



Appeal Decision

Site Visit made on 8 February 2021

by Mr Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 March 2021

Appeal Ref: APP/L2820/W/20/3262621

The Naseby Hotel, Sheep Street, Kettering NN16 0AN

- 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 Magic Living Limited against the decision of Kettering Borough Council.
 - The application Ref KET/2020/0467, dated 17 July 2020, was refused by notice dated 16 October 2020.
 - The development proposed is for the redevelopment and change of use of a hotel to multiple occupancy accommodation to include gym, lounge areas, coffee bar, meeting/workspace and restaurant (use Class E) with parking, landscaping, and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the redevelopment and change of use of a hotel to multiple occupancy accommodation to include gym, lounge areas, coffee bar, meeting/workspace and restaurant (use Class E) with parking, landscaping, and associated works at The Naseby Hotel, Sheep Street, Kettering, NN16 0AN in accordance with the terms of the application, Ref KET/2020/0467, dated 17 July 2020, and the plans submitted with it, subject to the submitted Unilateral Undertaking and the appended schedule of conditions.

Preliminary Matters

2. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into effect on 1 September 2020. The proposed restaurant would therefore now fall within Class E of Part A, Schedule 2. As such, the description of development has been altered to reflect this change. I am satisfied that main parties would not be prejudiced by this minor alteration.
3. The appellant has submitted a S106 Legal Agreement in the form of a Unilateral Undertaking¹ (UU). This provides a financial contribution towards libraries, the Town Centre, sustainable travel and requirements to comply with the co-living Management Plan. I shall return to this later in my decision.
4. The site is subject to a previous approval² for 29 dwellings in July 2018 (the 2018 approval). This included the demolition of the assembly rooms and the corner building adjacent to George Street and Sheep Street. I have taken this into account in my decision.
5. The proposal includes the change of use of the ground floor corner of the building to a restaurant. This part of the proposal appears to be uncontested

¹ Unilateral Undertaking 4 February 2021

² Planning Application Reference: KET/2018/0027

between main parties. I see no reason in evidence to question the Council's conclusions in regard to the merits of this element. I shall therefore focus on the residential element of the scheme.

Main Issue

6. The main issue is the effect of the proposed development on the living conditions of future occupiers, and occupiers of the local area, with particular regard to the provision of internal space and access to parking.

Reasons

7. The appeal site consists of a former hotel building and adjacent car park. The building includes various elements that consist of a range of styles. The proposal seeks to rationalise the building to form a more coherent layout and includes some demolition and alteration. The scheme would provide a Co-Living residential use of 46 bedrooms with 'en-suite' bathrooms. The use would be arranged over three floors, each bedroom having access to natural light. Multiple kitchen/dining facilities would be provided at each level, with the occupiers of around 7 bedrooms sharing each kitchen. A large communal space would be provided at ground floor providing break out areas, a café and gym. A courtyard garden is proposed that would replace the existing assembly room. The building would be used as a Co-Living shared community environment.
8. The majority of bedrooms would be double bedrooms and be an average size of 23sqm. Some of these rooms would be slightly constrained due to being accommodated within an existing building. Nevertheless, all rooms would provide occupiers with adequate space for a range of furniture for personal possessions. Therefore, although these rooms would range in size, they would all provide sufficient storage space and privacy for the needs of occupiers. The units adjacent to the courtyard would also benefit in outlook by being adjacent to the landscaped courtyard. This benefit would significantly outweigh the minor inconvenience of the slightly protracted route for their occupiers to a kitchen area.
9. Consequently, the proposed internal layout, and balance between private and communal space, would be acceptable. The size of the bedrooms, in addition to the provision of substantial communal areas, would provide adequate internal space to enable the provision of reasonable living conditions for future occupiers.
10. The hotel has 41 guest rooms, with many being double bedrooms. The building ceased trading as a hotel in 2016. Nevertheless, based on the evidence before me, this use has not been abandoned. This therefore provides a significant fall-back position. Furthermore, the 2018 approval included a total of 56 bedrooms and would have accommodated around 101 residents. As a consequence, the overall number of day-to-day occupiers within the proposed use would be similar or fewer than the extant 2018 approval or lawful use of the site. Accordingly, taking the above points together the proposal would not result in an over development of the site.
11. Turning to parking related issues, the proposal would provide 5 parking spaces on site and 52 cycle parking spaces. The site is within the town centre, within 200 metres of a bus interchange and 450 metres from the Railway Station. The type of use proposed is targeted at young single people who seek a town

centre location based on its easy access to public transport and services. Consequently, I anticipate that car ownership and demand for car parking would be low.

