



Appeal Decision

Site visit made on 29 September 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28TH October 2025

Appeal Ref: APP/T3725/W/25/3369524

43 Stratford Road, Warwick, Warwickshire CV34 6AT

- 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 Warwickshire Partnership against the decision of Warwick District Council.
 - The application Ref is W/23/1433.
 - The development proposed is change of use from car showroom (Sui Generis) to 2no. standalone units (Use Classes E(a) and E(c)(iii)) and associated external works, including minor changes to existing side/ front apertures, installation of ATM machine (front) and functional re-arrangement of existing car parking including provision of EV charging points, PTW and cycle parking and parent/child bay and the closing of part of the existing access to Temple Grove and the removal of the canopy between the two units and alterations to the opening on the front facing fascia to increase the size of the opening.
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Decision

- 1.) The appeal is allowed and planning permission is granted for change of use from car showroom (Sui Generis) to 2no. standalone units (Use Classes E(a) and E(c)(iii)) and associated external works, including minor changes to existing side/ front apertures, installation of ATM machine (front) and functional re-arrangement of existing car parking including provision of EV charging points, PTW and cycle parking and parent/child bay and the closing of part of the existing access to Temple Grove and the removal of the canopy between the two units and alterations to the opening on the front facing fascia to increase the size of the opening at 43 Stratford Road, Warwick, Warwickshire CV34 6AT subject to the conditions in the attached schedule.

Applications for costs

- 2.) An application for costs was made against Warwick District Council by Warwickshire Partnership. This application is the subject of a separate decision.

Main Issue

- 3.) The main issue is the effect of the proposal on the living conditions of the occupiers of nearby properties with particular regard to parking stress.

Reasons

- 4.) The site comprises a former car showroom which occupies a corner plot at the junction between Stratford Road and Temple Grove. There are parking restrictions in place at the site frontage on Stratford Road. The proposal seeks to change the use of the building to form 2 units: a use class E(a) food retail unit (unit 1) and a use class E(c)(iii) (other appropriate services in a commercial, business or service locality) unit (unit 2). It is proposed that unit 1 would be occupied by co-op as a

convenience retail store. The end user for unit 2 is not known. The units would be served by 17 parking spaces, 3 of which would comprise staff parking located in a gap to be formed between the 2 units.

- 5.) Policy TR3 of the Warwick District Local Plan (2017) (LP) sets out that, amongst other matters, development should not result in on-street car parking which is detrimental to highway safety and states that development will be expected to comply with the parking standards set out in the Parking Standards Supplementary Planning Document (SPD). The supporting text states that providing insufficient parking can lead to inappropriate parking on the public highway and elsewhere. The SPD sets out a requirement for 1 parking space per 14m² for food and non-food retail. Given this, it is the Council's case that the units (measuring 440m² and 144m²) would require 41.7 car parking spaces, a shortfall of 25 spaces.
- 6.) The SPD recognises that a degree of flexibility may be required due to the specific circumstances of a proposal and where it can be demonstrated that parking demand is likely to be lower than the prescribed standard, a flexible approach will be taken. Specific circumstances in which lower levels of car parking provision will be accepted are cited including where the development is located in an area that is demonstrably accessible by alternative modes of transport, where there is capacity for additional demand to be accommodated on street without detrimentally affecting the safety and convenience of residents and occupiers, and where the development will generate significantly less parking than prescribed in the standard.
- 7.) The appellant states that based on TRICS data for comparable sized developments in comparable locations for similar convenience retail/ trade shop uses, the car parking needs for the development would be significantly less than that required by the SPD. A trip attraction assessment using data from comparable uses indicates that the car park would not reach full capacity even at peak hours and thus the proposed 17 spaces would be adequate to meet the parking requirements for the development.
- 8.) I observed during my afternoon weekday site visit that local roads surrounding the site appeared to have capacity to accommodate additional parking. I observed that many of the dwellings on nearby roads Temple Grove and Foxes Way had driveways providing off road parking, and that there were opportunities to park on the road in between driveways. Where there were parked cars on the road they did not appear to impede the free flow of traffic.
- 9.) I appreciate that my site visit took place during the daytime, and that at other times there may be more vehicles parked on the road, in particular during the evening when demand for residential parking would be greater. I also note comments that roads in the local area are used for parking by visitors to nearby Warwick castle. Nonetheless, there is no substantive evidence before me that there is a shortage of on-street car parking within the area at peak times or that where on-street parking does occur this leads to problems with the free flow of traffic and the safe operation of the highway including emergency vehicle access. Thus, in the event that the car park did reach its capacity, parking on the surrounding roads could be accommodated without harm to the operation of the highway network or parking stress for nearby residents, and there is no evidence that this would lead to inappropriate parking on the public highway and elsewhere.

