
Appeal Decision

Site visit made on 4 May 2022

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2022

Appeal Ref: APP/L2820/W/21/3277594

1-2 Meeting Lane, Kettering NN16 0BL

- 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 Mr Granit Caushaj against the decision of Kettering Borough Council.
 - The application Ref: NK/2021/0282, dated 25 March 2021, was refused by notice dated 11 June 2021.
 - The development proposed is conversion of public house into 4 no. flats.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of public house into 4 no. flats at 1-2 Meeting Lane, Kettering NN16 0BL in accordance with the terms of the application, Ref: NK/2021/0282, dated 25 March 2021, and the plans submitted with it, subject to the conditions on the attached Schedule A.

Preliminary Matters

2. Since the Council's decision, a new version of the National Planning Policy Framework (the Framework) was published in July 2021. The parties have had opportunity to comment on the engagement of this new policy document in relation to the appeal, and so will not be disadvantaged by my consideration of it.
3. The appeal site is located within the Kettering Town Centre Conservation Area (CA). The Council considers that the proposed external changes to the building would preserve its character, and that the proposal would have a neutral impact on the character and appearance of the CA, which I accept.

Main Issue

4. The main issue in this case is the effect of the proposed development on the living conditions of its future occupants, with particular regard to outdoor amenity space, carparking and bin storage.

Reasons

5. Criterion e) vi of Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 (CS) seeks to ensure flexible and resilient development, including through access to amenity space.
6. Two of the proposed four additional flats would have private outdoor courtyards. Furthermore, the flats in the appeal building would have secure cycle parking and be conveniently located to access Kettering town centre's

extensive public realm network. This network includes town centre amenity space in and around the historic and characterful Market Place and various all-weather, lit walking and cycling routes including pedestrianised areas of the town centre. Several green open spaces are realistically accessible from the appeal site. Also, proposed new and opened up first floor windows in the building's western elevation would provide some verdant views for occupants of flats 3 and 4 over the substantial neighbouring memorial garden.

7. As such, future occupants of the proposed flats would have access to and sight of a range of amenity space that would help provide physical and visual relief from the indoors, and realistic opportunity for outdoor recreation and exercise in and around the town centre.
8. The 'case by case' approach of residential Policy 6 of the AAP allows for the possibility of zero parking residential developments in close proximity to services, amenities and public transport where it can be demonstrated that sustainable travel alternatives, in the form of walking cycling and public transport are accessible and integrated into travel plans. Also, AAP Policy 6 requires all residential developments to provide a minimum of one secure cycle storage space per unit.
9. Future occupants of the flats would have convenient access to an extensive range of shops and facilities in Kettering town centre. Furthermore, bus stops on the A6900 Dalkeith Place, which are a conveniently short walk from the appeal site, together provide onward public transport connections to a range of locations including Northampton, Corby, Peterborough and the General Hospital. Also, cycle parking provision at the proposed development would encourage non private car modes of travel. On-street parking restrictions in the vicinity are likely to be evident to future residents of the proposed dwellings, and thus contain their expectations of local car parking capacity.
10. Also, the Local Highway Authority has not raised concerns that the proposed development would cause highway safety issues, and the Council considers that the change from bar use with regular deliveries and customers coming and going, to the proposed residential development may even improve the existing situation in terms of the vehicular movements in the locality¹.
11. In the light of the above combination of factors, I find that the car-free nature of the proposed development, without on-site parking, would be appropriate and not place harmful pressure on off-site parking in the area. As such I am satisfied that realistically accessible sustainable travel alternatives would be available to future occupants of the proposed town centre residential conversion, sufficient to justify the zero parking development and accord with Policy 6 of the AAP.
12. In respect of bin storage, criterion e) i of Policy 8 of the CS seeks to protect the living conditions of future occupiers including in relation to noise and smell. The relatively modest scale of the proposed residential development, combined with the proposed secure key-coded and self-closing door arrangement, and odour filtration for the bin store, as described in the appellant's appeal statement², and to be secured by planning condition, would together minimise the use of and comings and goings associated with the bin store. As such, intensive use of

¹ As set out in the paragraph 7.5.3 of the Planning Officer's Report.

² Paragraph 5.2.1.

the bin store with associated opening of doors including in the evening, and odour nuisance, are not anticipated. The two bedrooms in flat 3 would have a window on the opposite side of the building away from the bin store. Furthermore, the Environmental Health team's response to the proposal does not object to it.

13. As such, I anticipate that the proposed bin storage would not be harmfully intrusive to future occupants of the appeal scheme in terms of noise and smell. Thus, the proposal would not conflict with criterion e) i of Policy 8 of the CS.
14. In conclusion, the proposed development would provide access to a vibrant range of town centre facilities, and a suitably attractive residential location and quality of life for future occupants. As such, it would accord with Policy 6 of the AAP and Policy 8 of the CS.

Conditions

15. The conditions suggested by the Council have been considered against the tests of the Framework and advice provided by Planning Practice Guidance. They have been broadly found to be reasonable and necessary in the circumstances of this case. I have made some minor drafting changes to suggested conditions in the interests of precision, and added a condition about bin storage to ensure delivery of mitigating measures described in the appellant's appeal statement.
16. In addition to the standard commencement condition, a condition requiring that the development is carried out in accordance with the approved plans, is necessary to provide certainty. A condition regarding materials is attached to safeguard the character and appearance of the area. Conditions regarding working hours, noise, refuse storage and collection, and cycle storage are attached to safeguard the living conditions of residents. A condition covering fire hydrant, sprinkler and associated infrastructure provision is necessary in the interests of fire safety.

Conclusion

17. The proposed development would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

William Cooper

INSPECTOR

Schedule A) 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 carried out in accordance with the following approved drawings: 44197_01 Rev 3 Existing and proposed arrangements, Site Block Plan, Location Map.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall in type, colour and texture, match those on the existing building.
- 4) Works audible at the site boundary, including deliveries to the site and any work undertaken by contractors and sub contractors, will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health: 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.
- 5) No development shall commence on site until a scheme for limiting the transmission of noise between individual units of accommodation has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme and the scheme shall be completed before any of the units of accommodation are occupied.
- 6) Prior to commencement of development there shall have been submitted to and approved in writing by the Local Planning Authority a detailed refuse storage and collection scheme. The scheme shall include: a) a bin storage area in separate room, not connected to any habitable area; b) self-closing steel doors with a key code locking mechanism for the bin storage area; c) odour filter provision for the bin storage area; and d) arrangements to enable collection, including for prevention of material spillage and odour nuisance, and for cleansing of debris. The approved scheme shall be implemented and made available for use prior to first occupation of the development hereby permitted. The facilities as approved shall be retained thereafter, unless otherwise agreed in writing with the Local Planning Authority.
- 7) Prior to the first occupation of the development hereby permitted, the communal cycle storage shall be made available for use. These facilities shall be retained at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority.
- 8) No development shall take place until a scheme and timetable detailing the provision of fire hydrants (where required), sprinkler systems and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants, sprinkler systems and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.