.
43. In these regards the proposals in Appeal A and B would conflict with Policies CS.5 and CS9 of the Core Strategy and Policies SSB1, BE1, BE2 and BE6 of the Neighbourhood Plan. These Policies collectively seek high quality design and amongst other matters, highlight that understanding local context is key to achieving good design, and that proposals should take into account any relevant design principles and contextual analysis set out in local guidance.

Affordable Housing

44. Policy CS.18 of the Core Strategy states that all new residential development over 11 dwellings in Stratford-upon-Avon will be required to contribute to the provision of affordable housing. This Policy goes on to clarify that affordable housing will comprise 35% of the homes, unless credible site specific evidence of viability indicates otherwise.
45. The viability evidence of the Core Strategy, tested at examination, found that development of the CQRZ allocation was less viable with 35% affordable housing provision. Accordingly, Proposal SUA.1 of the Core Strategy indicates that of the 650 dwellings to be delivered at this allocation, 25% of the units will be affordable homes.
46. The appellants assert that the proposals in Appeal A and B would not be viable with any affordable units. Viability assessments, described as high level and carried out by Turner Morum (May 2024) which supported the original applications, were independently assessed by Lambert Smith Hampton (LSH)(January 2025). LSH concluded, for the proposals at No 3 and 5, that the developments would be challenging but this is a consequence of the inclusion of the proposed basement car parks. Some profit was found with a policy

compliant development at Nos 3 and 5, but this was at a rate that would be lower than market expectation. Moreover, this was assuming significant grant funding would be secured for the redevelopments of these sites and it was confirmed at the hearing that this source of funding can no longer be relied upon.

47. Viability assessments (RCA Regeneration September 2025) submitted in support of these appeals concluded with regards to Appeal A (No 3) and B (No 5), as policy compliant schemes, the developments would be unviable. Indeed, even with no other infrastructure financial contributions, the RCA assessments conclude that both proposals would make a loss. These viability assessments were also reviewed by LSH (December 2025), who agreed with RCA's conclusions that both proposals would be unviable as policy compliant developments. However, while recognising that reducing the density of dwellings at the sites might dilute profit, LSH again highlighted that its conclusion, regarding the proposals not being viable, was largely as a consequence of the proposed basement parking in the schemes of Appeal A and B.
48. The RCA assessments took account of LSH comments on the Turner Morum assessment methodology, and applied BCIS median costs and a benchmark land value which was reflective of the existing or alternative uses of the appeal sites. However, although the percentage of return/profit applied in the RCA assessments is within the range indicated by Planning Practice Guidance (PPG), the percentage adopted is towards the upper end of that range. Some sensitivity analysis was carried out in the RCA assessments, but this was largely limited to costs and value of the residential units and did not include testing of a lower return for the developer on the open market units.
49. Moreover, regarding how a viability assessment is to be treated in decision making, PPG advises reference back to the viability assessment that informed the plan [Core Strategy in this case]. However, the RCA assessments fail to take account of viability assessments informing policies and allocations of the Core Strategy.
50. Addressing this matter at the hearing, the appellants suggest that the Core Strategy viability assessment was not specific to these sites. However, a Viability and Deliverability Report for the Canal Quarter was carried out in 2014 by Peter Brett Associates (PBA assessment). The PBA assessment divided the CQRZ into four sections, one of which is the Timothy's Bridge Road area. That assessment area was over 6 ha. However, it did include the appeal sites and is site specific in this regard. Although some viability issues were highlighted, the PBA assessment found that some affordable housing could be provided assuming 33% of this wider area comprised three storey flatted development with roughly 52 dwellings per ha (dph). The proposed height and density of development in Appeal A and B would be greater than that assumed in the PBA assessment.
51. The appellants indicated that the PBA assessment was carried out when interest rates were very low and that the current economic situation for developers is far more challenging than the circumstances back in 2014, before the effect of Brexit and the pandemic. Be this as it may, I note that the PBA

assessment assumed loan interest rate similar to that adopted by RCA. Also, PBA took account of a depressed housing sales market and slow upturn over the plan period. While Covid and Brexit were unforeseen events, the PBA assessment nonetheless recognised the potential challenges that developers would have in redeveloping these sites. And yet, even given those challenges, PBA still demonstrated that this part of the allocation was capable of delivering some affordable housing with some profit to the developer.

