



Appeal Decision

Site visit made on 29 March 2019

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2019

Appeal Ref: APP/L2820/W/19/3219594

78 Headlands, Kettering, Northamptonshire NN15 6DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs A Kaur against the decision of Kettering Borough Council.
 - The application Ref KET/2018/0124, dated 12 February 2018, was refused by notice dated 7 August 2018.
 - The development proposed is change of use from a previously C2 (Northants Health Trust) to a health, wellbeing and therapy centre.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a previously C2 (Northants Health Trust) to a health, wellbeing and therapy centre at 78 Headlands in accordance with the terms of the application, Ref KET/2018/0124, dated 12 February 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Prior to the first beneficial use hereby permitted of the building, the parking as shown on the approved amended site plan received 10/07/2018 KBC ref: KET/2018/0124/6 shall be laid out in accordance with the approved plan except in respect of the parking space immediately to the east of the site entrance shown on the aforementioned plan which shall be kept clear for manoeuvring and access at all times and thereafter retained in perpetuity.
 - 3) The garage shall be kept available at all times for the parking of motor vehicles by the staff or visitors of the centre and for no other purpose.
 - 4) The use hereby permitted shall only take place between the following hours: 0830 – 1930 Mondays-Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
 - 5) The premises shall be used for a health, wellbeing and therapy centre and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Procedural Matter

2. The appeal form refers to a previous planning application¹. However both the Council's statement and the appellant's statement that this application was withdrawn. The Appellant's statement also refers to the application detailed in the header above and the Council have also responded on this basis. I have therefore determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on highway safety with particular regard to access and parking provision.

Reasons

4. From the evidence before me the premises have been used as a health care home. Currently the site has three parking spaces to the front and two spaces to the rear, along with a garage. There is a garden to the rear and some mature shrubbery to the front of the site.
5. The appellant has confirmed the change of use would result in the provision of five therapy rooms plus a kitchenette, WC and waiting room. The plans on which the Council determined the application on proposed nine parking spaces in total, of which four were located to the front of the property with the remaining spaces to the rear, with the existing garage remaining. The proposal also includes the improvement to the access so that it would be 5.5 metres in width.
6. The officer's committee report states that the Northamptonshire Highways Authority raised no concerns with regard to parking and access to the site, confirming that 9 spaces is acceptable for the proposed change of use. Given the accessible location of the site, the likely staffing and patient numbers and attendance on an appointment basis, I am satisfied that nine spaces would be suitable.
7. Concerns are raised about the parking layout and the possible dangers with regard to congestion and conflict with other users on Headlands. At the time of my site visit, Headlands was not passable to two way traffic due to the extent of on-street parking at that moment. Notwithstanding this, there are no parking restrictions along Headlands at the immediate vicinity of the appeal site and so it is reasonable to conclude that some patients may park along the road. I also noted the presence of another health care centre nearby, which appeared to have on-site parking provision.
8. The dimensions and the layout for the parking are as detailed on the submitted plans which indicate that the space provided would be sufficient for access and manoeuvring. However, I have concerns about the frontage parking arrangement. Three spaces would be provided on the western side of the access, with a further space immediately opposite and close to the property boundary. Given the space restrictions created by the plot and the building, I am not satisfied that vehicles would be able to access the road in a forward gear in particular if a vehicle were to be parked in this space to the front. It

¹ KET/2017/0825

appears to me that this arrangement is awkward and would not allow for safe access or manoeuvring within the site. I would also question the ability to access the rear of the site if a large vehicle were to be parked here.

9. Notwithstanding the above, the appellant's statement outlines that the property does offer car parking spaces for up to nine cars, as well as the garage. Thus, the total parking to the rear would be six, and as such only a further three would be required to the front to provide nine spaces.
10. Given that nine parking spaces is considered sufficient, and taking into account the existing garage, the use of a condition to ensure the use of the garage as a parking space would be appropriate to mitigate for the loss of the awkward parking space to the front of the site.
11. The appellant has confirmed that all clients would be visiting based on appointment times, and this would therefore provide the ability to control parking numbers. The site is located in an accessible area, with good links to bus and rail routes, with pedestrian pavements available directly from the site.
12. I have had regard to the Framework which states that safe and suitable access to the site must be achieved for all users. It also states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. I have not been provided with evidence to demonstrate either of these would occur.
13. Thus, the removal of the single parking space to the front of the site would provide a satisfactory means of access and provision for parking, servicing and manoeuvring and as such complies with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 and the Framework which, amongst other matters, seeks to ensure that there is a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

Conditions

14. I have imposed conditions as set out in my decision above, having had regard to the proposal and the guidance set out in the Planning Practice Guidance. In addition to the standard time condition, it is necessary for certainty to define the plans with which the scheme should accord.
15. As I have concluded that the use of the garage for parking would mitigate for the parking issues to the front of the property, I have included a condition to ensure the parking and access arrangements remain safe (3). The Council has requested additional requirements for cycle storage, however given the space within the garage, alongside the building and verandah area, there is sufficient space for this.
16. The restriction of the use to certain hours is required in the interests of protecting living conditions of neighbouring properties (4).
17. In relation to future changes of use, I consider it necessary to impose a condition as this would be subject to further highways considerations if the use were to intensify and demands for parking were to change (5).

Conclusion

18. For the reasons set out above and taking all other matters into consideration I conclude that the appeal should be allowed.

Rebecca Thomas

INSPECTOR