DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0316-23**	**Applicant:**	**Mr C White**
Proposal:	Part change of use to include events venue including temporary siting of marquee		
Location:	The Vicarage Church Walk Holbeach		
Terminal Date:	16th June 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
09	Promoting a Stronger Visitor Economy
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
28	The Natural Environment
29	The Historic Environment
30	Pollution
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 2021

Section 6 - Building a strong, competitive economy
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	1	0	0	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	20	10	0	1

CASE OFFICER ASSESSMENT

Proposal

Proposed marquee and part change of use at the Vicarage, Holbeach. The change of use would be from a residential use (C3) to a use as an events venue (Sui Generis). The south-east corner of the plot is proposed to house these events, this is the corner closest to neighbouring properties.

The proposed marquee is typical of what one would expect. The structure would measure 12 metres (depth) by 6 metres (width), with a maximum height of 3 metres. The marquee would be white PVC. The marquee would be a temporary structure, only erected on the day of an event, if the weather was poor.

The main consideration here is the change of use. The applicant has estimated that events would have a maximum of 40-50 people. The proposed times of use are 18:00 - 23:00 Monday to Friday, 12:00 - 23:00 Saturday, and 12:00 - 22:30 Sunday.

Site Description

The site is located within the defined boundary of Holbeach, outlined in the South-East Lincolnshire Local Plan, 2019 (SELLP). The site is in close proximity to the town centre but is within a historic residential area. Directly to the north is the Grade I Listed All Saints Church. To the west is The Reading Rooms and the relatively busy Church Street. To the west is a dense residential area, characterised by smaller, historic terraces. To the south are further residential properties.

As well as lying within the Holbeach Conservation Area, the property is also locally listed. An Article 4 is also attached to the north and eastern elevations. The property is of substantial size, with significant grounds to the north and south. The area is well littered with vegetation, much of which has a TPO attached. The dwelling itself is Georgian, with light red brick work and white timber sash windows.

Relevant History

H09-0013-12 - Tree Works. Work to trees in the grounds of The Vicarage. Approved 16/02/12.

H09-0239-13 - Full. Replace existing boundary wall, provide gated entrance with brick pillars and steel fence adjacent to the church. Approved 20/06/13.

H09-1070-14 - Full. Replace all timber windows with white 'like-for-like' upvc sliding sash windows. Refused 04/02/25.

H09-1052-15 - Tree Works. Works to TPO No. 32, 2011. Approved 18/12/15.

Consultation Responses

Lincolnshire Police

No objections.

South Holland Internal Drainage Board

The proposal does not meet the threshold for comment; therefore, no comment has been received.

Highway and Lead Local Flood Authority

"No objection. No objection. Although the Application Site is served only by the narrow streets in this part of the town, the proposed use is of a very specific nature. Visitors attending events that are to be held within the proposed Marquee are likely to arrive at the same time and to stay on the site for the duration of the event, so that there is unlikely to be any significant movements off and onto the site during the period of use of the Marquee. Also, visitors are likely to be attending only by specific invitation, rather than just arriving 'on spec.' and not being able to park. There is parking on the site and the size of the proposed Marquee is such that this would be expected to self-limit the demand for that parking. The Applicant, during my visit to the site, advised that their own vehicles would be parked elsewhere when events are being held. It is not therefore expected that the proposed use would have an unacceptable impact upon highway safety and so the highway authority does not wish to object to the grant of Consent for this Application. The Marquee is a temporary structure that would not require any great expense in providing support infrastructure. Therefore, if there should be any lingering doubt as to the impacts of the proposed development, it is suggested that a temporary Consent, for a period of say 12 months, would not result in unreasonable financial hardship should it be decided not to approve any further extensions of that temporary Consent."

