



Appeal Decision

Site visit made on 6 June 2023

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7TH August 2023

Appeal Ref: APP/Y2430/W/22/3310220

66 Dalby Road, Melton Mowbray LE13 0BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr David Sutherland of Praxis Care against the decision of Melton Borough Council.
 - The application Ref 20/01088/OUT, dated 11 September 2020, was refused by notice dated 27 May 2022.
 - The development proposed is demolition of bungalow and erection of apartment block to create 9 apartments.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of bungalow and erection of apartment block to create 9 apartments at 66 Dalby Road, Melton Mowbray, LE13 0BH in accordance with the terms of the application, Ref 20/01088/OUT, dated 9 September 2020, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. I have taken the description of the proposed development above from the appeal form and the decision notice as this is a more accurate description of the refused planning application given that the description on the application form is for 10 apartments and is worded differently.
3. The Declaration on the application form is dated 9 November 2020 but also on the application form the Ownership Certificate is dated 11 September 2020. The decision notice states that the Date of the Application was 11 September 2020. The appeal form corresponds with this latter date so for the avoidance of doubt, I have taken the application as being dated 11 September 2020.
4. The application is in outline with all matters reserved for subsequent approval. Plans have been submitted and whilst they are not specifically marked as being indicative, all references indicate that that is their intention. I have therefore considered them as such in my assessment.

Main Issue

5. The main issue is the effect of the proposed apartments on the living conditions of future occupiers with particular regard to amenity space and parking provision.

Reasons

6. The proposal would redevelop the existing site which comprises a vacant bungalow and its gardens. It fronts Dalby Road, the B6047 and is located south

of Melton Mowbray Town Centre. The area comprises a mix of dwelling types but mostly large detached properties two and three stories in height. Whilst the plans are indicative, they indicate a site layout plan, floor plans and elevation details.

7. The indicative plans show parking areas to the front and rear and a shared garden area for future residents and a bin store at the rear of the building. Internally, the plans show a mix of one and two bedroomed apartments on three floors. However, the council consider that the proposed number of apartments would exceed what could be accommodated on the site given the need for amenity space, parking and servicing. Of particular concern is that the location of bin storage in relation to the garden area would compromise the garden space available to future residents and parking provision would be inadequate for the needs of future residents and their visitors.
8. Notwithstanding that I have considered the submitted plans as indicative, I am satisfied that an acceptable scheme for 9 apartments could be accommodated on this site. The indicative site plan indicates an area of private garden to the rear of the building and I have no evidence to suggest that this amount of space would be insufficient for the needs of future occupiers. The submitted site plan indicates how this area could accommodate amenity space as well as parking spaces and a bin store. I see no reason why these uses could not be accommodated subject to appropriate measures that defined and separated them. This could be addressed at the detailed stage.
9. Moreover, the indicative layout indicates 12 car parking spaces. This would amount to one space per unit and three spaces for visitors. Whilst this is less than the Council's guide of 2 per dwelling¹, given the location of the site, close to the Town Centre and its accessibility by walking, cycling or public transport to a range of services and facilities, I consider that this provision would be reasonable and would not conflict with the Council's policies.
10. In particular, the proposal would not conflict with Local Plan² policies D1 or IN2. Policy D1 requires all development to be of high quality design and sets out criteria to achieve this. Amongst other things, these include ensuring that appropriate provision is made for the sustainable management of waste, including collection and storage facilities for recyclable and other waste and also that there is adequate provision for car parking. Policy IN2 also requires all new development to provide appropriate and effective parking provision and servicing arrangements, amongst other things.
11. I am satisfied that the site is of a sufficient size and shape to satisfy these policies and the proposed apartments would not have a harmful effect on the living conditions that future residents could reasonably expect to enjoy.

Other Matters

12. The National Planning Policy Framework³ is referred to in the reason for refusal but the Council has not clarified which aspect of the Framework the proposal would conflict with. It does however, acknowledge that the proposal would be

¹ As stated by the Council's reference to the Leicestershire Highway Design Guide – a copy of which has not been submitted with the appeal documents.

² Melton Borough Council Melton Borough Local Plan 2011-2036 – Adopted Development Plan Documents & Appendices October 2018.

³ Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).

consistent with the Framework's objectives of supporting sustainable development and refers to Section 11 which encourages the effective use of land. I agree with this and do not consider that the proposal would conflict with the Framework in any other way.

