



Appeal Decision

Site visit made on 26 April 2022

by D M Young JP BSc (Hons) MPlan MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 18 May 2022

Appeal Ref: APP/Y2430/W/22/3293509

Penman Spicer Community Hall, Park Lane, Melton Mowbray LE13 0PT

- 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 Hamzah Shalchi against the decision of Melton Borough Council.
 - The application Ref 21/00056/FUL, dated 18 January 2021, was refused by notice dated 21 January 2022.
 - The development proposed is the conversion of existing Penman Spicer Community Hall to provide 5 no. studio, 1 bed and 2 bed apartments and associated alterations and extensions.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing building to provide 5 no. studio, 1 bed and 2 bed apartments and associated alterations and extensions at Penman Spicer Community Hall, Park Lane, Melton Mowbray LE13 0PT in accordance with the terms of the application, Ref 21/00056/FUL, dated 18 January 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) This permission relates to the following plans: PA101 rev C, A002 rev A, PA103 rev E, PA104 rev B and A001.
 - 3) Prior to the commencement of development, details of all external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details prior to the first occupation of any residential unit hereby approved.
 - 4) Before first occupation of any residential unit hereby approved, details of bin storage shall be submitted to and approved in writing by the Local Planning Authority. The occupation shall take place in accordance with these approved details.
 - 5) The development shall take place in accordance with the flood risk mitigation at section 6 of the Flood Risk Assessment dated 15.1.21.
 - 6) No development shall take place until a scheme for the insulation of the building in respect of noise and vibration so as to provide insulation against internally generated noise has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be

completed prior to the first occupation of the building and shall thereafter be retained throughout its occupation.

- 7) No flat shall be occupied until 5 secure and covered cycle parking spaces have been provided in accordance with details that have first been submitted to and agreed in writing with the Local Planning Authority.

Main Issues

2. The Council refused planning permission against the advice of its professional officers. Although no Appeal Statement has been submitted, Minutes of the relevant Committee meeting have been supplied by the Council. These identify various concerns, a number of which relate to the loss of the community facility. However, these were not carried forward as a reason for refusal. Instead, the main issues in this appeal are the effect of the development upon, firstly, the character and appearance of the Melton Conservation Area (MCA) and, secondly, whether suitable provision would be made for bin and cycle storage.

Reasons

Character and appearance

3. The application site lies within the MCA and comprises a red-brick building with a narrow frontage to Park Lane. There are existing buildings to all sides of the site covering a range of uses.
4. The proposal involves the conversion of the community hall to provide 5 much needed one- and two-bedroom apartments aimed at the starter home market. The conversion works include adding an additional storey on the front central portion of the building with the roof raised over the existing store to create additional first floor space.
5. The Officer's Report considered the effect of the proposal on the MCA. It noted that the proposed conversion and extension would have a limited visual impact on the façade which is the only part of the building that is readily visible from public viewpoints. Moreover, it correctly identified that the majority of the alterations and additions would be modest in their extent and located towards the rear of the building which, as I saw when I visited the site, has very limited visual exposure from public vantage points.
6. The above is consistent with the Heritage Statement submitted with the application which concluded the scheme would preserve the existing building for future use, thereby enhancing Park Lane and the setting of the surrounding listed buildings.
7. As no cogent case has been advanced by the Council at the appeal stage to explain how the scheme would harm the HCA, I conclude that the proposals would preserve the character and appearance of the building. Accordingly, there would be no conflict with Policy EN13 of the Adopted Melton Local Plan 2011-2036 which amongst other things seeks the protection and enhancement of heritage assets in the Borough.

Bin and cycle storage

8. Bin and cycle storage arrangements are shown on the revised floor plan submitted with the appeal¹, which the Council has had the opportunity to comment upon.
9. While not ideal, I consider that the sack storage area shown within the front entrance porch in addition to the bin storage area to the rear of the building would be a workable solution and indeed reflect the arrangements under the previous use of the building.
10. Cycle storage would be possible within the entrance hallway adjacent to flat 1 or to the rear of the building where covered storage could be provided.

Conditions

11. The Council has suggested a number of planning conditions which I have considered against advice in the Planning Practice Guide (PPG). In some instances, I have amended the suggested conditions in the interests of brevity, to avoid repetition and to ensure compliance with the PPG.
12. Those conditions suggested by the Council covering time limits and the approved plans are necessary to provide certainty. Conditions covering bin storage, and noise insulation are necessary to ensure the satisfactory living conditions for future occupiers. A materials condition is necessary to ensure the development does not harm the character and appearance of the area. A condition requiring flood risk mitigation is necessary to protect future residents from the risk of flooding.

Conclusion

13. For the reasons given above and taking into account of all other matters raised, I conclude that the appeal should be allowed.

D. M. Young

Inspector

¹ Dwg ref: PA103 Rev E,