



Appeal Decision

Site visit made on 3 June 2025

by **K Stephens BSc (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/J3720/W/24/3354731

**Spire View Garden, Saffron Meadow, Stratford-upon-Avon, Warwickshire
CV37 6GD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Dr A Cocker and Ms M Parker against the decision of Stratford-on-Avon District Council.
- The application Ref is 24/01171/VARY.
- The application sought planning permission for erection of 2 dwellings and associated landscaping and access improvements without complying with conditions attached to planning permission Ref 19/02317/FUL, 28 February 2020.
- The conditions in dispute are Nos. 2, 3, 4, 5, 7, 8, 9 and 13 which state that:
- Condition 2: *Except for any detail(s) required to be submitted in accordance with the requirements of any conditions attached to this grant of permission and notwithstanding such detail(s) as may be indicated on the submitted drawing(s), in all other respects the development hereby permitted shall be carried out strictly in accordance with the submitted plans and drawings AR_0_320_00_A (Planning-Location & Block Plan); AR_300_002_B (Survey-Existing Site); 390_AR_920_001 (Façade Axonometric); AR_2_320_004 (Proposed Vehicle Tracking); AR_2_320_001_F (Proposed Ground Floor Plan Plot 1); AR_2_320_002_F (Proposed Ground Floor Plan Plot 2); AR_2_320_003_D (Proposed Site Plan); AR_2_220_001_D (Proposed Elevations Plot 1) and AR_2_220_002_D (Proposed Elevations Plot 2).*
- Condition 3: *Prior to the commencement of development, including any site clearance, in accordance with the recommendations of the Preliminary Ecological Appraisal with Preliminary Roost Assessment by Focus Ecology dated November 2019 a scheme of ecological mitigation and enhancement, including a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The ecological enhancement scheme shall include details of the features to be enhanced, recreated and managed for species of local importance both in the course of development and in the future. The scheme shall be carried out in accordance with the approved programme of implementation.*
- Condition 4: *Notwithstanding the details submitted in the Construction & Environmental Management Plan ref 4.01.2765.PJ, prior to commencement of any part of the development hereby permitted, including any demolition works, updated details of a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, throughout the demolition and/or construction period, the approved details within the CEMP shall be adhered to. The CEMP shall include details of:*
 - a) *the phasing of construction traffic for the development, including temporary highway vehicle and pedestrian routings, means of access, times and days of large vehicle movements (including deliveries) to and from the site, and suitable off-highway parking and manoeuvring for all construction related vehicles;*
 - b) *the parking of vehicles of site operatives and visitors during the construction phase. Any vehicles visiting or attending at the site shall not be parked on any access lane(s) serving the site which could cause obstruction to the free passage of other vehicular users of said lane(s);*
 - c) *a schedule for the delivery, loading and unloading of all plant and materials to the site, including the times of such loading and unloading; details of how deliveries, loading and unloading of plant and materials would not take place during peak-time/school hours of the highway network in the vicinity of the application site; and details of the nature and number of*

vehicles, temporary warning signs to be used, and measures to manage crossings across the public highway;

d) the hours of demolition and/or construction (it is recommended that no works take place outside 0800 hours to 1800 hours Mondays to Fridays; 0800 hours to 1300 hours on Saturdays or at any time on Sundays or bank holidays or public holidays);

e) the temporary site compound including temporary structures/buildings, fencing and storage provision to be used in connection with the construction of the development;

e) the proposed storage of plant and materials used in constructing the development or stockpiling during development;

f) a scheme for recycling/disposing of waste resulting from demolition and construction works;

g) the siting and design of wheel washing facilities and management of any subsequent run-off resulting from their use;

h) measures to control the emission of dust, mud/dirt, noise, vibration and light during demolition and/or construction;

i) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

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 sight electricity generators;

l) management of surface water run-off;

m) details of external lighting required during construction; and

n) contact telephone number(s) and e-mail address(es) of the site manager(s) and/or other person(s) associated with the management of operations at the site.