52. The substantial rise in building costs since 2014 was highlighted. But while this may be so, even with a slow housing market, the evidence supporting these proposals show that the value of comparable units sold in the settlement in recent years has increased reasonably since the Core Strategy was adopted. Moreover, the percentage of fees, legal costs and contingency were similar in the PBA assessment with that applied to the RCA assessments. Also, the abnormal costs that may be associated with redeveloping a brownfield site were factored in at the Core Strategy stage. As such, inputs in the respective assessments appear similar despite the passage of time, but different conclusions regarding viability are drawn.
53. The key change between the assumptions of the PBA assessment and the appellants' assessments appears to be the cost of constructing underground parking. This is parking provision which LSH found to be the main reasons for these projects being unviable if affordable housing was required. Therefore, if I accept the appellants' position that these proposals are unviable, this appears mainly as a result of design choices as opposed to changing markets and economic circumstances effecting the deliverability of policy compliant development at these sites.
54. Regarding local parking policy, Policy CS.26 requires parking provision reflects local circumstances with the need to promote sustainable transport outcomes. Development should not have excessive on-site parking, but provision will need to be sufficient in relation to an individual scheme to avoid unacceptable impact on the amenity of the local area or highway safety.
55. Stratford-upon-Avon is a good size market town offering a range of services. Located in the settlement, future occupants of the developments would be within walking distance to the town centre and the railway station. And these services could also be accessed by buses stopping close to the sites. Therefore, future occupants would have good access to modes of transport other than the car. The Council describes this as a very sustainable location, and given the features outlined above, I agree with this conclusion.
56. As stated, these sites are currently in a commercial setting, and some units further west along the main stretch of Timothy's Bridge Road are operational. Those units appear to have privately managed off street parking provision and there are double yellow lines on the road in the vicinity of the appeal sites. The residential properties in the wider area to the north and south generally have some off street parking spaces. As such parking in the area does not appear to be in short supply for existing users or particularly under pressure. Moreover, as a good level of parking provision is in place for existing development, which is mostly private, future occupants of the new development could have very little effect on the availability of that existing provision. Also, with on street parking

restrictions in place, the existing carriageway condition around the sites would be protected.

57. Consequently, the local circumstances are such that future occupants would not have to be dependent on a car to access services. Furthermore, local road arrangements are such that current parking provision and carriageway conditions would unlikely be harmfully changed if a low onsite parking provision was available to future users of these sites. In light of this, a lower parking provision than that proposed in these cases could be acceptable at these sites without conflicting with local transport policies.
58. Given this factor, it seems to me that the proposals subject of these appeals would not be the only option for the redevelopment of these sites. It is reasonable to conclude an alternative scheme without the basement development could have the potential to contribute to affordable housing provision whilst remaining viable.
59. Focusing on these appeal schemes however, when asked why the appellants were pursuing these proposals, given the significant loss that the RCA assessments suggest, even without any affordable housing provision, it was conceded that other assessments showed a developers return of approximately 12%. However, that information has not been submitted for consideration in this appeal process. Regardless, this concession about potential profit, in my view, considerably undermines the appellants' viability evidence that has been submitted. The appellants' evidence on this matter does not appear transparent in this respect and this limits the weight that I attach to the RCA assessments in these cases.
60. The Council raised the prospect of reviewing the viability situation once development had commenced. PPG on viability indicates that [development] plans should set out circumstances where review mechanisms may be appropriate. Largely consistent with this advice, the Council's Development Requirements Supplementary Planning Document (DRSPD) with regards planning obligation sought on viability grounds, a clause will be built in which requires a review of the viability situation unless the development is completed within a defined timeframe. I accept the appellants view that both developments, although sizeable, are on modest sites such that they could be completed in a single phase. Therefore, there appears a defined timeframe that limits the scope for review of this matter in these cases.
61. That aside, given the factors set out above, I find that these proposals are not supported by credible site specific evidence of viability that demonstrates that affordable housing provision in line with local policy cannot be delivered at these appeal sites. The proposals would fail to accord with local policy in this respect.
62. For the reasons stated, the proposals in Appeal A and B would not make appropriate provision for affordable housing, having regard to local policy. In this respect, the proposals would conflict with Policy CS.18 of the Core Strategy.

Other Infrastructure Matters

63. In both appeals, some public open space provision would be made on the sites. Conditions could ensure the details of this provision is acceptable and certain. The ongoing management of this space would require the transfer of the land in these cases and therefore a legal agreement is necessary for certainty of this outcome.
64. Addressing Appeal A, as set out in procedural matters, land ownership has been clarified through this appeal process. This has resulted in a reduced amount of public open space in the scheme in Appeal A over that which was first envisaged at application stage. The northwest corner of the site is now excluded from any legal deed. A completed legal agreement was submitted following the hearing which obligates those with interest in the land to transfer the remaining part of the proposed public open space at No 3 to ensure its long term management for the purpose intended. The escalating approach set out in this deed reflects that established by the Council to address such matters.
65. Regarding Appeal B, during this appeal, it was highlighted that the Council is the landowner and the appellant the leaseholder. Setting aside the factor that the submitted legal agreement, with obligations related to open space, is draft only, I share the Council's concern regarding the enforceability of the deed as not all those with interest in the land would be obligated to deliver this benefit. And if all interested parties were to be included in a revised deed, this raises issues of enforceability given the land ownership circumstances in this case.
66. The Council has suggested a negatively worded condition requiring a planning obligation to address this matter, prior to development. I find for the circumstances outlined and due to the land control issues, exceptional circumstances for a negatively worded condition requiring a legal agreement exists in this case. Moreover, a legal deed with a public open space obligation would be directly related to the development and would fairly and reasonably relate in scale and kind. With the certainty of the above outcome, I find that the proposals in Appeals A and B would largely be consistent with the aims of Core Strategy Policy CS.25 with regards public open space.
67. Turning to other infrastructure matters, the evidence indicates that both proposals would be Community Infrastructure Levy (CIL) liable. In respect of the proposal at No 3, contributions towards library services, public rights of way (PROW), sustainable travel initiatives, road safety, education and NHS services are sought. The Council indicated, during this appeal process, that these financial contributions, separate of affordable housing, could amount to around £952,000. However, this figure is likely to be reduced to take account of CIL payments made in respect of the now lapsed prior approval permission on this site. Regarding the proposal at No 5, contributions towards library services, PROWs, NHS provision, sustainable transport and road safety initiatives amounting to circa £334,000 are being sought by the same mechanism.
68. These financial contributions, in part to be secured by legal agreement, reflect the Council's adopted CIL Charging Schedule and appear proportionate to the scale and kind of development proposed in each case. Moreover, these contributions are supported by local policies. As with affordable housing

provision, the appellants state that making these other contributions would render the developments unviable.

