



Appeal Decision

Site visit made on 6 March 2019

by **P B Jarvis BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 April 2019

Appeal Ref: APP/L2820/W/18/3217498

Dalkeith House, Dalkeith Place, Kettering, Northants NN16 0BS.

- 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 Mr S Duggal against the decision of Kettering Borough Council.
 - The application Ref KET/2018/0736, dated 18 September 2018, was refused by notice dated 21 November 2018.
 - The development proposed is the conversion / division of the 1st and 2nd floors of public house to 6 no. apartments.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion / division of the 1st and 2nd floors of public house to 6 no. apartments, at Dalkeith House, Dalkeith Place, Kettering, Northants NN16 0BS, in accordance with the terms of application ref: KET/2018/0736, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
 - 2) This permission shall relate to the following plans: 1:1250 location plan, 24-18-02A (proposed plans) and 24-18-01 (existing plans).
 - 3) None of the apartments hereby permitted shall be occupied until the change of use of the ground floor of the building, permitted under ref: KET/2018/0738, has been undertaken in full.
 - 4) Prior to the occupation of any of the apartments hereby permitted full details of the cycle store and bin storage / collection areas shall be submitted to and approved in writing by the Local Planning Authority and fully implemented as approved. Those areas shall thereafter be retained as such.
 - 5) Prior to the occupation of any of the apartments hereby permitted, two bat boxes / bricks / tubes shall be installed on the external walls of the building (facing in a south-easterly or south-westerly direction) in accordance with the recommendation of The Astute Ecology Bat Emergence and Re-entry Surveys, Ref: AE.18.209.
 - 6) Prior to the installation of any new gate to the rear yard or the first occupation of any of the apartments hereby permitted (whichever is first), details of the replacement gate, including details of an entry system and new ground floor door shall be submitted to and approved in writing by the

Local Planning Authority and fully installed as approved. They shall thereafter be retained as such.

- 7) No window(s) or door(s) shall be changed or replaced, including replacement glass or secondary glazing, unless full details have first been submitted to and approved in writing by the Local Planning Authority. Any works shall be carried out in accordance with the approved details.

Main Issue

2. The main issue is whether the proposal would provide a satisfactory environment for its occupiers and be compatible with the local area having regard to space standards and the provision of car and cycle parking.

Reasons

3. The appeal site comprises a three storey vacant public house building. It is a distinctive building with steps leading up to a tri-arched columned entrance with feature balcony set between large bay windows. There are further large feature windows to both sides and rear elevations, with tall chimneys. The second floor accommodation is set within the roofspace and is served by small dormer and other gable end windows. The building has been extended to the rear with single storey flat roofed additions with gated rear service yard. Permission has been recently granted for the change of use of the ground floor from nightclub to A1, A2 or A3 purposes (Ref. KET/2018/0738).
4. The site is located in the town centre occupying a prominent corner location at the junction of Dalkeith Place and Horse Market within the Kettering Conservation Area. The area is a busy main road in the town centre with a number of retail and commercial units within the vicinity and a bus interchange on Horsemarket opposite the site.
5. The proposal would provide mainly one bed apartments, with one two bed. The Council suggests that four of the one bed apartments fall short of the Nationally Described Space Standards (NDSS) for one bed two person flats. The appellant has clarified that these units are one bed one person apartments which do comply with the relevant NDSS. Based on the information provided I agree that this would be the case. I also note that given the constraints of the existing building, some flexibility is appropriate in relation to these standards.
6. The appellant has suggested that this could be 'the basis of a condition' but did not specify any wording. Any permission granted would relate to the approved plans thus controlling the size / layout of the apartments. If what is meant is a condition to limit occupancy, I am not convinced that it would actually be necessary given the size of the one bed apartments and that they are designed for one person occupancy.
7. With regard to car parking, no on-site provision would be made. The Highway Authority (HA) state that the Northamptonshire Parking Standards (2016) (NPS) require one space per one bed flat but do allow some flexibility for sustainable locations. The HA considers that there will be demand for some parking, be it for residents or visitors, and that the proposal should be accompanied by information to demonstrate how such demand would be satisfied. The HA suspect that there is high parking stress on the marked bays in nearby roads and therefore recommended that the application be supported by a parking beat survey.