For the avoidance of doubt there shall be no burning of waste construction materials on site nor shall any lighting or other illumination be installed on site at any time unless otherwise approved in writing by the Local Planning Authority.

- Condition 5: Prior to development above slab level, full sample panels of the stonework and cladding to include the type of fixing, pointing and the mortar to be used shall be erected on site and approved in writing by the Local Planning Authority. The sample panel shall thereafter be kept on site for reference until the stonework and cladding is completed and the works shall be carried out in accordance with the approved details.
- Condition 7: Prior to its installation, a detailed specification of the green roofs and walls shall be submitted to and approved in writing by the Local Planning Authority. The specification shall include details of the quantity, size, species, position and the proposed time of planting of all elements of the green roof, together with details of their anticipated routine maintenance and protection. The green roof shall only be installed in accordance with the approved details prior to any occupation or use of the development and thereafter retained and maintained as such. If within five years of the installation of the green roofs and walls any planting forming part of the green roofs and walls shall die, be removed, or become seriously damaged or diseased, then this planting shall be replaced in the next planting season with planting of a similar size and species.
- Condition 8: Notwithstanding the submitted details, prior to the installation of all new boundary walls, details of their height and appearance, to include proposed material samples and trade description of the materials to be used, including details of the type of pointing and the mortar shall be submitted to and approved in writing by the Local Planning Authority. If stone is to be used for the boundary walls, a sample panel of the stonework, type of pointing and the mortar to be used shall be erected on site and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved detail and completed prior to the occupation of the development.
- Condition 9: The proposed alterations of the boundary wall to facilitate the pedestrian access as indicated on drawing no.AR_2_320_003_D (Proposed Site Plan) shall use reclaimed bricks, coping stones and mortar to match the existing wall. If any new brickwork or mortar is required the external appearance shall match that of the existing wall in type, colour, texture, size, coursing, jointing and pointing. The alterations of the boundary wall and pedestrian access shall be completed prior to the occupation of the development.
- Condition 13: The development shall not be occupied until space has been provided within the site for the parking of vehicles in accordance with details as indicated on drawing no.A_2_320_003_D (Proposed Site Plan).
- The reasons given for the conditions are:
- Condition 2: "To define the permission, but to also ensure clarity for the applicant/developer as to what additional details require further consent from the Local Planning Authority, notwithstanding detail(s) indicated on the submitted drawing(s), and to ensure that the development meets the design

quality and environmental requirements of Policy CS.9 of the Stratford-on-Avon District Core Strategy 2011-2031 and Policies H5, BE1, BE5 and BE6 of the Stratford-upon-Avon Neighbourhood Development Plan 2011-2031.

- *Condition 3: The agreement of biodiversity and ecological details prior to the commencement of development is fundamental to ensure enhancement of the biodiversity and ecology, having regard to the Wildlife and Countryside Act 1981, Natural Environment and Rural Communities Act 2006, the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017) and Policy CS.6 of the Stratford-on-Avon District Core Strategy 2011-2031 and Policies H5, BE1, BE5 and BE6 of the Stratford-upon-Avon Neighbourhood Development Plan 2011-2031.*
- *Condition 4: The agreement of details of a Construction Management Plan prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection to minimise disturbance to local residents; the prevention of harm being caused to the amenity of the area; and in the interest of highway safety during the construction process, having regard to policies CS.9 and CS.26 of the Stratford-on-Avon District Core Strategy 2011-2031 and Policies H5, BE1, BE5 and BE6 of the Stratford-upon-Avon Neighbourhood Development Plan 2011-2031.*
- *Condition 5: To safeguard the historic fabric and the architectural character and appearance of the conservation area, having regard to Policy CS.8 of the Stratford-on-Avon District Core Strategy 2011- 2031 and Policies H5, BE2, BE5 and BE6 of the Stratford-upon-Avon Neighbourhood Development Plan 2011-2031.*
- *Condition 7: To enable the Local Planning Authority to consider the details of the new green roof at an appropriate stage in the course of the development to ensure that the development displays good design practice and reflects local distinctiveness, having due regard to safeguarding visual amenity and to accord with policy CS.9 of the Stratford-on-Avon District Core Strategy 2011- 2031 and Policy BE5 of the Stratford-upon-Avon Neighbourhood Development Plan 2011-2031.*
- *Condition 8: To safeguard the character and appearance of the Conservation Area and setting of adjacent Listed Buildings having regard to Policies CS.8 and CS.9 of the Stratford-on-Avon District Core Strategy 2011-2031 and Policies BE1, BE5 and BE6 of the Stratford-upon-Avon Neighbourhood Development Plan 2011-2031.*
- *Condition 9: To preserve or enhance the character of the Conservation Area having regard to Policies CS.8 and CS.9 of the Stratford-on-Avon District Core Strategy 2011-2031 and Policies BE1, BE5 and BE6 of the Stratford-upon-Avon Neighbourhood Development Plan 2011-2031.*
- *Condition 13: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to policy CS.26 of the Stratford-on-Avon District Core Strategy 2011-2031 and Policies H5 and BE5 of the Stratford-upon-Avon Neighbourhood Development Plan 2011-2031.*

Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 dwellings and associated landscaping and access improvements at Spire View Garden, Saffron Meadow, Stratford-upon-Avon, Warwickshire CV37 6GD in accordance with the application Ref: 24/01171/VARY without compliance with condition numbers 2, 3, 4, 5, 7, 8 and 13 and removal of condition 9 previously imposed on planning permission Ref 19/02317/FUL dated 28 February 2020 and subject to the conditions in the attached schedule.

Preliminary Matters

2. Section 73 of the Town and Country Planning Act 1990 (as amended) (the Act) allows for the determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted. Section 73(2) makes clear that only the question of the conditions shall be considered.
3. If the appeal is allowed a new planning permission is created and the original permission remains unaltered and unamended. The result would be two planning permissions and the appellants would be able to choose which permission to

implement. Hence, any changes agreed to conditions and their wording and/or removal would appear on the new planning permission.

4. A small part of the appeal site, namely a pedestrian path, is within the Stratford-upon-Avon Conservation Area (the CA). However, the majority of the site and that part proposed to accommodate the two dwellings and vehicular access would be outside the CA but adjacent to it. There is no statutory protection for the setting of a conservation area in the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act). However, as a conservation area is a designated heritage asset there is still a need to consider whether the significance of the heritage asset would be affected by development proposed outside it.
5. The Council also considers the proposed development would affect the setting of a number of nearby listed buildings. As part of the statutory duties in considering whether to grant planning permission for development which affects a listed building or its setting, I am required to have special regard to the desirability of preserving the setting of the [listed] building under section 66(1) of the LBCA Act.
6. Since the appeal was made, a revised National Planning Policy Framework (the Framework) has been published¹. The document has not raised any new matters which are determinative to this appeal. I am therefore satisfied that neither party would be prejudiced by my consideration of the revised Framework in reaching my decision.

Background and Main Issues

7. Planning permission² was granted for the erection of 2 contemporary design dwellings (hereafter referred to as the 'original permission'). Whilst I saw the dwellings have not yet been built, there is no dispute between the parties that the original permission is extant as some conditions have been discharged and a material start has been made in terms of access alterations. I have no reason to take a different view. The principle of erecting two contemporary dwellings on the appeal site has therefore already been established.
8. The original permission was granted subject to a number of conditions. Condition 2 lists the plans to be complied with. The appellant has sought to vary condition 2 by substituting new plans that show revisions made to the design of the proposed dwellings and their surroundings. In essence, the appellants wish to use different external materials for the dwellings, for largely sustainability reasons, with some associated changes to the built form of the dwellings and landscaping and to install solar panels on the flat roofs. The changes are shown on submitted plans that would replace some of those listed in Condition 2, should the appeal be allowed.
9. Thus the main issues in this appeal are the effect of the proposed dwellings, as amended, on the setting of the CA and on the setting of nearby listed buildings, namely the Grade I listed Holy Trinity Church³, the Grade II listed Soli House⁴, and the Grade II listed dwellings 3-7 Trinity Street⁵.