69. Regarding transport infrastructure, Policy CS.26 seeks contributions towards strategic transport improvements and measures which mitigate the cumulative impacts of development, but the Council has concluded that the impact on the local highway network would be acceptable.
70. That aside, Policy CS.26 also highlights the Council's emphasis on encouraging modal shift with greater use of more sustainable forms of transport. However, as already explored these proposals, despite being in a settlement where future occupants would be able to walk to a range of services and alternative transport options to the car, would nonetheless provide significant off-street parking that the evidence shows would impact the viability of both developments. It seems to me, that given this factor, contributions that would support the local transport strategy for modal shift, should still be applicable to make these developments acceptable in terms of this local policy matter.
71. Policy CS.27 of the Core Strategy, which deals with developers' contributions, clarifies that further detail will be provided in a Development Requirements Supplementary Planning Document (DRSPD). This guidance, similar to the relevant local policies, sets out a flexible approach in the event of viability issues. However, for the reasons set out already in relation to affordable housing policy, the submitted evidence fails to demonstrate the extent of flexibility that should be applied in these cases, with regards financial contributions that address local policy aims.
72. Relevant to this matter, the PBA assessment that underpinned the Core Strategy states that, given the circumstances in the Timothy's Bridge Road area, development of these sites are unlikely to support contributions towards CIL. But this is assuming that some affordable housing provision would be made, and as stated, no affordable units would result from these proposals. Moreover, I am not convinced by the submitted information that these schemes, that would fail to contribute to other infrastructure improvements as well, are the only option to secure the redevelopment of these allocated sites, and that development that works towards achieving the policy aims relevant to these matters could not be delivered in this regeneration zone.
73. Having regard to the above factors and in the absence of credible site specific evidence on viability matters, there is insufficient evidence to justify infrastructure contributions below that which would normally be applicable in these cases. Consequently, I find that, with the exception of public open space provision, the proposals in Appeal A and B could fail to make appropriate contributions to improve infrastructure, having regard to local policy. These proposals would be inconsistent with Policies CS.26 and CS.27 of the Core Strategy in this respect.

Living Conditions

Appeals A and B

74. The residential units on the western elevation of the proposed building at No 3 would have an outlook towards the side elevation of the proposed built form at No 5. As outlined, that proposed building (subject of Appeal B) would be six storeys and both proposed apartment blocks would be built close to the side boundaries of their plots. That said there would be some separation between these neighbouring buildings. Moreover, the drawings show that windows on the west elevation of No 3 would be sizeable, and dwellings with a sole outlook on this side would have a balcony. As such even though views from these residential units would be towards the neighbouring tall building, future residents would also have some sideways views towards the canal. The outlook from these units would not be oppressive for this reason.
75. Addressing matters of privacy, there could be potential for overlooking between the units on the west side of No 3 and the east side of No 5. However, the windows at the east of the building at No 5 would have obscured glazing. This would prevent overlooking between residents of the neighbouring units and the privacy of future occupants of these parts of the buildings would be safeguarded. This matter can be addressed by condition.
76. Turning to the matters of outlook at No 5, its eastern elevation would have floor to ceiling height openings, but these would be narrow and as stated would need to be obscured glazing. While the drawings show that these windows would serve bedrooms with a sole outlook towards the western elevation of the proposed new building at No 3, this would be the second bedroom of the two bedroom units. Moreover, these residential units would be dual aspect, with good sized windows and a balcony either to the north or the south of the building. As such, even if windows in the side elevation were obscured glazing to protect the privacy of occupants of No 3, future occupants of No 5 would have a reasonable outlook from all other rooms of their property.
77. With regards daylight, the appellants' Shadow Analysis Study shows while there would be some shading from the respective blocks, the proposed units in No 3 would also nonetheless benefit from a reasonable amount of daylight reaching their habitable rooms. Moreover, while the east elevation windows of No 5 would be narrow and shaded somewhat by the new building at No 3, the length of these windows would ensure that a good amount of daylight would be able to reach these rooms. As such these second bedrooms would provide a satisfactory quality of accommodation for future occupants in this regard.
78. Also, it was confirmed through these appeals that this would be the case, in terms of daylight, for units on the west side of No 5 where the hybrid planning permission allowed a multi-storey building at the neighbouring plot. No compelling evidence has been advanced to dispute this conclusion, and I am content that both blocks would offer reasonable living condition for future residents in respect of this living condition matter.
79. It is asserted that the separation between the side elevations of the buildings proposed at Nos 3 and 5 would be less than advised in the DRSPD. Be this as it may, the intent of this guidance is to secure satisfactory living conditions for

occupants, and I find that these proposals subject to securing glazing conditions for No 5 would be acceptable in this regard for the reasons stated above. My findings remain unaltered on this matter for this reason.

