

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H03-0260-24	Applicant:	Mr L Cunningham
Proposal:	Redevelopment of site to include demolition of a C3 residential dwelling (former Public House), erection of 4 two bedroom dwellings, 5 residential static homes, conversion and extension of village hall to provide supermarket, restaurant and associated car parking		
Location:	Blue Bell Inn Main Road Hop Pole		
Terminal Date:	31st October 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
11	Distribution of New Housing
19	Rural Exception Sites
22	Replacement Dwellings in the Countryside
24	The Retail Hierarchy
23	The Reuse of Buildings in the Countryside for Residential Use
27	Additional Retail Provision
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
National Guidance	
National Planning Policy Framework 2023	
Section 5 - Delivering a sufficient supply of homes	
Section 6 - Building a strong, competitive economy	
Section 7 - Ensuring the vitality of town centres	
Section 9 - Promoting Sustainable Development	
Section 11 - Making effective use of land	
Section 12 - Achieving well-designed and beautiful places	
Section 14 - Meeting the challenge of climate change, flooding and coastal change	
Section 15 - Conserving and enhancing the natural environment.	

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	5
OTHER STATUTORY BODIES	0	0	0	4
RESIDENTS	2	0	0	1

Route for determination of application	Delegated	X	Committee	
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CASE OFFICER ASSESSMENT

Proposal

The proposal comprises the redevelopment of the site to include the demolition of a C3 residential dwelling (former Public House), erection of 4 x two bedroom dwellings, 5 residential static homes, conversion and extension of village hall to provide supermarket, restaurant and associated car parking.

Amended plans were submitted to exclude the existing 9 pitch caravan site to be retained in order to reduce Biodiversity Net Gain requirements for the site. The proposal has been determined on this basis.

The agent states that the former Jubilee Hall will be retained, reused and extended to provide a supermarket, restaurant and toilets, the latter also to be available to use for the existing 9 pitch caravan site, situated at the rear, now outside of the red line boundary of the site.

The hall would have an extension at the front which is 7.7m wide and 14.4m long, widening the front, and introducing a hipped roof to the property, with a canopy to the side. A side extension will

expand the width of the hall by 4.4m x 13.3m. In addition, an extension is proposed at the rear which measures 4m deep and 9.5m wide. In effect, extensions to the front, side and rear of the former hall are proposed. Very little of the former hall would be visible, and because the shop at the front is wider than the former hall, this element will appear as a new build within the street scene. The entire structure would have a new roof.

The former public house, which operates as one single residential dwelling, would be demolished, set back, and rebuilt on a similar footprint than previously. Instead of one replacement dwelling; however, four smaller two bedroom dwellings will occupy the former public house. This is to allow for greater circulation space at the front of the property. The building is not therefore being converted, it is being demolished and four new dwellings are to be provided in its place.

To the rear of the site 5 residential static caravans are proposed on the former garden of the public house.

Site Description

The site is outside of any settlement boundary and within the countryside, set outside the nearest hamlet of Hop Pole on the south side of Littleworth Drove. Hop Pole is characterised as a small village/hamlet, but does not have a settlement boundary and comprises of a series of ribbon development. The Blue Bell Inn is a former public house with a former village hall, Jubilee Hall, on the same plot. Jubilee Hall has not been used as a community facility for over 10 years.

Behind the former Blue Bell Inn is an overgrown garden with dilapidated greenhouses at the rear. A caravan in a poor state of repair exists behind the Blue Bell Inn. The latter does not appear to be in a good state of repair, its use may have been abandoned. A 9 pitch caravan site exists to the rear but at the time of the site visit not all pitches were occupied.

The Blue Bell Inn was converted to one residential unit in 2010. The site as a whole was subsequently subdivided into different use, with the area in front of the former Jubilee Hall being used as car storage since 2021. The condition compliance application for a front hedge to screen the car storage area was not implemented. The car storage is highly visible in the street scene, bound by green metal fencing.

It should be noted that the change of use from public house to a residential unit did not include the entire area of former public house garden - the residential curtilage was a smaller area as part of the permission. The former public house garden is thick with overgrown nettles and is impenetrable with vegetation, which is also growing through the glasshouses. Vegetation similarly surrounds the static caravan behind Blue Bell Inn, and may be growing through this structure in a similar fashion to the growth through the rear greenhouses.

History

H03-1052-03 - Caravan Site for Tourers/motor homes to a maximum of 9. Granted Planning permission 28.08.2003

H03-0352-10 - Change of use of public house to a domestic dwelling. Approved 29.04.2010

H03-0145-21 - Change of use of former public house car park to car storage area and security fencing. Approved 12.04.2021

H03-0397-21 - Details of Hedge planting (Condition 3 of H03-0145-21) - Approved 30.04.2021

Consultation Responses

Anglian Water

Falls outside of remit for comments by Anglian Water.