¹ December 2024

² Planning permission ref: 19/02317/FUL granted 28 February 2020

³ National Heritage List for England: list entry number 1187824

⁴ National Heritage List for England: list entry number 1205897

⁵ National Heritage List for England: list entry number 1355191 and 1187862

Reasons

Special interest and significance of the heritage assets

10. As defined in the Framework Glossary and pertinent to the appeal, the significance of a heritage asset can also be derived from its setting. The Framework goes on to define the setting of a heritage asset as the surroundings in which the asset is experienced, which may not remain fixed and may change as the asset and its surroundings evolve.

Conservation Area

11. The CA is based around the historic medieval core of Stratford. It is large and naturally diverse in that it includes the historic centre of Stratford with the birthplace of the playwright William Shakespeare, the main retail and commercial areas, both banks of the River Avon, the Royal Shakespeare Theatre as well as a variety of residential areas. Near the appeal site the CA includes the Grade I Holy Trinity Church (the Church) situated on the banks of the river and where Shakespeare and some of his family members are buried. It also includes a grid pattern of narrow streets of terraced period housing as the town expanded southwards and is relatively verdant with trees and gardens.
12. From the evidence before me and what I saw during my site visit, the character and appearance of the CA, and thus its special interest and significance, are in part derived from the architectural richness and variety of its historic buildings, historic street patterns, and relationship of buildings and spaces, reflecting the economic and social growth of the historic settlement of Stratford. The town also has historic associative interest with Shakespeare and this has contributed to the town's popularity with visitors and tourists, many from overseas.
13. The narrow strip of land for the pedestrian access to the appeal site at the junction of Trinity Street and Mill Lane by the Church, is the only part of the appeal site that lies within the CA. The path has already been installed.
14. The rest of the site, and which will accommodate the two dwellings, their gardens and the vehicular access and driveways, lies outside but contiguous with the CA, the boundary of which ends at the bottom of Trinity Street and wraps around the listed building Soli House on the eastern site boundary. The site is currently overgrown, but from the evidence it once formed part of the gardens of 'Avonfield' and at one time Soli House. It contributes to the sense of openness and reflects the residential nature of this southern expansion of the Stratford where there would have been bigger dwellings with more extensive gardens. However, the surrounding area and setting of the CA has changed over time - to the west and south now lie the modern housing of Saffron Meadow and New Street. From within the site, the view northwards terminates with a striking view of the Church tower and spire, indicating the presence of the historic part of the town. Overall the appeal site makes a limited contribution to the setting of the CA.

Listed buildings

15. The Church is Grade I listed and lies to the north east of the site. It dates from the early 13th century and the tower is early 14th century. The spire was added in 1763 to a Gothic design by Timothy Lightoler. It was also subject to restoration in the mid-19th century by local architects George Frederick Bodley and Thomas Garner.

Its special interest and significance, insofar as it relates to this appeal, are in part derived from its architectural and historic interest as an example of surviving medieval fabric, as well as restoration works representing significant phases in the building's history, quality craftsmanship both medieval and later, and associative historic interest as the burial place of the national and international important playwright William Shakespeare and members of his family. It is also a visual landmark of this part of the CA. From the submitted evidence and my observations, the appeal site has no functional or historic association with the Church and is divorced from the Church and its grounds by the churchyard boundary, Mill Lane and the distinct boundaries of the property 'Avonfield' and its grounds. The appeal site makes no contribution to the setting of the Church or its special interest and significance.