13. Concerns have been raised about the effect of the proposal on the character and appearance of the area due to the density of the development proposed and its design. It is considered to be too dense and overpowering in its design. However, although nine apartments are specified, details of appearance, layout and scale, which would include design, are reserved for later determination.
14. Concerns have also been raised about increased traffic arising from the proposal, its proximity to a school and the busy nature of Dalby Road, the B6047. However, no evidence has been submitted that indicates that there would be harm to highway or pedestrian safety. Likewise, there is no evidence that the proposal would lead to increased pollution or noise disturbance to existing local residents. Furthermore, I consider that any concerns relating to overlooking of nearby residential properties and any subsequent loss of privacy could be addressed at the detailed stage.
15. Whilst some local residents consider that this proposal does not address the concerns raised by an earlier proposal for 15 apartments, others see it as an improvement. Some residents have objected to the appellants failure to discuss the proposal with them. However, this is a matter between the developer and local residents and is not a specific requirement in the planning process.
16. The potential effect on wildlife has been raised but this has been addressed by the submitted ecological survey and any matters arising from this would be subsequently dealt with as part of the detailed scheme. Residents adjoining the site have expressed concern about boundary treatment but this can be addressed at the detailed stage and/or via a specific condition as suggested by the Council.
17. I note that consultation replies have referred to developer contributions with regard to library provision, education and affordable housing. However, the documents submitted with the appeal indicate that no contributions are required as the application is for less than 10 dwellings and the threshold for affordable housing is 11 or more dwellings.
18. Having considered these and all other matters raised, I am satisfied that the proposal would not conflict with the development plan or with national guidance in the Framework and none of the matters raised alters my conclusion.

Conditions

19. The Council has suggested conditions which I have considered in the light of the Planning Practice Guidance⁴. Standard conditions for the submission of reserved matters are necessary as this is an outline application with all matters reserved.
20. A condition is suggested specifying the application site which is necessary for the avoidance of doubt. However, I do not consider that a condition requiring the site to be developed largely in accordance with the site plan submitted is

⁴ Planning Practice Guidance Published 6 March 2014 – Updated 23 July 2019 (PPG).

sufficiently precise as it implies that some aspects of the site plan may be acceptable whilst others may not be. In any event as referred to in my preliminary matters, I have considered the submitted plans as being indicative only.

21. A condition requiring an updated bat survey prior to the demolition of the existing bungalow is necessary to ensure that protected species and their habitats are appropriately safeguarded and enhanced if necessary. Likewise, a condition requiring mitigation as set out in the submitted ecological survey is necessary for the same reason subject to any findings in an updated survey.
22. A condition requiring a scheme of drainage details is necessary in order to ensure that the site can be sustainably drained. A scheme for the protection of future occupiers from road noise is reasonable and necessary given the site's location close to the B6047 Dalby Road.
23. A condition requiring a construction management plan is necessary in the interests of highway safety and the living conditions of nearby residential properties. Also, in order to protect the living conditions of neighbouring properties a condition restricting the hours when demolition and construction works can take place is necessary.
24. Details of site levels are necessary as no levels are given and in the interests of visual and residential amenity. A condition requiring the provision of refuse and recycling facilities is necessary before the apartments are occupied to ensure that waste and recycling requirements are provided for. Likewise, a scheme for the provision of bicycle storage is necessary in order to meet the needs of future occupiers and encourage sustainable modes of transport. Given the location of the appeal site in relation to neighbouring properties, a condition requiring a scheme detailing boundary treatments to protect the living conditions of the occupiers of adjacent dwellings is reasonable and necessary.
25. I have amended the suggested wording of some of the suggested conditions in accordance with the Framework and the PPG in the interests of precision or conciseness.

Conclusion

26. For the reasons given above I conclude that the appeal should be allowed.

J D Clark

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) This permission shall relate to the land as shown edged red on the 1:1250 Location Plan, Drawing No A001, dated August 2019.
- 5) No demolition of the existing bungalow shall commence until such time as updated bat survey results have been submitted to and approved in writing by the Local Planning Authority. Demolition and re-development shall be carried out in accordance with the updated bat survey results and/or in accordance with the Mitigation and Further Survey Recommendations set out in Protected Species Survey by EMEC Ecology, dated August 2020 and letter dated 18 January 2021.
- 6) No development shall commence on site until a scheme detailing the arrangements for the disposal of surface water drainage from the site, both during construction and following the completion of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details in relation to the long term-maintenance of the surface water drainage system. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable, and the approved surface water drainage scheme shall be retained thereafter.
- 7) No development shall commence on site until such time as a scheme for the protection of the future occupiers of the development from road noise from the B6047 Dalby Road has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved scheme and completed prior to the first occupation of the development and shall be retained as such thereafter.
- 8) No development including demolition, shall commence on site until such time as a construction management plan, including as a minimum, measures to limit dust and debris emanating from the site; details of wheel cleansing facilities; location of materials storage; location of vehicle parking facilities; arrangements for deliveries and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details.

- 9) Demolition or construction works shall take place only between 0700 – 1900 Mondays to Fridays and 0800 – 1300 Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 10) No development shall take place until full details of the existing and proposed ground levels of the site and proposed finished floor levels, above ordnance datum, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.
- 11) No apartment hereby approved shall be occupied until a scheme detailing the proposed refuse and recycling facilities to be provided on the site have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development and retained thereafter.
- 12) No apartment hereby approved shall be occupied until a scheme detailing the proposed facilities for the storage of bicycles has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development and retained thereafter.
- 13) No apartment hereby approved shall be occupied until a scheme detailing the proposed boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be completed prior to the first occupation of the development and retained thereafter.