Lincolnshire Police

No objection.

SHDC Inward Investment Manager

The Inward Investment Team have no objections as Public House has not been viable for some considerable time and the positive benefits to be gained from this proposal outweigh any negative.

Lead Local Flood and Highway Authority

Response dated 7 August

Additional information required:

- Parking for the statics to be shown on the plan
- Justification required for proposed parking for the shop/restaurant/bar
- Width of the access track that leads to the touring and static pitches is to be detailed on the plan. It needs to be wide enough for two cars towing touring caravans to pass one another.
- Transport Statement required detailing current vehicle movements to include the Village Hall when it was in use compared with those envisaged with the proposal. It shall include different types/sizes of vehicles accessing the site daily.

Response dated 16 September

Additional Information Required:

- Hedging is proposed at the highway boundary according to the planning statement, but this isn't shown on the site layout.
- The planter sited next to the streetlight is not in the public highway however the streetlight is. Both need to be indicated on the proposed site plan along with the proposals for the planter.
- The Transport Statement details proposed movements but only until 1900 when the restaurant would be open until 2300 some days?
- Nothing has been submitted in terms of pedestrian movements.

Senior Ecologist

Initial Response

Inappropriate classification of "artificial unvegetated surface", which affects BNG calculations. 10% BNG not demonstrated.

Response dated 19 September

The applicants will need to supply an updated metric file that includes the corrections required to represent the new redline boundary, as well as correcting the baseline habitat classifications that I've previously specified. These being that the "developed land; sealed surface" area comprising approximately the north half of the site must be split so that the buildings and pub car park are still "developed land; sealed surface" and the car storage area/parking should be classified using "sparsely vegetated land - ruderal/ephemeral". Similarly, any of the "artificial unvegetated unsealed surface" still recorded in the south half of the site, should also be classified as either modified grassland or "sparsely vegetated land -ruderal/ephemeral" as appropriate. Lastly, based on your photos, the area behind the pub classified as "vegetated garden" should be classified as "vacant or derelict land".

IDB Drainage Board

SUDs have been selected as the method for surface water disposal from the site. A drainage strategy plan should be submitted to the Board detailing the form and route the SUDs strategy will take. It will need to demonstrate to the Board what the existing surface water provisions are, what the proposed total flow from the site will be, as well as confirming what the total existing and proposed impermeable areas for the site are. If the existing surface water provisions discharge to a watercourse then evidence of this will need to be provided to the Board.

SHDC Environmental Protection

It is likely that the proposals will be considered a regulation 8 supply under the Private Water Supplies Regulations 2016 (as amended). Please provide schematics of these for our information and further information may be required.

Standard land contamination condition be applied to this location.

Environment Agency

Development involves the use of static caravans for year-round residential occupation. Para 079 of planning practice guidance section on Flood Risk and Coastal Change (ID:7-079-20220825) the proposed residential status caravans have a flood risk vulnerability classification of 'highly vulnerable' and are incompatible with Flood Zone 3a. Therefore, this element is contrary to national planning policy.

The hazard mapping found in South East Lincolnshire Strategic Flood Risk Assessment shows the site to be situated outside of the hazard extents for the future climate change scenario. Therefore the EA does not wish to object to the application.

Recommends static caravans are secured to the ground using adequate mechanism such as chains and ground anchors and finished floor levels should be set at a minimum of 300mm above ground level.

LCC Historic Environment

The applicant has not provided an assessment of archaeological/heritage potential for the site as required in the NPPF (Paragraph 200). The former public house is a non-designated heritage asset included within the HER: Building record MLI126298 - The Blue Bell, Hope Pole, Deeping St Nicholas. Public House. Rendered painted one/one and a half storey brick building, under a steeply pitched gabled tile roof. Three dormers. Three gable stacks. White's 1872 Trade Directory lists John Eady as victualler of the Blue Bell. The Blue Bell doesn't appear in the 1856 Directory, but a pub called the Bell is run by a William Taylor - this may be the same establishment. The building is of special importance to the local area/community due to its former function and its historical location/significance (along one of the main routes to and from the coast). Also, it is visible in the Ordnance Survey Second Edition (1888-1913) map.

Public houses, especially those from the 19th century, often serve as tangible links to the past, reflecting the social and cultural fabric of their communities, including the daily lives, customs, and social interactions of local people during that period. 19th-century public houses in Lincolnshire hold local significant heritage value by preserving the social and cultural history of the area, making them an important heritage asset for both current and future generations.