16. To the east of the main part of the appeal site is the Grade II listed Soli House, formerly known as 'Avonfield House'. It was listed in 1972 as Soli House and was in use at the time as a Catholic Youth Hostel. It is a large 3-storey dwelling dating from the early 19th century with later additions. Its significance is in part derived from its architectural and historic interest as an example of a dwelling of status (for William Oldaker). It has since been subdivided into two private dwellings (now called Oldaker House and Old Chapel). Part of the appeal site was once the landscaped garden grounds of Soli House. I understand that at the time of listing, the grounds had been sold off and the new 'Avonfield' house had been built in its grounds to the north. The existing subdivision of the land around Soli House and the new Avonfield, together with the existing intervening boundary fence and tall tree hedge mean the appeal site makes little contribution to the setting and significance of Soli House.
17. Nos. 4-7 Trinity Street are Grade II listed two-storey dwellings. Nos 4-7 form a terrace dating from the 1840s but of Georgian style. No.3 is a town house, now office, on the site of the College that was demolished circa 1799. It is contemporary with the adjacent terrace. Their special interest and significance, for the purposes of this appeal, are largely derived from their architectural and historic interest as examples of part of the early 19th century southern expansion of Stratford and the grid pattern of residential streets. The appeal site and end of the CA abut the last house in the road (non-listed). Trinity Street was built much later than the nearby listed Soli House and its gardens. From the evidence and my site observations, the appeal site has no historic or functional relationship with Trinity Street and due to its location, separation distance and intervening boundaries the appeal site makes no contribution to the setting of the listed properties in Trinity Street.

The appeal proposal and effects

18. The proposed changes would have some effect on the composite appearance of the dwellings to some degree. However, the test is not to compare what is now proposed with what was approved in the original permission, but to consider whether the proposed scheme, with its different materials and associated changes, is acceptable in its own right in light of the main issues. However, some commentary about the two schemes will help the context and qualify the changes.
19. The proposed changes would principally involve replacing the blue Lias stone at ground floor with red brick; using Rhian Eco zinc cladding at first floor instead of Roano zinc; increasing the height of buildings from 6 metres to 6.5 metres; handing of the first floor elements; changes to fenestration position, size and rhythm;

- installation of solar panels on the roof; loss of green walls to the north elevation of Plot 1 and east elevation of Plot 2 (thus revealing the zinc and brick walls).
20. Significantly, the two proposed dwellings would still be two large contemporary, two storey, blocky, flat roofed, L-shaped dwellings, not dissimilar to what has already been approved. They would occupy the same position on the site and the proposed layout of buildings, gardens and driveways would be very similar to that already approved.
 21. The first floor blocks on the north elevation of Plot 1 and the east elevation of Plot 2 would be made longer, with other elevations shorter and corresponding longer areas of flat green roofs. The physical massing of some elevations would therefore alter, but the dwellings would retain very similar massing as before and would result in an acceptable combination of flat-roofed single and two storey elements.
 22. The proposed loss of the green walls would expose the zinc cladding and brickwork on these elevations. However, these elevations would be mainly experienced and seen by future occupants and invited pedestrians (who would have the number to unlock the gate code on the corner of Trinity Street). Any public views would be limited due to the relatively secluded nature of the site surrounded by other buildings. Furthermore, any views of these elevations from Mill Lane would be filtered by existing boundary landscaping around Avonfield, as well as by the proposed tree planting along the northern and eastern boundaries, which would include pleached trees and tall narrow growing trees allowed to grow to about 6-7 metres tall. I am therefore satisfied there would be sufficient landscaping to soften these elevations, despite the change of materials and loss of the green walls. Furthermore, I have been informed by the parties that planning permission⁶ has been granted for a replacement dwelling on the site of the existing modern Avonfield dwelling. This would likely further alter views of the area and the appeal site. Although I do not have plans and elevations, from the evidence submitted the proposed replacement dwelling at Avonfield would be wholly within the CA and closer to the Church.
 23. The proposed grey Rhian Eco zinc cladding would have a pre-patinated finish to help give it a part-weathered appearance. From what I saw, this would not be out keeping with the grey slate roofing, lead roofing and solar panels I saw on properties in the vicinity, as well as the expansive zinc roof on part of the listed Soli House that faces towards the appeal site. Indeed, by its own admission the Council thought the use of the Roano Zinc on the original permission was uncommon.
 24. Whilst the blue Lias stone may complement the stone used on the Church and some boundary walls in the area, the two dwellings do not occupy a side-by-side relationship with the Church or other stone features in a street scene context to necessarily warrant the use of the stone in this instance. The use of a locally manufactured red brick would be in keeping with the predominance of red brick found in the housing that surrounds the site, including the listed buildings in Trinity Street and Soli House. Even if the proposed Rhian Eco zinc cladding and red brick lack the tonal interest the Council preferred with the original combination of materials, the use of red brick and the grey Rhian Eco zinc cladding would also create a suitable palette of materials in keeping with the area. There would also be decorative brick detailing, such as sloping brick header lintels and full height