80. I therefore find that the proposed residential units (in Appeal A and B) would provide satisfactory living conditions for future occupants, with regards to outlook, privacy and daylight. In respect of this matter, these proposals would accord with Policies CS.9 of the Core Strategy and BE6 of the Neighbourhood Plan. These Policies collectively, among other things, seek to preserve the amenity of neighbouring residential homes.

Other Matters and Planning Balance

81. At the recent Bordon Hill appeal, it was determined that there is a shortfall against the 730 new dwellings per annum (dpa) required by the Core Strategy. Moreover, the annual requirement for the district increased significantly following the review in 2024, and was revised again in 2025, to take account of updated affordability figures, and currently stands at 1,112 dpa. The housing land supply (HLS) of the district stands at 2.74 years, and this amounts to a shortfall of 2285 units. The shortfall is considerable. The provisions set out in paragraph 11 of the National Planning Policy Framework (the Framework) are relevant in these cases.
82. Addressing the development plan policies most relevant to these proposals, Policies CS.5 and CS.9 of the Core Strategy and Policies SSB1, BE1 and BE2 of the Neighbourhood Plan seek high quality development in accordance with provisions of the Framework which seek well designed places.
83. Policies CS.18 and CS.27 of the Core Strategy and Policy H1 of the Neighbourhood Plan are in keeping with the Framework which requires that the needs of groups with specific housing requirements are addressed, as is Policy CS.25 which also promotes healthy and safe communities. Policy CS.26, similar to the Framework, demands safe highways and access and promotes sustainable transport. And Policy BE 6 of the Neighbourhood Plan appears consistent with the Framework in requiring the effective use of land.
84. Policy CS.15 of the Core Strategy guides the distribution of development, setting out that Stratford-upon-Avon is the main focus for development in the plan period. As stated, the sites are in a sustainable location, and the Framework advises that significant development should be focussed on such locations. Policy CS.15 largely accord with this provision.
85. Policy AS.1 of the Core Strategy sets out social, economic, environmental and transport aims for development in Stratford-upon-Avon, reflecting corresponding policies in the current Framework. Related to this local Policy, Proposal SUA.1 guides development on the CQRZ. As already covered, this is previously developed land, in a settlement, factors which are supported in national policy with regards future housing delivery. In preparing the Core Strategy it was confirmed that this brownfield site would struggle to yield 35% affordable housing units, and the requirement for this type of housing was adjusted accordingly. Policies relevant to this allocation are not overly prescriptive in this regard.

86. The CQRZ SPD sets out a local design code for the regeneration of this allocated area. While this local guidance provides a clear set of design principles for the area, the advice is flexible. I find this well thought out guidance is largely consistent with the policy aims of the Framework related to design and the National Design Code.
87. Although permissions have been granted in this allocation it appears very few residential units have been delivered in this part of the CQRZ. While accepting that this allocation may have challenging features, limited information has been presented to allow consideration as to the reasons why the permissions have not been implemented. Furthermore, no compelling evidence has been submitted that development, generally compliant with the current development plan could not be delivered in this locale in the remainder of this plan period.
88. Given the above, whilst noting that the overall housing strategy of the development plan may require review in light of changes to the Framework since the adoption of the Core Strategy, I find that local policies most relevant to these proposals generally conform with relevant provisions of the Framework. They attract full weight in these decisions accordingly.
89. The disbenefits of the proposal in Appeal A would be the substantial visual harm to the character of the area and its failure to comply with affordable housing and infrastructure local policy. Addressing the matter of impact on affordable housing provision in the district, Table 16 of the Authority's Monitoring Report (2023/24) shows a strong performance since 2011, with regards affordable housing completions, with over 4000 new affordable units provided. This amounts to 32.5% of all new dwellings delivered over that period.
90. This aside, in 2015 the house price to earnings ratio in the district was stated as 10.16 and the Core Strategy highlights that as a consequence the demand for affordable housing is high. Evidence submitted with these appeals suggests that this ratio has not improved. Nationally, there is an acute need for affordable housing. Moreover, even with a good performance in the district over the past decade, as the overall local housing requirement has increased, given the circumstances set out, ensuring an appropriate proportion of new residential development delivered in the district are affordable remains an important local aim. Therefore, failure to comply with the local affordable housing policy in this case would have a significant negative effect on this local policy objective.
91. That said, the provision of 89 new open market units under Appeal A would make a significant contribution to the supply of new dwellings in the area. In turn this would assist in meeting the Government's objective of significantly boosting the supply of homes. In light of the shortfall in HLS locally, I attach considerable weight to this benefit.
92. The site is in walking distance of the town centre, bus services and the train station. Also, this is a good sized settlement with a range of services. The sustainable location of these sites weigh considerably in favour of these proposals.
93. The proposal in Appeal A would incorporate energy efficiency and low carbon measures. As already outlined the development would result in some improve landscaping and public opens space. This proposal is supported by a planning

obligation for certainty of the public open space, and the other matters could be secured by condition.