- 10.) The site is located in a residential area on a bus route providing connections to Warwick town centre and other local towns, and bus stops are located close to the site frontage. The site is accessible by alternative modes of transport, including walking, cycling and public transport. This would likely reduce reliance on the private vehicle and thereby car parking for customers and staff.
- 11.) In light of the above, the evidence indicates that the development would generate significantly less parking than that required by the SPD. Therefore, in line with the flexible approach advocated by the SPD, there is adequate justification to depart from the prescribed standards.
- 12.) Drawing on the above, the proposal would make adequate provision for car parking and overspill vehicles could be accommodated without causing harm to the living conditions of the occupiers of nearby properties through increased parking stress. I therefore find that the proposal complies with LP policy TR3, the aims of which are set out above, and LP policy BE3 which states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

Other Matters

- 13.) The projected vehicle trip rates for both units indicates that the development would generate approximately 95 2-way vehicle movements at the weekday morning and Saturday peak and 83 on the weekday afternoon peak, some of which would be 'pass-by trips' for which the vehicle would be on the highway network in any case. There is no indication that the surrounding highway network does not have the capacity to accommodate these trips or the deliveries associated with the units, or that the proposal would cause a significant impact on the operation of the highway network. There is no evidence that any increases in trip generation resulting from the proposal would make it more difficult for vehicles to exit onto Stratford Road from nearby streets or for pedestrians to cross Stratford Road.
- 14.) I observed at my site visit that visibility along Stratford Road and Temple Grove is good in both directions and I am satisfied that the proposal would not give rise to the potential for increased conflicts between vehicles accessing the development and pedestrians using these roads. The submission is supported by a Servicing Management Plan (SMP), a tracking plan and a Vehicle Swept Path Analysis. On the basis of this information, I am satisfied that the proposal would not result in potential for conflict between service, staff and customer vehicles or conflict within the car park between vehicles and pedestrians. Whilst interested parties suggest that the proposal should provide a pedestrian crossing, bus shelters and speed cameras on Stratford Road, there is no evidence that the development's impacts would warrant the provision of these to render the development acceptable.
- 15.) Concerns regarding noise associated with the development are noted. The trading hours would be between 07:30-22:00 and it is proposed that deliveries would not take place before 08:00 or after 20:00, apart from the delivery of newspapers by light van. The SMP identifies that unit 1 would have on average 5 deliveries per day and that all deliveries and collections would be undertaken via the service area. The SMP states that all delivery drivers will be instructed to turn off vehicle engines, radios, chiller/refrigeration units etc. when their vehicles are in the final rest position and to keep them off for the duration of the delivery/collection and that audible reversing alarms will turn off automatically when reversing gears are deactivated. It

is stated that staff will be instructed to avoid shouting and to handle delivery equipment (e.g. cages and bins) in a considerate manner to avoid extraneous noise and that no audible intercoms, tannoy or external bells will be operated on site.

- 16.) Acoustic fencing is proposed along the eastern and southern boundaries adjacent to neighbouring dwellings to reduce noise associated with deliveries. Subject to conditions controlling the implementation of the acoustic fencing, the hours of operation and deliveries and adherence to the SMP there is no evidence that the proposal, including the operation of the ATM, would harm the living conditions of the occupiers of nearby properties through increased noise disturbance.
- 17.) Interested parties have raised a number of concerns regarding the proposal's impacts including in relation to vermin, odours, litter, the effects of additional traffic on air quality and health and land contamination. However, there is no evidence before me that the proposal would cause unacceptable impacts in these regards.
- 18.) The Council concluded that the proposed alterations to the building are of an acceptable design for the site and its surroundings and would have an acceptable impact on the character and appearance of the area in line with LP Policy BE1. I see no reason to reach a different view.
- 19.) Comments regarding the need for the proposal and its effect on town centre retailers are noted. The submission is supported by a Retail Impact Assessment which was assessed by an independent retail planning consultant who found that the proposed comparison floorspace could not be accommodated within vacant units within the town centre and that the approval of the application would cause no harm to Warwick Town Centre. Given these findings, the Council concluded that the proposal would comply with the retail sequential and impact tests and would not cause unacceptable harm to the vitality and viability of the town centre and thus complies with LP Policy TC2 and retail policy in the National Planning Policy Framework. I see no reason to reach a different view.