⁶ LPA ref: 24/01823/FUL

recesses around the doors and windows. Deep recesses, including within the zinc cladding, would also add depth as well as casting shadows across the facades for added interest.

25. The increase in height of the buildings and making the ground floor brick components taller than the first floor blocks would not be materially harmful to the overall design. The dwellings are within an enclosed and private space of their own and would not be read as part of an existing street scene of buildings where height differences would be more readily compared. Furthermore, the detailing and the muted colours of the cladding and brickwork, colours already found in the area, would combine to create a satisfactory whole such that the brickwork elements would not appear domineering and the dwellings would present an acceptably proportioned form of development.
26. The internal layout of the dwellings would also be altered, and this would change the position and size of some of the windows. With the irregular sized panels and irregular placement of the standing seams of the grey zinc cladding and fenestration changes, there would be further variety and interest in the elevations.
27. The solar panels on top of the first floor flat roofs would not be seen due to the parapet roofs and hence would not interfere with the appearance of the proposed dwellings. The Council raises no concerns about them per se.
28. Furthermore, the siting and orientation of the dwellings would not be substantially changed and views towards the Church tower and spire, looking northwards across the site, would still be framed between the dwellings and thus maintained, providing a link with the adjacent CA and its historic surrounding as a reference. The proposal would also retain the large private gardens for the dwellings with trees and hedges. There would also be large open areas diagonally through the centre of the site for the grassed entrance court and the land beside the pedestrian path, similar to the original permission. These features would therefore help maintain the openness of the site and its contribution to the setting of CA.
29. Drawing all the above points together, I find the changes would not materially affect the design of the dwellings or increase their massing to an unacceptable degree considering the extensive blocky flat-roof massing already approved on the original permission. The different materials and detailing would create two well designed contemporary dwellings, and I have no reason to doubt the build quality or the execution of detail.
30. Consequently, for the reasons above I am satisfied that the proposed dwellings would preserve the setting of the CA and its heritage significance. Neither would the dwellings adversely affect the setting of the nearby listed buildings nor harm their significance. Accordingly, the proposal would comply with Policies CS.5, CS.8 and CS.9 of the Stratford-on-Avon District Core Strategy, and Policies BE2 and BE5 of the Stratford-upon-Avon Neighbourhood Development Plan. Collectively these seek to strive for high design, high levels of sustainability whilst also ensuring development responds to local character and does not cause substantial harm to the setting of listed buildings or the Stratford-upon-Avon Conservation Area, including sites associated with William Shakespeare.
31. The fact that the 'design ethos' may have changed from the original permission does not mean the current proposal lacks validity or cannot be entertained for consideration. The Framework extols that good design is a key aspect of

sustainable development. It also advises that the quality of approved development is not materially diminished between permission and completion. I have found the proposed changes would create development that would not be materially diminished – indeed it would be of good design in itself. In discharging the remainder of the conditions, the Council has a role to play in not diminishing the approved development. If the revised scheme is still of a good design in its own right, then there is no reason to withhold permission on matters of principle.