94. In addition to the CIL payment which could be around £500,000, there would be economic benefits during the construction phase and from future occupants supporting local services. Future occupants would also likely add to the vibrancy of the area. Some of these benefits are countered by the harm to the appearance of the area, such that even though this would be major development, these environmental, social and economic benefits would be moderate at best.
95. This 'one phase' development of a modestly sized site could be developed relatively quickly, and the appellant is amenable to a shorter timescale for implementation than the standard three years. This would also be a significant benefit.
96. It was confirmed at the hearing that the proposal at No 3 would result in a very high density of development. The appellant asserts that this would be an efficient use of land and in keeping with local and existing national policy. However local and national policy seek densities that maintain an area's prevailing character.
97. The appellant also highlighted that the emerging Framework has a greater focus on securing higher density in settlements. This new Framework is yet to be published. Nevertheless, I agree that increased densities in urban areas will likely be a part of the national policy given the Government's drive to supply more homes. However, similar to the current Framework, its proposed replacement includes policies seeking well designed places. The development in Appeal A would fail to ensure a positive character in this changing environment. I find this proposal would not be an efficient use of land in this regard.
98. The Framework gives substantial weight to the value of using suitable brownfield sites within settlements for homes. But similar to local policies this support for the use of previously developed land is qualified. The Framework goes on to clarify that proposals should be approved unless substantial harm would be caused. I have found that the proposal in Appeal A would not only conflict with affordable housing and infrastructure policy but would also cause substantial visual harm to the character of the area.
99. Accordingly, I find that the adverse impacts of the proposal subject of Appeal A (No 3) regarding conflict with affordable housing and infrastructure policy and the resultant substantial harm to character of the area, would significantly and demonstrably outweigh the considerable benefits outlined above, when assessed against policies of the Framework taken as a whole. The proposal in Appeal A would not therefore be sustainable development.
100. My colleague in the Bordon Hill appeal found some harm to heritage assets in that case. However, this was countered by public benefits. Moreover, unlike Appeal A, the harm to character resulting from that approved development is moderate. Also, that other scheme is policy compliant with regards affordable housing provision and infrastructure contributions. It is distinctly different in

these respects to the proposal at No 3 and has not altered my findings for this reason.

101. Turning to Appeal B, as outlined this scheme would also fail to comply with affordable housing and infrastructure policy. As a modest development the harmful effect on the aims of local affordable housing policy would be significant but limited. Moreover, providing 33 new open market homes would be a considerable benefit in a district where there is a significant shortfall in supply, in turn the weight this matter attracts is considerable.
102. The Council suggests that in the event this appeal was allowed, the benefit of reducing the usual time limit for implementing a permission would help to address the conflicts in local policy that would arise in this case. On this matter, the Framework advises, to help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability.
103. As set out, the Appeal B site currently hosts a warehouse/office unit. Not only would these premises need to be vacated and demolished, but intrusive site investigation works would also be required to address potential contamination resulting from historical land uses. Reducing the time limit to one year would likely threaten the deliverability of the development given these circumstances in my view.
104. That said, this is not a large site, and it is just one modest commercial unit that needs to be removed, and the appellant appears to have an interest in that business such that this matter could be expedited if they so wish. A two year time limit would therefore be reasonable and there would be some benefit in this in terms of achieving prompt delivery of new units in the area.
105. As already mentioned, the location of the site is sustainable. Similar to Appeal A, there would be some moderate social and economic benefits during the construction phase and through future occupants supporting local services and adding to the vibrancy of the area. There would also be some environmental benefits with the incorporation of energy efficiency and low carbon measures into the building and with improved landscaping. But these benefits are moderated by the visual discordancy of this proposed block. In summary, the social, economic and environmental benefits would be modest given the nature and the scale of the development proposed in Appeal B.
106. This proposal offers some public open space, and this would be a significant benefit, particularly going forward, in light of the aspirations for wider regeneration and the creation of good quality space and a linear park. The proposed space to the south of this proposal could play a small but significant role in achieving that outcome. This benefit is necessary and reasonable in this regard. With the legal deed providing certainty of this outcome, to be secured by condition, the provision of public open space counts as a significant social and environmental benefit for the reason stated.
107. As covered in respect of the planning balance for Appeal A, the fact that these sites are previously developed attracts substantial weight, albeit that this weight

is qualified. In applying this particular Framework provision in Appeal B, the harm, in terms of conflict with affordable housing and infrastructure policy and the negative visual impact on character, that would occur at No 5 would be significant but not substantial. Accordingly, I attach substantial weight to the value of using this brownfield site in the settlement for homes in this case.

108. Consequently, the adverse impacts outlined would not significantly and demonstrably outweigh the substantial social, economic, and environmental benefits of this proposal, when assessed against the policies of the Framework when taken as a whole. Accordingly, material considerations, in Appeal B, indicate a decision otherwise than in accordance with the development plan.