Recommendation: I recommend that if permission is granted, there be a condition for a mitigation strategy to effectively deal with this site. This will comprise a phased programme of mitigation work including, but not limited to, a level 4 historic building recording of the former public house, in accordance with Historic England's document 'Understanding Historic Buildings: A Guide to Good Recording Practice'. This will enable any remaining original fabric of the former public house which currently survives on this site to be recorded prior to the demolition. This should be secured by South Holland District Council's standard conditions AR01, 02 and 03 and is in accordance with National Planning Policy Framework Paragraphs 200 and 211 and the South East Lincolnshire Local Plan (Policy 29).

SHDC Conservation Officer

The building in question is a clear example of a Non-Designated Heritage Asset (NDHA), being identified and listed within the County Council Historic Environment Record under reference MLI126298 - The Blue Bell, Hop Pole, Deeping St Nicholas. The case for this building being considered an NDHA is therefore evidently strongly supported by archival records. It is true that the property has been substantially altered in recent decades to the degree that a large portion of the appeal of the property has been negatively influenced by change. Paragraph 209 of the National Planning Policy Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, and that when a proposal would affect such an asset, a balanced judgement will be required having regard to the scale of any harm or loss. Policy 29 of the SELLP requires the Local Planning Authority to ensure that all proposals 'conserve and enhance the character and appearance of Non-Designated Heritage Assets). Demolition of this building would appear to result in the total loss of the NDHA. I would therefore suggest that the onus is upon the applicant to offer a clear and convincing justification of the proposal which sought to convincingly establish why demolition is necessary and the extant building cannot be retained and potentially incorporated into a wider scheme rather than simply being demolished. As this has not been provided, and therefore the proposal would appear

to have an unacceptably harsh impact upon the historic environment by virtue of total loss of a NDHA, the application as currently presented fails to satisfy the requirements set forth under Policy 29 of the SELLP and Section 16 of the NPPF.

SHDC Housing Standards

If approved a caravan site licence will need to be obtained. Conditions will be attached to the licence in accordance with the Model Standards for Caravan Sites 2008. (these will differ between the touring and permanent residential areas) These standards include details relating to density and spacing of caravans, access and roadways, fire and electrical safety, refuse disposal, chemical toilet disposal and drinking water. The plans provided do not appear to show any provision for a Chemical Disposal point for the touring caravans nor do they give any indication of the fire precautions which will be in place.

Parish Clerk, Deeping St. Nicholas Parish Council

There have been misgivings expressed by residents on social media. The PC would like to see a condition enforcing a break in occupancy of the caravan site to deter permanent, year round occupation. The Blue Bell Inn is known to be the oldest building in the Parish, but it's understood that it is not registered as a heritage site. On a more positive note, it may give further grounds to reduce the speed limit in Hop Pole.

Public

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, three letters of representation have been received (includes a replicated response).

- Concerns about speed limit on this stretch of road is 50 mph, have seen several very serious accidents in the two years. If people especially children are going to be crossing from the caravans to the play park or and current house holders including children crossing to the shop and restaurant this is of grave concern unless traffic calming measures or a reduction in the traffic speed limit is planned as part of this development.
- The other concern relates to parking provision, the plans detail 8 full time members of staff, if staff drive to work which is most likely there will not be enough parking which will lead to customers for the restaurant and shop parking on a 50 mph road. This will make pulling in and out of our drives much more hazardous.
- Blue Bell Inn regarded as the oldest building in the village, why isn't this listed? Holds great amount of village history and memories. Shame to lose it.
- Unsuitable location with busy A1175 road with 50mph speed limit. Will increase traffic hazards.
- Why does it need 9 touring caravan pitches and 5 residential statics? Out of character.
- Noise and disturbance.
- Supermarket would add convenience to village.

Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted

Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to 6.4 years through the latest Housing Land Supply Assessment.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including 'Minor Service Centres', with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The National Planning Policy Framework, (NPPF) (December 2023) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay and that land with permission is developed without unnecessary delay".

Para 70 of the NPPF (December 2023) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The site is within the countryside, at the bottom of the settlement hierarchy in an unsustainable location. Housing in principle therefore is not acceptable in such a location. As such the proposal is contrary to Policy 1 of the South East Lincolnshire Local Plan (2019) when viewed in principle.

