



Appeal Decision

Site visit made on 7 January 2025

by **David Troy BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 January 2025

Appeal Ref: APP/M2840/W/24/3351036

The Woolcomber, St. Johns Road, Kettering NN15 5AZ

- 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 Punch Partnerships Limited against the decision of North Northamptonshire Council.
 - The application Ref is NK/2023/0719.
 - The development proposed is retention of existing public house and erection of three three-bedroom dwellings (Use Class C3) utilising existing access off St John's Road, with associated parking, hard and soft landscaping, including the reconfiguration of the public house car park.
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Decision

1. The appeal is allowed and planning permission is granted for retention of existing public house and erection of three three-bedroom dwellings (Use Class C3) utilising existing access off St John's Road, with associated parking, hard and soft landscaping, including the reconfiguration of the public house car park at The Woolcomber, St. Johns Road, Kettering NN15 5AZ in accordance with the terms of the application, Ref NK/2023/0719, subject to the conditions in the attached schedule.

Preliminary Matter

2. Since the determination of the application an updated and revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties have been consulted and provided with an opportunity to provide comments on it in relation to this appeal. I have therefore considered the development against the relevant policies in the revised Framework.

Main Issues

3. The main issues are whether the proposed development would (i) make adequate provision for waste collections; and (ii) provide safe and suitable access and servicing arrangements, in the interests of pedestrian and highway safety.

Reasons

Waste collections

4. The appeal site comprises of a public house and its associated external areas, including a large, tarmacked car parking area at the rear, which is accessed via a vehicular accessway off St John's Road. The site is located in a mature well-established residential area and is bordered by residential properties, of varying designs and styles and a parade of shops and commercial premises.

5. The proposal would involve the erection of a terrace of 3 no. two storey dwellings on the rear portion of the car park area at the rear of the site. Each of the proposed dwellings would be provided with a bin and cycle store within the curtilage of the dwellings and a communal refuse and recycling collection point would be provided off a pedestrian accessway into the site close to the public highway.
6. The Council contend that the proposed development would provide an unacceptably long bin drag distance from the proposed dwellings to the public highway, which they indicate is around 69 metres. However, the Council has not referred me to any specific requirements or standards for the waste collection arrangements and distance required with this type of development. There is still a need for adequate waste collection facilities and arrangements to be provided for the future occupiers. Given the specific circumstances in this case, the appellant has stated that a private management company can be used to move the bins on collections days and has indicated a willingness for this arrangement to be maintained in perpetuity via a planning condition.
7. Whilst I note the comments from the Council's Waste Team regarding this proposal, given the layout and design of the proposed development and the separation distance between the proposed dwellings and the public highway, I consider that the proposed development would make adequate provision for waste collections and satisfactory arrangements for waste collections can be put in place, through an appropriate planning condition, to ensure that the proposed development functions well and would not give rise to a significant adverse impact on the overall quality of the area and the living conditions of the future occupiers of the proposed development.
8. Consequently, I conclude that the proposed development would make adequate provision for waste collections and would be consistent with Policy 8e) i, ii and vi of the North Northamptonshire Joint Core Strategy 2016 (JCS), which I consider are relevant to this case. This policy, amongst other things, seeks a quality of life as well as safer and healthier communities by ensuring development proposals do not result in an unacceptable impact on the amenities of future occupiers that are adversely affected by both new and existing development and incorporate flexible and resilient designs for buildings and their settings. The proposed development would also accord with the Framework that developments functions well and add to the overall quality of the area and create places which are safe, inclusive and accessible that promote health and well-being, with a high standard of amenity for existing and future users (paragraph 135).

Highway and Pedestrian Safety

9. A shared vehicular accessway off St John's Road would be provided into both the car park/servicing area at the rear of the public house and the proposed dwellings. The vehicular access into the residential parking area at the front of the proposed dwellings would be separated from the public house car park by 1.2m high timber sliding lockable gates.
10. A 1m wide pedestrian pathway would be provided along the southern boundary of the site from the proposed dwellings to the public highway. The pedestrian pathway would be separated from the public house car park and vehicular access by 1.2m high timber post and rail fence and would have low level LED lighting at intervals on the path with a lockable gate into the residential parking area. I

observed during my site visit that the existing public house car parking area has lighting as well as natural surveillance from customers and staff to the public house and to varying degrees from the surrounding residential properties.