Conditions – Appeal B

109. A shorter time limit than usual is necessary and reasonable for the reasons stated. Accordance with approved plans, details of materials and landscaping are necessary for certainty and to protect the environment and character of the area.
110. Prior to development a legal deed obligating those with interest in the land to transfer the public open space is necessary for the reasons already set out. Also, prior to development a construction management and method plan (CMMP), site investigation and drainage systems, and details of its maintenance, are necessary to protect the environment and to prevent risk of flooding. Drainage system verification is also necessary for these reasons. Written agreement for the pre-commencement conditions has been submitted.
111. Obscured glazing in the east elevation is necessary to protect future neighbouring residents living conditions. Installation of noise mitigation and controls on potentially noise generating plant equipment is also necessary for this reason. Low carbon measures are necessary to address climate change policy aims. Swift boxes are necessary and reasonable in the interest of biodiversity, as is the requirement for replacement trees to protect the environment. Approval of external lights is necessary to protect the environment and living conditions and in the interest of safety. Supplies for fire hydrants and other apparatus is also necessary for safety.
112. Approval of details and provision of cycle parking and bin store are necessary to ensure compliance with local policies on this matter. Parking and access are necessary in the interest of highway safety. Public Open space details and its management and verification before landownership is transferred are necessary for certainty that this benefit is delivered and maintained.
113. A scheme of air quality mitigation is sought as the site is in an Air Quality Management Area. However, the proposal is supported by an Air Quality Assessment (RSK Air Quality Nov 2023) which not only assesses the proposal's effect on air quality in this area but also identifies mitigation for the construction phase and life of the development in accordance with Policy AS.1 of the Core Strategy and local guidance.
114. The mitigation proposed during construction is addressed in the CMMP condition. Recommendation for the operational phase relate to cycle storage, planting of trees and provision of electric vehicle (EV) charging points. However,

these matters are already addressed by condition or in respect of the EV charging, are required by regimes separate to planning. The air quality condition is therefore not necessary and has not been imposed.

Conclusion

115. For the reasons outlined above and having regard to the development plan and other material considerations, including the Framework, Appeal A should be dismissed, and Appeal B should be allowed.

A J Sutton

INSPECTOR

Richborough

Appendix

Appeal B - Schedule of Conditions

- 1) The development hereby permitted shall begin not later than two years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - Site Location Plan Dwg. No. 558_AR_300_001 Rev A, Proposed Site Plan Dwg. No. 558_AR_330_001 Rev B, Proposed Landscape Plan Dwg. No. 558_AR_330_020.
 - Proposed North Elevation Dwg. No. 558_AR_230_001 Rev B, Proposed East Elevation Dwg. No. 558_AR_230_002 Rev B, Proposed South Elevation Dwg. No. 558_AR_230_003 Rev B, Proposed West Elevation Dwg. No. 558_AR_230_004 Rev B, Proposed Bay Elevation 01 Dwg. No. 558_AR_230_005 Rev B.
 - Proposed Basement 01 Floor Plan Dwg. No. 558_AR_330_002 Rev B, Proposed Ground Floor Plan Dwg. No. 558_AR_330_003 Rev B, Proposed First Floor Plan Dwg. No. 558_AR_330_004 Rev B, Proposed Second - Fourth Floor Plan Dwg. No. 558_AR_330_005 Rev B, Proposed Fifth Floor Plan Dwg. No. 558_AR_330_006 Rev B, Proposed Roof Plan Dwg. No. 558_AR_330_010 Rev B.
- 3) Prior to any development above slab level, a complete schedule of external surface materials and finishes shall be submitted to and approved in writing by the local planning authority. The materials schedule shall include:
 - (a) the type, colour, size and profile of roofing materials (including mansard roof/ wall hanging) to be fixed to the building;
 - (b) the type, finish and colour of all brickwork, type of pointing and the specification for the mortar mix to be used, and any associated capping, quoining and bonding. A sample panel of approved brickwork, no less than two square metres, shall be provided for inspection prior to the construction of any new walls and thereafter kept on site for reference until the brickwork is completed;
 - (c) elevational drawings at a minimum scale of 1:20 and plan and vertical sectional drawings at a minimum scale of 1:2 of all external joinery details, along with architectural details, of all balconies, railings, windows and doors. Such details shall include cross-sections, design, appearance (including thresholds), profiles, position in wall reveals, any surrounding dressings, frames, opening lights, materials, finish and colour, including their method of opening, any glazing bars and mullions, and all lintels and sills; and
 - (d) the locations, heights, sizes, materials of construction and colour finishes of all flues, ducts, rainwater goods, external vents, extracts, meters and any other external attachments.

The development shall be constructed in accordance with the approved schedule and thereafter shall be retained and maintained in that form.

- 4) Development shall not commence until all parties with any legal or equitable interest (including but not limited to all freehold and leasehold owners and mortgagees and charges) in any part of the site have entered into an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) with the effect that the site is bound by the obligations, contained in a deed pursuant with that statutory instrument, that are consistent with the Stratford-on-Avon District Council Public Open Space Legal Agreement Template.
- 5) Development shall not commence until clauses (a) and (b) below have been complied with:
 - (a) A detailed site investigation shall be carried out and a site investigation report submitted to and approved in writing by the local planning authority. The report shall detail all investigative works and sampling on site, together with results of analysis and risk assessment to any receptors.
 - (b) Where unacceptable risk is identified by the site investigation report, a proposed remediation strategy (including a quality assurance scheme) shall be submitted to and approved in writing by the local planning authority. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- 6) Prior to first occupation of the development, clauses (a), (b) and (c) below shall be complied with:
 - (a) all remediation work approved under the remediation strategy in condition 5 of this permission shall be completed as approved and be carried out under the quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed, and an appropriate remediation scheme and timescales shall be submitted to and approved in writing by the local planning authority.
 - (b) a completion report pursuant with the approved matters in this condition and condition 5 shall be submitted to and approved in writing by the local planning authority. The completion report shall include details of the remediation works and quality assurance certificates to verify that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included together with the necessary waste transfer documentation detailing the waste materials that have been removed from the site.
 - (c) a certificate signed by the developer confirming that the appropriate works have been undertaken as detailed in the completion report shall be submitted to and approved in writing by the local planning authority.