The Other Conditions

32. As I am allowing the appeal, a new planning permission will be granted, which is separate from the original permission and will be subject to conditions specifically imposed. The national Planning Practice Guidance advises that the new permission should restate the conditions imposed on the earlier permission that continue to have effect.
33. The Council has submitted, without prejudice, a revised list of conditions applicable to the new permission. The appellant has raised no objection to them. The parties have also confirmed, and provided evidence, that original Conditions 3 (Ecology), 4 (the CEMP), and 8 (boundary walls) have been discharged⁷. Hence these conditions need to be re-worded accordingly.
34. I am advised the original development has started so there is no need for me to impose a time limit condition. As a result the numbering of the conditions in the new planning permission is different to the original permission.
35. As I have agreed the changes shown on the submitted revised plans, these need to be listed, in what would be the new condition 1. There appears to be a typographical error in the plan numbers. The Council lists plan 23-034-104 (plot 2 Elevations). However, the plan submitted with the appeal and listed by the appellants in their submission is 23-035-104 (Plot 2 Elevations).
36. In agreeing to revised plans and details, some conditions need to be amended to include reference to a new plan or details and these are set out below.
37. Condition 5 required full sample panels of the stonework and cladding to be prepared on site. However, as stone is no longer to be used reference to it is unnecessary. The condition can be varied to refer to the submission of details for the cladding and brickwork.
38. Condition 7 required details of the green roofs and walls. However, as green walls would no longer form part of the proposed scheme the condition can be varied to only require details of the green roofs.
39. Condition 9 required the boundary wall to facilitate the pedestrian access to be of reclaimed bricks, coping stones and mortar to match. The wall has already been built and so this condition is now redundant and can be removed.
40. Condition 13 referred to where vehicles are to be parked. As a new layout plan is accepted, the condition needs to refer to the new plan.
41. Condition 16 (landscaping), whilst not listed on the application form, needs to be brought up to date. The Council has suggested this is amended to still require soft

⁷ LPA Refs: DISCN/00429/22 dated 8 November 2022; DISCN/00430/22 dated 18 November 2022 and DISCN/00378/22 dated 8 November 2022 respectively

and hard landscaping details, notwithstanding the revised plan. This would be a necessary change. I have also amended it to cross-reference with the relevant re-numbered conditions.

42. All other conditions can remain as they were originally worded, although their numbering has changed.

Conclusion

43. For the reasons given above I conclude that the appeal should succeed.

K Stephens
INSPECTOR

SCHDEULE OF CONDITIONS

- 1) Except for any detail(s) required to be submitted in accordance with the requirements of any conditions attached to this grant of permission, and notwithstanding such detail(s) as may be indicated on the submitted drawing(s), in all other respects the development hereby permitted shall be carried out strictly in accordance with the submitted plans and drawings:
 - AR_O_320_002_A (Planning - Location & Block Plan)
 - AR_300_002_B (Survey - Existing Site)
 - AR_2_320_004 (Proposed Vehicle Tracking)
 - 23-035 101 (Plot 1 Plans)
 - 23-035 102 (Plot 1 Elevations)
 - 23-035 103 (Plot 2 Plans)
 - 23-035 104 (Plot 2 Elevations)
 - ASA751/Drg14 P9 (Landscape Proposals)
- 2) The development hereby permitted shall be carried out in accordance with the submitted ecological mitigation and enhancement details approved by DISCN/00429/22. The scheme shall be carried out in accordance with the approved programme of implementation.
- 3) Development hereby permitted shall be carried out in accordance with the submitted Construction Environment Management Plan (CEMP) approved by DISCN/00430/22. For the avoidance of doubt there shall be no burning of waste construction materials on site, nor shall any lighting or other illumination be installed on site at any time unless otherwise approved in writing by the Local Planning Authority.
- 4) Prior to development above slab level, full sample panels of the brickwork and cladding to include the type of fixing, pointing and the mortar to be used shall be erected on site and approved in writing by the Local Planning Authority. The sample panel shall thereafter be kept on site for reference until the stonework and cladding is completed and the works shall be carried out in accordance with the approved details.
- 5) Prior to their installation, details of the proposed finish and appearance (to include material and colour) of windows and doors (to include garage doors)

shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all windows and doors shall be retained and maintained in accordance with the approved details.