Conditions

- 20.) The Council has suggested conditions, some of which I have amended for the sake of clarity and precision. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. I have also attached a condition requiring the submission of an amended site plan which reduces the height of the fence to the eastern boundary shared with 2a Temple Grove to ensure adequate visibility for vehicles exiting this property in the interests of highway safety.
- 21.) In the interest of the character and appearance of the area, conditions are necessary to control the external materials of the development and hard and soft landscaping. In the interests of highway safety, conditions are necessary to control the construction of the proposed vehicular access, the closure of the existing access and the provision of the car parking and manoeuvring areas.
- 22.) In the interests of the living conditions of the occupiers of nearby properties conditions are necessary to restrict the trading hours of the units, the hours of deliveries to and waste collections from the site, the provision of acoustic barriers, the installation of CCTV, external lighting and external flues/ chimneys, the noise level from plant and equipment, the approval of a Quiet Deliveries System

Management Plan and to ensure that the development is operated in accordance with the Servicing Management Plan.

- 23.) I have attached a condition requiring the installation of electric vehicle recharging points to support more sustainable living. There is no compelling evidence before me that these would pose a fire safety risk

Conclusion

- 24.) For the reasons given above the appeal should be allowed.

N Robinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1.) The development hereby permitted shall begin not later than three years from the date of this permission.
- 2.) The development hereby permitted shall be carried out in accordance with the following approved plans: AT23014.P.010, AT23014.P.021D, AT23014.P.022B.
- 3.) Prior to the commencement of the development hereby approved, an amended site plan shall be submitted to and approved in writing by the Local Planning Authority. This amended site plan shall show a reduction in height of the fence on the eastern site boundary adjacent to 2a Temple Grove to 1 metre in height. The development shall be carried out in accordance with the details shown.
- 4.) Prior to the installation of any new external materials associated with the development hereby permitted, specifications of the external facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5.) The proposed vehicular access from Temple Grove shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.
- 6.) The development hereby approved shall not be first used until all parts of the existing access from Temple Grove within the public highway not included in the permitted means of access has been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority.
- 7.) The development hereby permitted shall not be first used until the car parking and manoeuvring areas indicated on the approved drawings have been provided. Thereafter those areas shall be kept marked out and available for such use at all times.
- 8.) The development hereby permitted shall not be first used until a Quiet Deliveries System Management Plan has been submitted to and approved in writing by the

Local Planning Authority. Thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with this plan.

- 9.) The development hereby permitted shall not be first used until a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The hard landscaping works shall be completed in full accordance with the approved details prior to the first use of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first use.

Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

- 10.) No CCTV cameras shall be installed or operated until details of the location, design, sphere of vision and specification has been submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out and operated in accordance with the approved details.
- 11.) No external lighting or illumination of any part of any building or the site shall be installed or operated until details of such measures (including of hours of operation) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and operated in full accordance with the approved details.
- 12.) The premises shall only be open to customers between 0730 and 2200 on any day.
- 13.) Deliveries to and waste collections from the site shall take place only between 0800 and 2000 Monday to Saturday and between 1000 and 1600 on Sundays and Bank Holidays.
- 14.) The noise rating level (dB, LAeq,T) of any plant and equipment installed pursuant to the development hereby permitted shall not exceed the representative background sound level (dB, LA90,T) at any premises used for residential purposes surrounding the site. Full details of any noise mitigation measures required to achieve the specified noise criteria shall be submitted to the Local Planning Authority for approval in writing. Any necessary noise mitigation measures shall be implemented in accordance with the approved details prior to the first use of the development and maintained thereafter.
- 15.) A noise validation report demonstrating compliance with the noise criteria specified in condition 14 shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development hereby permitted.
- 16.) A full design and construction specification of the acoustic barriers hereby permitted shall be submitted to and approved in writing by the Local Planning

Authority before the commencement of the use hereby permitted. The acoustic barrier(s) shall be impermeable and sealed at the base. The acoustic barrier(s) shall be installed in accordance with the approved details before the development is first used and shall thereafter be retained for the lifetime of the development.

- 17.) No chimneys or flues shall be installed other than in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Once approved any flues or chimneys shall be installed in accordance with the approved details.
- 18.) Prior to first use of the development hereby permitted, two 7kW (minimum) electric vehicle recharging points shall be installed. Once installed, the electric vehicle recharging points shall be retained thereafter.
- 19.) The development shall be carried out in accordance with the details in the Servicing Management Plan (Aspbury Planning, April 2025).

END OF SCHEDULE OF CONDITIONS