The number of dwellings is proposed to increase over and above the one residential unit (the former public house, The Blue Bell Inn) on site, by 3 net additional dwellings plus 5 static residential caravans. The intensification of the use for residential purposes in an unsustainable location, at the bottom of the settlement hierarchy, is fundamentally contrary to Policy 1 of the South East Lincolnshire Local Plan, 2019.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area

(including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2023), in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework (December 2023) and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The former public house is a Non Designated Heritage Asset, as discussed in more detail in the Heritage Section of this report. It is noted that some objectors have objected to its loss. The proposals involves its total loss, to be relocated towards the rear of the site to provide a facsimile of the inn to provide four dwellings with a design akin to the inn. The design is similar to the existing structure but does not completely replicate it in design terms. The loss of the non designated heritage asset is discussed further within the heritage section.

Policy 3 of the South East Lincolnshire Local Plan (2019) states that development should create distinctive places through the use of high quality and inclusive design, making innovative uses of local traditional styles and materials, and create a sense of place by complementing and enhancing non designated heritage assets. There are some signs that the former public house is in a state of disrepair with visible cracking in places, but a structural survey has not been submitted justifying its loss. The replacement dwellings are similar in size and bulk to the former public house when viewed collectively, but in a similar set back position. The total loss of a non designated heritage asset has not been justified.

Policy 22 of the South East Lincolnshire Local Plan (2019) allows replacement dwellings subject to criteria. Paragraph 5.14.6 onwards in the supporting text relates to a singular replacement dwelling. Policy 22 allows an existing dwelling to be replaced by a single, replacement dwelling. In addition, 5 residential static caravans are proposed. Policy 22 does not extend to the replacement of a single residential unit to an additional net quantum of residential development.

Dwellings in the countryside have to be justified, given that the sites are considered to be unsustainable locations. The net increase of 3 dwellings, along with the replacement of the former public house, and 5 residential static caravans, means that the scheme is contrary to Policy 1 and Policy 22 of the South East Lincolnshire Local Plan (2019), by allowing dwellings in the countryside, in an unsustainable location. The development would not comprise a like for like quantum of replacement dwellings.

Furthermore, dwellings in this area, except for Carrington Drive, are generally large detached dwellings. The four 2 bedroom dwellings are not of the same type or character of their surroundings, and are not affordable dwellings, simply market dwellings of a smaller scale. It is considered that the proposals conflict with Policy 1 and 22, and increase the number of dwellings in the countryside by not incorporating just one replacement dwelling. The proposals are also out of keeping and out of character in design terms considering the existing large single dwelling on site.

Policy 24 of the South East Lincolnshire Local Plan, 2019 relates to retail proposals, and has an emphasis upon needing to contain town centre uses within Spalding and other town and local centres. The impact of proposed new town centre uses on the vitality of existing town centres must be fully considered. Proposals for retail and leisure development outside of Primary Shopping Areas and for other main town centre uses, outside of the town centre boundaries should first be assessed through a sequential test. A sequential test is therefore required for this application and has not been provided.

In addition, an impact assessment is required, as the development is over 250 square metres net sales floor area, again, because it is not in Spalding or the District and Local Centres. These aspects of the proposal are contrary to policy. The bigger the net sales area of the scheme, the bigger the impact on more sustainable locations.

Policy 27 of the South East Lincolnshire Local Plan (2019) states that proposed new shops that serve day to day needs will be limited to a maximum of 100 square metres of net floorspace, unless a qualitative need to remedy a geographical deficiency in the distribution of food shopping can be demonstrated, in which case up to 500 square metres (net) of floor space will be permitted. The floorspace is over 100 square metres and as a result the proposal is contrary to policy. To this end, no justification has been provided within the submission to remedy a geographical deficiency. Vine House Farm shop is in the vicinity, further demonstrating that it is not considered that there is a geographical deficiency in the area.

The agent seeks to use the Previously Developed Land status as justification for deviating from policies in the South East Lincolnshire Local Plan (2019) in locational terms, and to regenerate the site, which is supported by SHDC's Inward Investment Team. It is not considered that all of the site is classified as previously developed land. The site has been broken up into different uses, some for residential, some left to the point where the remains of the former public house pub garden has gone back to nature in that it is impenetrable with 6 foot nettles, the 9 pitch caravan site is not considered to be previously developed as it has no structures, and the storage area of the car park is simply storage.

It is also worth noting that the NPPF provides the following definition of Previously Developed Land, which specifically excludes matters such as residential gardens:

"Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape".