12. Adjacent to the site are parking bays allowing a maximum one-hour stay. Close to the site, Sheep Street and Market Place are subject to a Restricted Parking Zone. George Street and the A6003, near the site, are subject to double yellow parking restrictions. As a result, local on street parking is limited. The municipal car park on London Road offers 300 spaces. This is around 200 metres from the site and offers free parking in the evenings. Other such similar public parking is also available. Consequently, any future occupiers seeking local parking would most likely use the local municipal parking areas.
13. The UU aims to prevent parking in the street within the local area by encouraging a modal shift of occupiers away from the use of private cars towards sustainable travel. This objective would be achieved in three ways. It requires the Appellant (owner) to contribute funding for bicycle purchase and for sustainable bus travel. Also, the Appellant's Management Plan³ establishes measures including maximum occupancy, the role of a concierge and the prevention of on street parking. Any occupiers that are found to be parking on local roads would be evicted from the premises. These would, in combination, encourage occupiers to travel using sustainable means. These measures are reasonable and would complement the proposed use to reinforce its sustainable travel benefits in compliance with the CIL Regulations⁴. I am satisfied that the UU, as a signed and executable legal document, binds the appellant and their successors in title to its obligations.
14. The existing hotel would have been likely to generate on street parking demand from staff and visitors due to the limited level of on-site provision. Whether related to transient or permanent users of the building, such parking would have been some inconvenience to local road users. In contrast, the proposal would be unlikely to result in significant on-street parking for the reasons outlined above. The proposal would therefore be unlikely to result in substantial inconvenience or costs to future occupiers who would essentially have a choice as to whether to take up residence in this town centre setting in this known context. For the above reasons, the proposal would generate a negligible impact on on-street parking.
15. Accordingly, taking the above points together the proposed development would result in a good standard of living for future occupiers, and occupiers of the local area, in terms of the provision of internal space and with respect to access to on site and local parking.
16. The proposal would therefore satisfy policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 (2016) (CS). This policy requires that the quality of life of communities is protected through the provision of an acceptable impact on the amenities of future occupiers and to ensure that satisfactory parking, servicing and manoeuvring is provided in accordance with adopted standards. This policy is consistent with the National Planning Policy Framework (The Framework) which seeks development to create places that have a high standard of amenity for existing and future users.