- 6) Prior to its installation, a detailed specification of the green roofs shall be submitted to and approved in writing by the Local Planning Authority. The specification shall include details of the quantity, size, species, position and the proposed time of planting of all elements of the green roof, together with details of their anticipated routine maintenance and protection. The green roofs shall only be installed in accordance with the approved details prior to any occupation or use of the development and thereafter retained and maintained as such.

If within 5 years of the installation of the green roofs and walls any planting forming part of the green roofs and walls shall die, be removed, or become seriously damaged or diseased, then this planting shall be replaced in the next planting season with planting of a similar size and species.

- 7) The boundary walls shall be carried out in accordance with DISCN/00378/22 and thereafter be carried out in accordance with the approved detail and completed prior to the occupation of the development.
- 8) The development hereby permitted shall take place in accordance with the submitted BS5837 Arboricultural Impact Assessment & Method Statement by Focus Ecology dated November 2019. Any works involving the excavation of soil to facilitate to proposed pedestrian footpath, associated boundary treatments and remodelling of the wall within the root protection area of any trees to be retained on site shall be dug by hand.
- 9) The development hereby permitted shall be carried out in strict accordance with the Archaeological Evaluation Report submitted by Archaeology Warwickshire dated November 2018. The development shall be carried out in strict accordance with the recommendations contained within section 8 in so far that any archaeological deposits found are recorded in accordance with the Chartered Institute for
- 10) The access to the site for vehicles shall not be used unless public highway footway/verge crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority.
- 11) The development shall not be occupied until space has been provided within the site for the parking of vehicles in accordance with details as indicated on drawing no. ASA751/Drg14 REV P9. The space shall thereafter be retained and kept available for vehicle parking.
- 12) The development shall not be occupied until turning areas have been provided within the site so as to enable vehicles to leave and re-enter the public highway in a forward gear.
- 13) Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on the building itself), details of such 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 cowlings of all external lights to the buildings and other parts of the application site and the hours at which such lighting is to be operated.

The work shall thereafter be carried out in accordance with the approved details (unless the Local Planning Authority gives prior written approval to any subsequent variations), shall thereafter be retained in that form and under no circumstances shall it cause light pollution.

- 14) Notwithstanding drawing no. ASA751/Drg14 REV P9, prior to the occupation of the development hereby permitted, 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) 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) written specifications including cultivation and other operations associated with tree, plant and grass establishment;
 - (d) existing landscape features such as trees, hedges, shrubs and ponds which are to be retained and/or removed, accurately plotted (where appropriate);
 - (e) existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform where appropriate);
 - (f) the means of accommodating change in level (e.g. retaining walls, steps, railings, walls, gates or other supporting structures, ramps);
 - (g) location, type and materials to be used for hard surfacing where applicable including specifications and details of manufacturer, type and design, colour and bonding pattern where appropriate. Samples may be required to be submitted and approved;
 - (h) the position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge(banks)), where appropriate;
 - (i) a timetable for the implementation of the soft and hard landscaping scheme.

Hard and Soft Landscaping details shall be submitted to accord and be carried out in accordance with conditions 2, 6 and 7. The approved soft and hard landscaping scheme shall be carried out strictly in accordance with the approved timetable of implementation and shall thereafter be protected, maintained and managed in accordance with the approved details.

Except for trees, hedges or shrubs identified for removal on the approved plans and schedule, approved pursuant to this condition, no retained tree, hedge and

shrub planting shall, within a period of five years from the date of completion of the approved landscaping scheme, be felled, uprooted, removed, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree, hedge, shrub shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval to any variation. 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, hedge or shrub.

- 15) Prior to the first occupation of the development hereby permitted, the dwellings shall be provided with an electric vehicle charging point with a minimum of 16 amp cabling.
- 16) The dwellings hereby permitted shall not be occupied until 3 bins for the purposes of refuse, recycling and green waste have been provided, in accordance with the Council's bin specifications.
- 17) No dwelling that has a downpipe within the development hereby permitted shall be occupied or used until it has been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to the downpipe.

END OF CONDITION SCHEDULE