The redevelopment would also give rise to additional impact, through the change in the character of the site due to the number of uses proposed. The juxtaposition of static caravan pitches behind four residential properties, with a caravan site and a combined shop and restaurant, open until 11pm at night, would intensify the use. This is considered to be contrary to policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

It is not accepted that part of the site is in B8 use. Planning permission was granted on the 12 April 2021 for the change of use of former public house car park to a storage area and secure fencing for cars only. This is a use for car storage only and does not allow for alternative uses within Class B, with condition 5, as part of that permission, removing permitted development rights and prevents changes of use within Class B. This allows for no other change from car storage. This is therefore not a B8 general use, i.e. no other uses within class B8 would be permitted.

In the agent's planning statement, the reference to employment site policies, and Previously Developed Land are not considered justification for intensifying the use from car storage to a combined restaurant and shop, together with an increase in residential static caravans, and further residential in the form of four new dwellings.

Policy 32 of the South East Lincolnshire Local Plan (2019) states that development should contribute to the creation of socially cohesive and inclusive communities, reducing health

inequalities and improving the community's health and wellbeing. The redevelopment or change of use of an existing community facility will be permitted only if: an assessment has been undertaken which has clearly shown the facility is: surplus to requirements, not economically viable, unfit for purpose. The loss resulting from the proposed redevelopment will be replaced by equivalent or better provision (in terms of quantity and quality) in a suitable nearby location.

The Planning Statement notes in relation to the former Jubilee Hall that "Jubilee Hall was set aside as a community village hall on 12/05/2014 being returned to the owner and the master title as recorded at land registry." The hall has not therefore operated as a community facility for over 10 years. It is correct that the assessment in terms of the wording of Policy 32 is short, but it is assumed that Jubilee Hall is not economically viable as a hall given the length of time it has not operated as such. The use associated with car storage also completely surrounds the hall which was permitted in 2021. The proposed use would not therefore appear to result in the direct loss of a community facility - that facility ceased a number of years previously. The same would apply to the former public house as this changed to residential.

Overall, it is considered that the proposal is contrary to policies 2, 3, 22, 24, 27 and 30 of the South East Lincolnshire Local Plan, 2019.

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed retail and supermarket has opening hours until 23.00 hours. The net increase in both 3 residential dwellings, and the 5 static caravans would increase activity on the site. There would be increased comings and goings and potentially noise associated with the site. Balanced against this, intensifying the use and increasing dwellings/holiday lets would increase economic activity on the site.

Whilst the desire to regenerate the site to improve the external appearance is desirable, the combined activity from the elements of the uses would intensify the use to a level that would mean increased comings and goings would occur, to the detriment of nearby residents.

The size of the restaurant and shop is likely to not just cater for the residents on site or the 9 pitch holiday site, it will attract unsustainable trips from the wider catchment thereby increasing unsustainable, car dependent travel patterns. It is considered that the use would cause noise and disturbance to nearby residential occupiers, thereby contrary to Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

Heritage

Policy 29 of the South East Lincolnshire Local Plan (2019) seeks to ensure the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced. To respect the historical legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets, such as historic buildings, structures and their settings through high quality sensitive design.

The application premises is opposite a listed structure in the form of a Milepost opposite the Bluebell Inn. This is a Grade II listed building. This is outside Tara House. The listing description describes the Milepost opposite to the Bluebell Inn as early 19th Century, made of cast iron, is Triangular and has raised case letters on the side with "Spalding 7, Deeping St. James 4" and on the top "London 93". It notes the Bluebell Inn referred to in this description is not a listed building. This is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 for its special architectural or historic interest.

As the former Bluebell Inn is opposite the listed structure, with a road in between, the siting and separation is such that it is not considered that the significance of the listed building would be affected or harmed by the proposals. The listed structure would remain as a milepost regardless as to how the site is redeveloped. In addition, the granting of planning permission to use the former Bluebell Inn as a residential property means the use of the public house ceased at that time.

The comments of the LCC's Historic Environment Office are relevant in considering whether or not to retain the former Bluebell Inn structure, acknowledging that the structure is not in itself listed. The former public house is a Non-Designated Heritage Asset and as such the building is of special importance to the local area/community due to its former function and its historical location/significance (along one of the main routes to and from the coast). Also, it is visible in the Ordnance Survey Second Edition (1888-1913) map.

Public houses, especially those from the 19th century, often serve as tangible links to the past, reflecting the social and cultural fabric of their communities, including the daily lives, customs, and social interactions of local people during that period. 19th-century public houses in Lincolnshire hold local significant heritage value by preserving the social and cultural history of the area, making them an important heritage asset for both current and future generations. One local resident opined the loss of the Bluebell Inn, saying it would be a shame and pointed out it is oldest building in the village and holds a great amount of village history and memories.

Section 16 of the National Planning Policy Framework (December 2023) relates to Heritage and Paragraph 200 states that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage asset, including any contribution made towards their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. No such description has been submitted with the application.