³ Co-Living Management Plan Briefing Note- July 2020

⁴ Community Infrastructure Levy Regulations 2010

Other Matters

17. The County Council's Planning Obligations Framework and Guidance Document (2015) identifies that the proposal should provide a library contribution in accordance with the National Library Tariff formula. A libraries contribution is therefore required to contribute towards the improvement, enhancement and expansion of library facilities to serve the development. This would be properly and adequately secured within the UU. Consequently, I am satisfied that the Library Sum is necessary, the method of calculation reasonable and that the recipient of the sum meets the statutory tests of the CIL Regulations.
18. The Council has also identified that funding is necessary to off-set the anticipated impact of development on local municipal infrastructure. The Council's Town Centre Area Action Plan⁵ establishes a regeneration programme for the town. However, the Council has not explained how the sum referenced within the officer report has been calculated. Furthermore, the Action Plan includes a phasing strategy that indicates that all work would be completed by 2021. There is no evidence before me to illustrate that the Action Plan has been reviewed to identify any new or ongoing infrastructure priorities/requirements beyond 2021. As such, I am unconvinced that investment is necessary to off-set any impact of the proposed development. The Town Centre Sum would therefore not pass the tests of the CIL Regulations.
19. The historic significance of the various buildings that form the hotel varies. Substantial parts of the building that front onto Sheep Street and George Street date from C17 and early C19. These elements have modest historic significance. Whereas, components to the rear such as the 1950's infill block and the 1920's assembly room are of low historic significance. The Council has identified the hotel as a non-designated heritage asset (NDHA). In consideration of the Appellant's Heritage Assessment, I have no compelling reason to disagree with this view. The Framework requires, that in weighing the impact of development on NDHA's, a balanced judgement will be required having regard to the scale of any harm and significance of the asset. The proposal would result in the demolition of the assembly room to the rear. This part of the building includes a relatively functional interior and is of low significance in comparison to the remaining and retained elements of the building. The demolition of the assembly room would facilitate development and therefore enhance the retained and more significant elements of the building.
20. The appeal site is within the Kettering Conservation Area (CA). The statutory requirements⁶ entail that special attention be paid to the desirability of preserving or enhancing the character and appearance of the CA. The significance of the CA derives from the nineteenth century development of the town and the number of coaching inns that flourished in the eighteenth century. The proposed change to the frontage buildings would include the reinstatement and provision of new windows. It is also proposed to remove the render finish of the George Street House façade to reveal its Ashlar façade. These works would be measured and sensitive to the historic importance of the building and would be a more considered response in comparison to the 2018

⁵ Kettering Town Centre Area Action Plan 2011-2021 (2011)

⁶ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Approval. Therefore, the proposal would both preserve and enhance the character and appearance of the CA.

21. I also have a statutory duty⁷ to have special regard to the desirability to preserve the setting of a listed building. The Church of St Peter and St Paul, Grade I, stands back from Sheep Street, framed between stone pillars and ornamental gates and a long driveway. Its significance derives from its C15 origins and especially fine west steeple. The Art Gallery and Dryland Fountain are separately listed as Grade II listed buildings. The significance of the Art Gallery relates to its architectural interest forming part of the historic streetscape. The Dryland fountain is important as it commemorates a local figure and includes decorative interest. The Public Library, in between the Church and Gallery, is also a Grade II listed building. This building's significance derives from its architectural interest, including brick and stone decorative detailing, and its elliptically chamfered arched entrance. The proposal, opposite these listed buildings, would have a negligible effect on their settings, thusly preserving them due to the limited scale of change proposed.

Conditions

22. I have considered the use of conditions in line with guidance set out in the Government's Planning Practice Guidance. I shall impose the majority of the Council's suggested conditions with some amendments and adjustments for clarity.
23. I have conjoined the Council's suggested conditions 3, 4 and 5 for simplicity as these all seek compliance with various supporting documents. I have deleted reference to Building Regulation requirements for the condition in regard to water usage as such regulations could change. I have not imposed the Council's suggested condition 22, limiting the use to multi-occupation, as the approved Co-Living use is one which is within a class of its own and falls outside of the 1987 Use Class Order.
24. It is necessary for details relating to archaeology, building recording and fire suppression to be submitted prior to the commencement of development. I consider these pre-commencement conditions to be so fundamental to the development that it would have been otherwise necessary to refuse permission. These are required prior to construction commencing because they would include work within the footprint of the building and may affect the fabric of the structure. These measures would be necessary to respond to the local historical and archaeological significance of the site and the safety of future occupiers of the building. The appellant has agreed to the imposition of these pre-commencement conditions, following formal notification under Regulation 2(4) Notice of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018.
25. Subsequently, I have attached the following conditions which are recommended in the Guidance and are necessary in the interests of certainty [1, 2 and 3]. I have also attached conditions, that would safeguard the character and appearance of the area [10, 13 and 16], would protect the living conditions of existing residents [4, 11 and 12] and would meet highway safety and sustainable travel expectations [14, 15 and 17]. Furthermore, I have also included conditions that would meet the advice of the Council's conservation

⁷ section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990

officer in the interests of the historic recording of the site [5 and 6], would resolve any unforeseen contamination found on site [18], meet sustainable drainage requirements [8], would meet crime prevention objectives of policy 8iv of the CS [9], to achieve fire safety requirements of policy 8v of the CS [7] and meet water consumption objectives of policy 9 of the CS [19].