11. Therefore, whilst the use of the pedestrian accessway when the pub and its car parking area is busy or late at night would potentially increase the perception and levels of concern regarding safety, from the evidence provided and from my observations on site, I consider that the pedestrian accessway would be sufficiently safe and suitable, with adequate lighting and levels of natural surveillance, to cater for the limited pedestrian movements from the development. Therefore, as such, it would not justify withholding permission on these grounds in this particular case.
12. In term of the vehicular access and servicing arrangements, I am mindful that the Local Highway Authority has no objections to the proposed development on highway safety grounds, subject to appropriate planning conditions. The Council has provided little substantive evidence to demonstrate how the traffic movements would be any more harmful on highway safety compared to those already in place on the appeal site. In view of the modest scale of the proposed development, I consider that the increased traffic movements generated by the additional residential development would be relatively small.
13. In this context, from the evidence provided and from my observations on site, I consider that the shared vehicular accessway into the site would be sufficiently safe and suitable to cater for the limited traffic movements from the development. Due to the current configuration of the site and the access arrangements, vehicles moving into and out of the site, including larger commercial vehicles servicing the public house, would be travelling and manoeuvring at low speeds.
14. The highway conditions on the relatively wide sections of the shared vehicular accessway, particularly around the service area at the rear of the public house and the sliding gates into the residential parking area, would allow sufficient visibility for vehicles to enter and leave the site safely and minimise any conflicts between traffic and cyclists or pedestrians. The detailing and operation of the proposed sliding gates into the residential parking area and a servicing management plan for the public house can be dealt with through appropriate planning conditions. Therefore, I consider that the effect of the proposed development on highway safety is likely to be only marginal and following mitigation, certainly not severe, the test set by the Framework for preventing development on highway grounds¹.
15. Consequently, I conclude that the proposed development would provide safe and suitable access and servicing arrangements and would not have unacceptable impacts on pedestrian and highway safety and would be consistent with the aims of Policy 8b) ii of the JCS. This policy, amongst other things, seeks to ensure development make safe and pleasant streets and spaces by providing a satisfactory means of access and provision of parking, servicing and manoeuvring in accordance with adopted standards. It also accords with the Framework that seeks to ensure developments achieve safe and suitable access to the site for all users (paragraph 115), highway safety (paragraph 116) and create places which minimise the scope for conflicts between pedestrians, cyclists and vehicles (paragraph 117) and are safe, inclusive and accessible (paragraph 135).

¹ Paragraph 116 of the Framework

Other Matters

16. I have noted the other developments drawn to my attention by the appellant and Council. However, the appeal decisions for residential developments adjacent to and in close proximity to public houses have different development and locational characteristics to the appeal scheme. As a consequence, whilst I have taken these other examples into account, they do not materially alter my conclusions on the appeal proposal.
17. I have taken into the account the representations and the objections raised by third parties to the development. These objections include the impact on the residential amenity, privacy, light, noise, pollution, health, local character, overdevelopment, traffic, pedestrian and highway safety, parking and access arrangements, the adverse impact on the adjacent parade of shops and businesses, access for the fire service, drainage, waste collection arrangements and renewable technologies.
18. However, I have addressed the matters relating to the waste collection arrangements, highway and pedestrian safety in the issues above. No objections were received from the Local Highway Authority and the Council's Environmental Health Officer, subject to appropriate planning conditions being applied.
19. The other matters raised did not form part of the Council's reasons for refusal. I am satisfied that these matters do not result in a level of harm which would justify dismissal of the appeal and can be dealt with by planning conditions where appropriate. In addition, I have considered the appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Conditions

20. Having regard to the Framework and Planning Practice Guidance, I have considered the conditions based on those suggested by the Council and appellant.
21. In addition to the standard time limit conditions, I have specified the approved plans and supporting documents as this provides certainty (1 & 2). Those conditions relating to the detailing of the external materials, first floor level bathroom windows, boundary treatment and landscaping are necessary in order to safeguard the amenities of the nearby residents and the character and appearance of the area (3, 4, 5 & 6).
22. For the construction period, in order to mitigate the environmental impact of development works and to protect the amenities of occupants of neighbouring properties, the submission of a Construction Management Plan, Dust Control Scheme and a condition restricting the hours of construction are necessary (7, 8 & 9). A condition to deal with any unexpected contamination found on the site is necessary in the interest of public safety (10).
23. Details of surface water drainage arrangements for the vehicular access are necessary in order to ensure adequate drainage facilities are provided and to mitigate against the pollution of the water environment (11). A condition relating to a scheme for fire suppression/sprinkler systems and their associated infrastructure is necessary in the interest of public safety and to ensure adequate water infrastructure provision for the local fire service on the site (12).

24. A range of highway improvements are necessary in the interests of highway safety and to promote sustainable transport including access arrangements (13 and 14), vehicular gate arrangements (15), vehicular and pedestrian visibility splays (16 & 17), vehicle and cycling parking arrangements (18) and a service management plan for the public house (19). A scheme for private refuse collections is necessary to safeguard the amenities of the future occupants of the proposed dwellings and in the interests of highway safety (20).
25. The Council have suggested the removal of permitted development rights. However, in light of my findings, it is not considered necessary, given that the proposal is acceptable on its own merits. There are no exceptional circumstances that would justify the removal of permitted development rights that are reasonable and necessary to make the development acceptable.
26. The Council has suggested a condition relating to water saving efficiency arrangements that specify compliance with the relevant parts of Building Regulations. As the requirements of this condition are administered and enforced by legislation other than planning, the suggested condition is not necessary, reasonable nor relevant to planning.
27. I consider all the conditions to be reasonable and necessary to the development of the site. I have reworded some of them for consistency and have reordered them for clarity. Some of the particular requirements involve work to be done before development can start on site or before the development can be occupied. These measures are so fundamental to the acceptability of the proposal that it would be otherwise necessary to refuse planning permission.