Paragraph 200 of the National Planning Policy Framework (December 2023) goes on to state that as a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise. The lack of such an assessment weighs against the proposal.

Paragraph 203 states that in determining applications, Local Planning Authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. In this case, the consideration would be whether or not the retention of a structure as one planning unit would be desirable. In b) consideration should be given to the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and in c) the desirability of new development making a positive contribution to local character and distinctiveness. In the present case, the former public house would be demolished and set back from the road, leading to its total loss with four houses erected in its place but set back, to a similar design. Whilst recognising the building is not listed, its removal results the total loss of a Non Designated Heritage Asset, and does not conserve the structure for the community. Paragraph 209 of the National Planning Policy Framework (December 2023) states that the effect of an application on the significance of a Non Designated Heritage Asset should be taken into account in determining the application.

The Conservation Officer agrees that the building in question is a clear example of a Non-Designated Heritage Asset (NDHA), being identified and listed within the County Council Historic Environment Record under reference MLI126298 - The Blue Bell, Hop Pole, Deeping St Nicholas. The case for this building being considered an NDHA is therefore evidently strongly supported by archival records. It is true that the property has been substantially altered in recent decades to the degree that a large portion of the appeal of the property has been negatively influenced by change. Paragraph 209 of the National Planning Policy Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, and that when a proposal would affect such an asset, a balanced judgement will be required having regard to the scale of any harm or loss. Policy 29 of the SELLP requires the Local Planning Authority to ensure that all proposals 'conserve and enhance the character and appearance of Non-Designated Heritage Assets). Demolition of this building would result in the total loss of the NDHA.

The applicant has not offered a clear and convincing justification of the proposal which seeks to convincingly establish why demolition is necessary, nor has a heritage statement been submitted that records the significance of the building or the impacts of its total loss. The agent has not set out

why the extant building cannot be retained and potentially incorporated into a wider scheme. The demolition was not supported by a structural survey, and it appears demolition is suggested simply to enable a better frontage and room for the four dwellings. As insufficient justification for the total loss of the NDHA has been received, the proposal would have an unacceptably harsh impact upon the historic environment by virtue of total loss of a NDHA. As a result, the application as currently presented fails to satisfy the requirements set forth under Policy 29 of the SELLP and Section 16 of the National Planning Policy Framework.

Main Town Centre Uses

The proposals, due to their individual and combined floor space, do not include a sequential test to demonstrate that the main town centre uses in this application cannot be accommodated in other town, settlement or edge of centre locations, because these are more sustainable sustainable locations for such uses. Paragraph 91 of the National Planning Policy Framework, December 2023, states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up to date plan. Main town centre uses should be located in town centres, then edge of centre locations; only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. The proposed retail and restaurant constitute main town centre uses which are situated within an unsustainable location, outside any town, main or local centre, as such this is contrary to Policy 24 of the South East Lincolnshire Local Plan, 2019.

Paragraph 92 states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. As above, the location is within a remote, countryside, unsustainable location.

The combined floor space of the restaurant and retail elements of the scheme are not considered to be small scale within the context of a small village which does not have a settlement boundary within a countryside location. As such the proposals will attract unsustainable car based trips beyond the site in a remote location over and above serving the needs of the site itself. In addition, Paragraph 94 states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up to date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set threshold. Such an impact test has not been submitted with this application. The proposal is contrary to Policy 24 of the South East Lincolnshire Local Plan, 2019, which requires main town centre uses to be located in accordance with the retail hierarchy and states in paragraph C.1 (2) that outside the retail hierarchy, a robust assessment of impact on nearby town centres will be required for any retail proposal that provides a retail floorspace of 250 sqm (net) or more outside Spalding town centre boundary and the District and Local Centres. The combined floorspace of the retail and leisure elements of this proposal exceeds that threshold.

In addition, the proposal is contrary to Policy 27 of the South East Lincolnshire Local Plan, 2019 which states in C. that proposed new shops that meet the day-to-day needs of nearby residents, without the need to use a car, will be limited to a maximum of 100 sqm (net) unless a qualitative need to remedy a geographical deficiency in the distribution of food shopping can be demonstrated. The proposals exceed that threshold and no justification has been submitted to justify or establish a geographical deficiency in the locality. Vine House Farm shop is within a short distance of the application site. It is therefore doubtful that a geographical deficiency of retail or leisure uses can be justified in the immediate locality.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public

transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Furthermore, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan (2019), sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The floorspace for the convenience retail shop is 111 square metres internal gross floor area. Appendix 6 to Policy 36 requires 1 space per 14 metres of floor space plus one cycle parking stand per 250 square metres. This means that the parking requirement is 8 parking spaces plus one cycle space.