Conclusion

26. For the above reasons, the appeal is allowed, and planning permission given subject to the appended conditions and the associated Unilateral Undertaking.

Mr Ben Plenty

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be constructed in accordance with the following approved plans: Location plan SLP-100, Existing and proposed north elevation PL-200, Existing and proposed east elevation PL-201, Existing and proposed west elevation PL-202, Existing and proposed south elevation PL-203-A, Existing and proposed courtyard elevation PL-204-A, Proposed Block plan BP-100, Proposed basement floor plan PL-50, Proposed ground floor plan PL-101-D, Proposed first floor plan PL-102-C, Proposed second floor plan PL-103-C, Proposed site plan PL-100-C, Proposed ground floor plan demolition DEMO-101, Proposed first floor demolition plan DEMO-102 and Proposed second floor demolition plan DEMO-103
- 3) The development hereby permitted shall not be carried out other than in accordance with the approved Flood Risk and Drainage Assessment, dated 14 July 2020 by RPS Group; the Recommendations of the 'Bat

- Survey' dated July 2020, by Udall-Martin Associates Ltd.; and the Travel Plan Statement dated July 2020 by PJA.
- 4) No construction or demolition works shall take place outside of the following hours. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.
 - 5) Prior to the commencement of development including demolition works, details of building recording to Level 2 (as defined in Historic England: Understanding Historic Buildings, 2016, or subsequent equivalent amendment) shall be submitted to and approved in writing by the local planning authority.
 - 6) Prior to the commencement of development including demolition works, the applicant shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition: (i) fieldwork in accordance with the agreed written scheme of investigation; (ii) post-fieldwork assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority); (iii) completion of post-fieldwork analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.
 - 7) Prior to the commencement of development hereby permitted, a scheme and timetable detailing the provision of fire hydrants, sprinkler systems and their associated infrastructure shall be submitted to and approved in writing by the local planning authority. The fire hydrants, sprinkler system and associated infrastructure shall be installed and fully functional prior to first occupation and shall thereafter be provided in accordance with the approved scheme and timetable.
 - 8) No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.
 - 9) Prior to first occupation of the development hereby approved details of Crime Prevention Measures to be incorporated in the scheme 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 which shall remain in that form in perpetuity.
 - 10) The 'Ashlar facade to be revealed by removing all paint and restored' shown on the approved plans: proposed north elevation (Drawing: PL-200) and proposed west elevation (Drawing: PL-202) shall be carried out and completed prior to first occupation of the development and shall remain in that form thereafter.
 - 11) Prior to the commencement of the use hereby permitted a scheme for the acoustic treatment of the odour control system to prevent the emissions

of noise affecting noise sensitive premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details and maintained in accordance with the approved details at all times thereafter. Upon completion of all works to implement the approved scheme, testing shall be carried out and a report submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby permitted to verify the scheme's effectiveness.

- 12) Prior to the commencement of the use hereby permitted full details of the cooking equipment and odour control system to be installed shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall thereafter be installed and maintained in accordance with the approved details at all times thereafter.
- 13) The proposal shall be carried out in accordance with external materials and finish details (including the finishes of the existing building) that shall first be approved in writing by the local planning authority prior to those works being undertaken. The development shall be carried out in accordance with the approved details.
- 14) Prior to the first occupation or use of the development hereby approved, refuse storage and collection facilities together with the cycle storage facilities shall be made available for use as shown on the approved plans. These facilities shall be retained at all times thereafter.
- 15) The ground floor windows and doors directly fronting George Street and Sheep Street shall not open over the highway.
- 16) The new windows to be inserted into the existing building fronting George Street and Sheep Street shall match the existing and remain in that form thereafter.
- 17) The parking spaces hereby approved shall be provided prior to the first occupation of the building hereby permitted and shall be permanently retained and kept available for the parking of vehicles.
- 18) In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.
- 19) All of the habitable rooms shall be constructed to achieve a maximum water use of no more than 105 litres per person per day.

End of conditions