- 7) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.

The scheme submitted shall:

- a) Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 11 l/s for the site.
- b) Where the drainage scheme proposes to connect into a 3rd party asset, for example a public sewer, further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it. This could take the form of land ownership plans showing riparian ownership, land drainage consent, flood risk activity permit or agreement under Section 106 of the Water Industry Act (1991).
- c) Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme (SuDS). The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
- d) Provide detailed drawings including cross sections of proposed features such as infiltration structures, attenuation features and outfall structures. These should be feature specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- e) Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
 - i) Suitable representation of the proposed drainage scheme, details of design criteria used (including consideration of a surcharged outfall), and justification of such criteria where relevant.
 - ii) Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events.
 - iii) Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
 - iv) Evidence should be supported by a suitably labelled plan / schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.

f) Provide plans such as external levels plans, supporting the exceedance and overland flow routeing provided to date. Such overland flow routing should:

- i) Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
- ii) Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

g) Include a timetable for the implementation of the approved scheme; and,

h) Provide a sustainable drainage system management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the approved scheme throughout its lifetime.

The development shall be carried out in accordance with the approved scheme. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 8) Prior to the first occupation of the development, a verification report for the installed approved sustainable drainage system for the site shall be submitted to and approved in writing by the local planning authority.
- 9) No development shall take place, including any demolition works, until a Construction Management and Method Plan (CMMP) has been submitted to, and approved in writing by the local planning authority. The approved details shall be adhered to throughout the construction period. The CMMP shall provide for/include:

- a. a method statement that demonstrates that the development will not adversely affect the structural integrity and stability of the adjacent South Stratford Canal, incorporating any measures required to adequately protect the adjacent South Stratford Canal from damage during construction operations (such as vibration monitoring, establishment of stand-off distances from the slops for operating plant or machinery or strengthening of the canal wash wall) and specific measures to minimise the risk of adverse impacts on the canal and canal users from waste material, dust, contaminated or silty run off from entering the canal.

- b. the parking of vehicles of site operatives and visitors.

- c. loading and unloading of plant and materials, including the times of such loading and unloading.

- d. storage of plant and materials used in constructing the development or stockpiling during development.

- e. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

- f. wheel washing facilities including location.
 - g. measures to control the emission of vehicles, dust and dirt during construction reflecting the mitigation measures set out in the 5 Timothy's Bridge Road Air Quality Assessment (RSK Air Quality November 2023).
 - h. a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - i. the hours of demolition and/or construction (it is recommended that no works (including the deliveries) take place outside 08.00 hours to 18.00 hours Mondays to Fridays; 08.00 hours to 13.00 hours on Saturdays or at any time on Sundays or Public Holidays).
 - j. details of any piling together with details of how any associated vibration will be monitored and controlled.
 - k. the location and noise levels of any site electricity generators or industrial equipment and hours of use of such equipment.
 - l. means of access and routing plan for construction traffic.
 - m. management of surface water run-off.
 - n. contact telephone number(s) and email address(es) of the site manager(s) to be displayed on the site.
 - o. details of external lighting required during construction.
 - p. measures to prevent degradation of the public highway by construction vehicles.
- 10) Prior to any development above slab level, a scheme of hard and soft landscaping detailing treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the local planning authority.
- This landscaping scheme shall include:
- a) public open space design specification, including soft and hard landscape elements, details of hardstanding materials, plans that show the exact location and dimensions of the open space elements, finished floor level and means of accommodating changing site levels; planting plans (to a recognized scale) and schedules indicating the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
 - b) the method and specifications for operations associated with planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting;
 - c) existing landscape features such as trees, hedges, shrubs and ponds which are to be retained and/or removed, accurately plotted (where appropriate);
 - d) 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. Samples may be required to be submitted and approved;

e) the position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge(banks)), where appropriate;

f) car parking layout and any other vehicular and pedestrian access and circulation areas; and

g) a timetable for the implementation of the soft and hard landscaping scheme.