The total floorspace of the restaurant and toilets is 308 square metres. The floorspace of the toilets are 38 square metres. To calculate the car parking requirement, only the public dining area is measured, in this case this is 144.5 square metres if the open plan cooking area is excluded. The requirement for restaurants is 1 space per 5 square metres public dining area. This produces a requirement of 29 square metres.

In total, 37 car parking spaces are required for the restaurant and shop. The total amount of car parking for the shop and restaurant is 15 spaces, including one disabled space. No cycle parking is shown. This means that there are 22 car parking spaces short of the parking requirements in Appendix 6. The proposal therefore conflicts with Appendix 6 and Policy 37 of the South East Lincolnshire Local Plan, 2019 in this regard.

Parking for the 4 residential units incorporate 2 car parking spaces which accords with the above standards. There are no standards for residential static caravans but one space is provided per pitch, which is considered satisfactory. The 9 pitch caravan site has been excluded from the site boundary so parking for this is not included in the above calculations.

Overall, it is considered that insufficient car parking has been set aside for visitors to the site from further afield visiting the shop and restaurant, with a deficiency of 22 spaces. Together with the mix of uses on the site in a cumulative sense, in a remote, unsustainable location, this will attract unsustainable transport patterns to a countryside location that are car dependent. Combined with the increased comings and goings to the site, which may cause noise and disturbance, it is considered that the proposals are contrary to policies 2, 3, 30 and 36 of the South East Lincolnshire Local Plan, 2019.

Flooding Considerations

Section 14 of the National Planning Policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East

Lincolnshire Local Plan (2019) is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site does not flood up to the design return period i.e. 1 in 100-year, or 1 in 200 year return period including an allowance for climate change in the future (2115 epoch). The in-channel flood levels remain the same. The consistency in flood levels for the 1% AEP with climate change and the 0.1% AEP with climate change at various nodes along the Welland River indicates that the channel's capacity to convey water is unchanged between these scenarios. Thus, the risk profile in terms of in-channel water levels and inundation is similar, supporting effective flood risk management and emergency planning. Additionally, the site has no history of flooding, reinforcing its security under extreme conditions.

The residential buildings will be constructed 600mm above adjacent ground levels and mobile homes will feature elevated floor levels, situated on a raised plinth positioned 600mm above the surrounding ground level. This plinth will be securely anchored to the ground, fortified with flood-resistant and resilient elements integrated into the design and construction of the development.

Occupants of the site should be connected to the Environment Agency flood warning service and take appropriate action as soon as possible in the event of a potential storm. The development will be able to provide safe refuge for occupants, or evacuation should be possible in the initial stages of the storm event, before the water depth creates a hazard. A Flood Warning and Evacuation procedure with safe access and egress will be implemented. Refer to separate document: "Flood Response/ Emergency Plan".

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2023) in this regard.

Biodiversity

Section 15 of the National Planning Policy Framework, December 2023, seeks to minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. It says local plans should take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure. Policy 28 of the SELLP seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and assess proposals directly or indirectly affecting these assets by assessing if the benefits of the proposal would outweigh the adverse impacts on the site and wider network of natural habitats. In addition, the policy seeks to promote biodiversity net gain in proposals by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserving or enhancing habitat to adapt to climate change.

In addition to the Local Plan Policy, the statutory framework for Biodiversity Net Gain (BNG) involves the discharge of the biodiversity gain condition following the grant of planning permission to ensure the objective of at least 10% net gain will be met for a development. The determination of the Biodiversity Gain Plan under this condition is the mechanism to confirm whether the development meets the biodiversity gain objective. Development may not be begun until the Biodiversity Gain Plan is approved. Planning Practice Guidance (PPG) states that it would generally be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met. The red line boundary of the application has been specifically reduced to lower BNG requirements for this site by excluding the 9 pitch caravan site as part of the proposals. Whilst a rudimentary Biodiversity Net Gain matrix has been submitted, this is considered insufficient to properly set out and demonstrate that 10% Biodiversity Net Gain can be achieved on site.

The PPG goes on to say that decision makers may need to consider more broadly whether the

biodiversity gain condition is capable of being successfully discharged. As such it is not the case that applications can never be refused due to matters relating to BNG.