Conclusion

28. For the reasons given above and having considered all other matters raised, I conclude that the proposed development would be in accordance with the development plan when read as a whole and that the appeal should be allowed.

David Troy

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and particulars listed below:
 - 22-3382-102-P4 Existing Site Plan (Received 20.11.2023)
 - 22-3382-106-P6 Location Plan, Block Plan (Received 20.11.2023)
 - 22-3382-107-P2 Existing Elevations (Received 20.11.2023)
 - 22-3382-100-P8 Proposed Elevations (Received 20.11.2023)
 - 22-3382-101-P8 Proposed Floor Plan (Received 20.11.2023)
 - 22-3382-113-P3 Proposed Section through House 3 (Received 16.01.2024)
 - 22-3382-112-P6 Neighbouring Amenity Plan (Received 03.01.2024)
 - 22-3382-103-P29 Proposed Site Layout (Received 03.04.2024)
 - 22-3382-104-P7 Existing and Proposed Sections A-A and B-B (Received 03.04.2024)
 - 22-3382-105-P11 Existing and Proposed West Context Elevations (Received 03.04.2024)
 - 221520-AIA4 Arboricultural Implications Assessment and Method Statement (Received 20.11.2023)
 - NK/2023/0719/05 Acoustic Testing Reporting (Received 03.01.2024)
 - NK/2023/0719/06 Noise Management Plan (Received 03.01.2024)
- 3) No development above building slab level shall commence on site until details of the types and colours of all external facing and roofing materials to be used, have 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 details.
- 4) The windows at first floor level serving bathrooms shall be glazed with obscured glass and any portion of the window that is within 1.7m of the floor of the room where the window is installed shall be non openable. The window shall thereafter be maintained in that form.
- 5) Prior to occupation of the dwellinghouses hereby approved, a scheme for boundary treatment, including the detailing and operation of the proposed sliding lockable gates into the residential parking area shown on Drawing no. 22-3382-103-P29 Proposed Site Layout (Received 03.04.2024), shall be submitted to and approved in writing by the Local Planning Authority. The dwellinghouses shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.
- 6) Prior to first occupation of the dwellinghouses hereby permitted, a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted and any existing trees to be retained shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the buildings, unless these works are

- carried out earlier. Any newly approved trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) Prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction.
 - 8) Prior to the commencement of the development, a scheme for the control of dust shall be submitted to and approved in writing by the Local Planning Authority. The scheme for the control of dust shall be implemented in accordance with the approved details.
 - 9) Works audible at the site boundary 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. This includes deliveries to the site and any work undertaken by contractors and sub contractors.
 - 10) 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.
 - 11) Prior to the commencement of the development hereby permitted, details of a positive means of drainage to ensure that surface water from the vehicular access [or private land] does not discharge onto the highway shall be submitted to and be approved in writing by the local planning authority. Such details as may be approved shall thereafter be installed and operational prior to first use and thereafter be maintained.
 - 12) No development above slab level shall take place until a scheme and timetable detailing the provision of fire suppression/sprinkler systems and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire suppression/sprinkler systems and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.
 - 13) Prior to commencement of the development hereby permitted, details of the hard bound surfacing of the vehicular accesses shall be submitted to and shall be approved in writing by the local planning authority. The access shall thereafter be completed in accordance with the approved details prior to the first use of the access and maintained as such.
 - 14) The gradient of the drive shall not exceed 1 in 15 within 5 metres of the edge of the carriageway of the adjoining highway.

- 15) Any gates provided shall be set back a distance of 5.5 metres from the edge of the vehicular carriageway of the adjoining highway and shall be hung so as to open inwards into the site only.
- 16) Prior to first use or occupation of the development hereby permitted, vehicular visibility splays of 2.0m from the carriageway edge along the centre of each vehicular access by a distance of 43m measured from the centre of the vehicular access along the carriageway edge. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.9m in height above carriageway level.
- 17) Prior to first use or occupation of the development hereby permitted, pedestrian visibility splays of at least 2.0m x 2.0m shall be provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6m in height above access/footway level.
- 18) The vehicle and cycle parking spaces for the proposed dwellings and the public house hereby approved shall be provided prior to the first occupation of the buildings hereby permitted and shall be permanently retained and kept available for the parking of vehicles and cycles.
- 19) Prior to the commencement of the development hereby permitted, details of a servicing management plan for the public house within the site shall be submitted to and approved in writing by the Local Planning Authority. The servicing management plan shall be implemented in accordance with the approved details and thereafter adhered to.
- 20) Prior to the occupation of any of the dwellings hereby approved a scheme for private refuse collections shall be submitted to and approved in writing by the Local Planning Authority. Refuse collections for the development shall not be carried out other than in accordance with the approved details thereafter.