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

- 11) Except for any trees, hedges or shrubs that may be identified for removal on the approved landscaping plans and schedule associated with condition 10, if within a period of five years from the date of the completion of the building works OR completion of the landscaping scheme pursuant to condition 10 (whichever is later), any tree, hedge or shrubs are felled, removed, uprooted, destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged, diseased or defective, it/they 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.
- 12) Prior to any development above slab level, full details of nesting provisions for swifts within the walls of the new dwellings shall be submitted to and approved in writing by the local planning authority. Thereafter, the nesting provisions shall be installed and retained in accordance with the approved details.
- 13) Prior to any development above slab level, details of the proposed roof mounted photovoltaic panels, including siting, method of fixing, maintenance schedule and manufacturers details, shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved roof mounted photovoltaic panels have been installed and thereafter shall be permanently retained and maintained in accordance with the approved details.
- 14) Prior to the erection or installation of any external lighting on the site (including on the building itself), a scheme of external lighting shall be submitted to and approved in writing by the local planning authority. Such details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowl of all external lights to the buildings and other parts of the site and the hours at which such lighting is to be operated.

External lights shall be installed in accordance with the approved scheme and thereafter retained in that form.

- 15) Prior to the first occupation of the development, the vehicle access and parking spaces shall be completed in accordance with the details shown on drawings ref Proposed Basement 01 Floor Plan Dwg. No. 558_AR_330_002 Rev B and Proposed Site Plan Dwg. No. 558_AR_330_001 Rev B, and these features shall be retained according to these approved details thereafter for the purpose intended.
- 16) Prior to first occupation of the development, details of cycle parking (including the type of cycle stands, internal security lighting, secure and safe access) and bin storage shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved details are fully implemented and these approved details shall be retained thereafter for the purpose intended.
- 17) Prior to the first occupation of the development, the living room and bedroom windows, on the flank eastern elevation (drawing ref Proposed East Elevation 558_AR_230_002 Rev B) of the building shall be fitted with obscure glazing (with a minimum of Level 3 obscure glass), shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition thereafter.
- 18) All recommendation measures and mitigation outlined in the Noise Assessment (Walnut Acoustics - December 2023) shall be implemented prior to the first occupation of the development and these measures shall thereafter be maintained according to these approved details.
- 19) No external plant, extraction, ventilation facilities or air conditioning/air handling equipment shall be installed unless details of the equipment and where it is to be installed on the building, or placed elsewhere on the site, has been submitted to and approved in writing by the local planning authority.

External plant or equipment shall be installed in accordance with the approved details and thereafter retained and maintained as such.
- 20) Prior to the first occupation of the development, a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the first occupation of the development and the measures shall thereafter be retained in accordance with the approved scheme.
- 21) Prior to the first occupation of the development, an Open Space/Landscape Maintenance scheme for the on-going maintenance by the Local Authority/Management Company/Owner/Parish Council (as appropriate in accordance with the legal agreement or this permission) of the Public Open Space shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented according to the approved details.

22) Prior to occupation of the 20th residential unit of the development hereby permitted:

(i) An application shall be made to the local planning authority inviting them to inspect the public open space and to issue a Certificate confirming that the Public Open Space has been completed to the satisfaction of the local planning authority. The local planning authority shall inspect the open space and issue its decision within 56 days of the application. In the event remedial works are needed, these works shall be completed before a further application is made. If the Local Planning Authority do not issue a decision in writing within 56 days of an invitation to carry out the inspection, the open space works shall be deemed to be satisfactorily completed.

(ii) After a Completion Certificate has been issued or if no Completion Certificate has been issued and the works to have therefore been deemed to be satisfactorily the public open space shall be maintained until it has been transferred to either the Management Company, Parish/Town Council or the Local Planning Authority in accordance with the Section 106 agreement related to this permission.

Free unrestricted use and access from completion of the Public Open Space Works for the whole site to the general public shall be maintained at all times of the day and night except in the event of emergency such that access and use by the general public should be prevented for reasons of health and safety.

End of Schedule.

APPEARANCES

FOR THE APPELLANT:

S Griffiths

R Csondor

M Hill

O Spicer

FOR THE LOCAL PLANNING AUTHORITY:

E Napier

A Follois

Richborough

DOCUMENTS

Before the Hearing:

Appellant:

APP 1: Clarification about Shadow Analysis Studies.

Council:

LPA 1: Bordon Hill Appeal Decision Ref APP/J3720/W/25/3358848.

LPA 2: Stratford-on-Avon District, the Affordable Housing and Core Strategy Viability Assessment (March 2014) and Viability and the Deliverability of the Canal Quarter and Two Employment Sites (Peter Brett Associates April 2014).

LPA 3: Conservation Area Appraisal.

LPA 4: Confirmation of Community Infrastructure Levy Payments.

LPA 5: Decision notices and approved plans for permissions Ref 19/02585/OUT (and approved reserve matters related to that permission) and Ref 22/02663/NDAZ.

LPA 6: Council's review of local planning policies 2021.

LPA 7: Authority's Monitoring Report March 2025.

LPA 8: Comments draft planning obligations, title to land (No 5) and title to land and certificates signed in application form (No 3).

LPA 9: Council's planning obligation template.

At the Hearing:

Appellant:

APP 2: Printed copies of drawings that formed the basis of the Council's original decisions.

APP 3: Copy of the Planning Obligation (Appeal A).

Following the Hearing:

Appellant:

APP 4: Planning Obligation (Appeal A).

APP 5: Written agreement – pre-commencement conditions.

Council

LPA 10 Stratford-on-Avon District Council Draft for Consultation Interim Policy Position Statement February 2026.

LPA 11: Proposed air quality condition - Revised wording.