In this case, the revised Biodiversity Net Gain Matrix as submitted, which excludes the 9 pitch touring caravan element, means that a net gain of 10% is not currently achieved on site, but if the applicant was to secure an additional 0.0647 area-habitat units off-site, this is capable of meeting the 10% BNG requirement. Whilst it is accepted that the application has not provided evidence that they have purchased these units pre-commencement from a habitat bank, as long as they are willing to do so, then the proposal would be able to achieve the 10% gain requirement. The cost of the required units is in the region of £1500-3000. As a result, a reason for refusal based on not being capable of meeting BNG is not suggested.

As a result it is not concluded that the proposal is significantly deviant from paragraph 8 (1) and 8 (2) of Schedule 14 Environment Act 2021 or Policy 28 of the SELLP.

Impacts of Climate Change and Biodiversity

In respect of the climate emergency, Section 14 of the National Planning Policy Framework (December 2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

The location of a development in an unsustainable location has links to climate change in terms of discouraging unsustainable travel patterns and decreasing car dependant trips. Paragraph 108 of the National Planning Policy Framework, December 2023 states that the environmental impacts of traffic should be identified and opportunities for avoiding and mitigating any adverse effects, and for net environmental gains should be considered. Paragraph 109 of the National Planning Policy Framework, December 2023 says the planning system should actively manage patterns of growth in support of these objectives.

In support of Policy 1 of the South East Lincolnshire Local Plan, 2019, the proposed location of the development, is considered to be situated in an unsustainable location, increasing unsustainable transport patterns for uses that would increase car dependent travel, increasing unsustainable travel patterns.

The car parking for the site is substantially below Appendix 6 of the South East Lincolnshire Local Plan, 2019 for the main town centre use elements of the proposal. It is considered that this fails to mitigate the transport impacts of the development. As such the proposals are contrary to Policies 2, 3, 30, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019 which seek to ensure that provision of facilities for the parking of cars and bicycles is adequate for access and vehicle generation, that parking spaces are fit for their intended use in terms of size and design, and that proposals do not impact on residential amenity by reason of noise disturbance.

Taking the above into account it is considered that the proposal is also contrary to Policy 31 of the South East Lincolnshire Local Plan (2019) and Section 14 of the National Planning Policy Framework (December 2023).

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The site is within the countryside in an unsustainable location. The residential static caravans and 4 dwellings is contrary to Policy 1 because the countryside is at the bottom of the settlement hierarchy. The proposed main town centre uses are within an unsustainable location and are not located within a settlement boundary. Unsustainable transport patterns are likely to be generated as a result of the location attracting car dependent uses. This weighs against the proposal.

The removal of the car storage element to utilise the site for something else weighs in favour of the proposal in visual terms, because this will remove an unsightly use highly visible due to Littleworth Drove being a very long, straight road - made more visible due to the lack of the implementation of a front boundary hedge and prominent fencing. Redeveloping the site would also be beneficial in

visual terms.

The re-utilisation of the former Jubilee Hall is also positive, although the extent of the extensions means its original form would no longer be visible as it would be extensively extended. It is highly likely that the structure would be demolished given the extent of the extensions to it and a new roof being required. This aspect is therefore neutral in the planning balance.

The construction of the dwellings would create short term employment which is beneficial in economic terms, and regenerating the site would create visual improvements and economic benefits from the spends of the residents, as well as economic benefits from operating the restaurant and shop.

Weighing against the proposals is that the size of the shop and restaurant exceeding the thresholds requiring a sequential and impact test that has not been provided. The shop is not considered to be a local shop serving people who will not drive. Additional trips from visitors from a wider area than the site itself would create unsustainable travel patterns in an unsustainable remote countryside location. The associated car parking is unlikely to be sufficient considering the intensification of the use.

Weighing against the proposal is the creation of 5 static residential caravans and 4 new dwellings in an unsustainable location in countryside location, at the bottom of the settlement hierarchy which is considered contrary to Policy 1 and 22 of the South East Lincolnshire Local Plan, 2019.

Weighing against the proposal is the total loss of an undesignated heritage asset in terms of the former Blue Bell Inn being contrary to Policy 29 of the South East Lincolnshire Local Plan, 2019.

Weighing against the proposal is insufficient and inadequate justification and information to demonstrate 10% Biodiversity Net Gain has been achieved on site.

In conclusion, whilst there would be some economic benefits generated by the proposals, the environmental harm resulting from the dwellings in the countryside, the location of unsustainable uses, the loss of an undesignated heritage asset and the lack of mandatory Biodiversity Net Gain weigh significantly against the proposal and as such the planning balance is for refusal of planning permission.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

It is considered that the proposal is contrary to policies 1, 2, 3, 24, 27, 28, 29 and 31 of the SELLP and as such should be refused.

Recommendation

Refuse planning permission.