8. The appellant has provided information in response to this matter, albeit not a parking beat survey as the HA suggested. Reference is made to a public car park in the vicinity of the site that provides free parking from 6pm to 9am and all day on Sundays and Bank Holidays. Restricted parking is also available along Carrington Street, which runs along the southern side of the appeal site. Parking is only permitted for one hour from 8am till 6pm in the marked bays and at the time of my site visit there were a number of available spaces. Whilst I note the HA's concerns, and I appreciate that the situation is likely to be different in the evening when residential parking could be expected to be at its peak, I also saw that many of the properties along this road are commercial, with at least some off street parking provision. A large flatted development also had the benefit of off road parking and there were few residential properties with no off-street parking.
9. Taking all the above factors into account, in particular having regard to the small size of the proposed apartments and highly sustainable location of the site close to public transport and amenities, and the consequent likelihood that as a result not all occupants will own a car, it is my view that the proposal would be unlikely to result in an adverse impact on the local area through increased parking demand.
10. In respect of cycle parking, the appellant has provided an amended plan to show that additional areas on the ground floor adjacent to the proposed cycle store would be made available to serve the development. This would also provide an alternative access to the cycle store via the rear yard. A large bin store area accessed directly off the rear yard is also indicated, which in my view, would be more than adequate to cater for the number of bins needed. A condition to require full details of these areas together with details of a bin collection point would in my view overcome the concerns expressed by the Council in this regard.
11. Overall, I find that the proposal would provide a satisfactory residential environment and appropriate provision for cycle and bin storage, nor would it adversely affect the area through increased parking demand. I consider that it would not be an overdevelopment of the site and therefore find that the proposal would accord with Policy 8 of the North Northamptonshire Joint Core Strategy (2016) (CS) which sets out a number of place shaping principles, including that development should ensure a satisfactory means of access, parking and servicing; create adaptable, diverse and flexible places by mixing land uses and densities, ensuring that people can move easily between and through them by non-car modes, and ensure a quality of life by not resulting in an unacceptable impact on the amenities of future occupiers or the wider area.
12. I also find that it would comply with the National Planning Policy Framework, in particular paragraphs 85, 105, 118 and 127 which, amongst other things, recognise the important role that residential development can make to ensuring the vitality of town centres, promote development that creates high quality places and buildings that are sympathetic to local character whilst not preventing or discouraging appropriate change, and that development is focussed on locations that limit the need to travel and offer a genuine choice of transport modes, whilst making effective use of under utilised sites.

Other Matters

13. As noted above the site lies in the conservation area with the building occupying a prominent location along one of the main streets within it. The proposal will assist in the refurbishment of this distinctive building and provide an active and appropriate use that will add to the vitality of the area. In my view this would result in an enhancement to the character and appearance of the area. This would accord with CS Policy 2 and the Framework.
14. The appeal application is accompanied by an ecology report which concludes that whilst the building is suited to use by bats, there is currently no occupation. The installation of bat boxes is recommended to provide suitable mitigation should any such use commence, the provision of which can be secured via condition.

Conclusions

15. Overall I find that the proposal would comply with the development plan and there are no material considerations that indicate otherwise.
16. With regard to conditions, in addition to referring to the approved plans in the interests of proper planning, a condition to seek details of any replacement of, or alteration to, any doors or windows is necessary to ensure that these are compatible with the character and appearance of the host building and conservation area. Full details of the cycle store and bin storage / collection areas, and replacement gate to the rear yard and ground floor side entrance door are required to ensure satisfactory provision and a safe and secure environment respectively.
17. I agree with the Council's suggested condition to prevent the residential use taking place until after the change of use to the ground floor area has been undertaken to ensure a satisfactory residential environment for the occupants. As noted above, a condition will also be needed to secure the installation of bat boxes / bricks / tubes as appropriate to minimise impacts on these protected species.
18. For the reasons set out above, I conclude that this appeal should be allowed and planning permission granted.

P Jarvis

INSPECTOR