Conservation Officer

"The site is within the Conservation Area for Holbeach (HCA) and whilst not listed, the property is considered to be a Non-designated Heritage Asset and is also on SHDC's list of 'Buildings of Local Heritage'. Therefore, as set out under Policy 29 of the South East Lincolnshire Local Plan (2019) (SELLP) it is right to expect a degree of consideration to be afforded to the impact upon the heritage value and aesthetic contribution to the wider setting of the host property. With this in mind, and as mentioned above, I do not wish to raise objections to the built heritage aspect of this proposal. The unfixed and non-temporary nature of the proposed marquee would not have any tangible or permanent impact upon the visual appreciation of this non-designated heritage asset, nor that of the adjacent Grade I listed All Saint's Church. However, the adjacent All Saint's Church is a grade I listed building with an associated graveyard. In their 2008 document, 'Conservation Principles', Historic England (then English Heritage) defined what could be considered to be the values by which heritage significance could be measured. Amongst these 4 'values', 'Communal Value' asserts that heritage value can be considered to be derived from the emotional or symbolic importance of sites such as war memorials, burial grounds, places of worship, etc. It is therefore important to consider that an atmosphere of relative and reasonable quietness within which users of the church and graveyard adjacent are afforded quiet contemplation and reflection, is vitally important to the communal value of the Grade I listed asset. Taking this into account, and with a mind towards Policies 2 (sections 6 and 8) and 29 (Section A, Subsection 3), I feel that the noise which one would reasonably expect to be generated during sociable hours by a venue used for parties/celebrations as proposed would represent an unacceptable impact upon the specific use of the neighbouring land by means of noise generation. This, by extension, would harm the communal value of the adjacent Grade I listed building, damaging the significance of the asset (breaching both Policy 2, Section 8 as well as Policy 29, Section A, Subsection 3 of the SELLP. I, therefore, wish to object to this proposal on principle. The case officer should therefore continue to consider this application in accordance with Policy 29 of the SELLP and S16 of the NPPF as well as all other relevant planning policy and guidance considerations."

Holbeach Parish Council

Holbeach Parish Council have concerns over parking and access.

Councillor Carter

"I have had concerns and issues raised to me neighbouring residents particularly around Noise and disturbance. The events potentially being held there could cause considerable noise issues, in what

is a quiet but heavily residential area. The area is also a conservation area. It's important that the area is not impacted due to a business being held there, which can bring with it parties, parking and potential anti social issues and impact the beautiful properties within the conservation area. Finally, the concern that I consider to be the largest concern to me is the additional traffic and parking it will bring. The application states it has 10 parking spaces. I do not consider that is enough for an events venue. There is very limited other options for guests to park in close proximity to the site which guests will find unacceptable, and more important risks small roads in a residential areas being used for parking causing issues for residents trying to access their own driveways or areas directly outside their homes. Whilst I fully support entrepreneurship, I do not consider this location to be suitable for an events premises"

Resident Comments

30 total responses received, 10 in support, 20 in objection, summarised below:

Support:

-Economic benefit to area
-Need for additional venues in the area
-Potential high quality of the venue

Objections:

-Narrow road leading to traffic/ safety concerns
-Lack of parking
-Noise pollution
-Damage to the conservation area
-Already sufficient venues
-Reference paid to existing covenant (this would be a civil matter and not a material planning concern)
-Damage to the peace of the neighbouring church/ graveyard

Planning Considerations

Principle of Development

Policy 1 of the SELLP directs development to the most sustainable areas. Within this policy, Holbeach is defined as a Main Service Centre. Policy 1 goes on to state that development which supports the settlements role as a service centre should be permitted.

The proposal would lead to an increase in visitor numbers to the area, with some proportion of these visitors patronising local services. It is likely as well that some of these visitors would stay overnight in nearby hotels and B&Bs, again supporting the settlement. The operators will source catering from nearby services, further supporting Holbeach. The proposal therefore accords to Policy 1 of the SELLP, and the principle of development is sound.

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states 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.

The aesthetic impacts of the proposal are minimal. The marquee would be a temporary structure of relatively insubstantial size. The border treatments present would prevent any significant impact upon the street scene. While white UPVC is not currently a material present in the area, the structure would only be temporary and is typical of a marquee.

A marquee would not be out of keeping with the character of the area, and therefore, the proposal conforms to Policy 2 of the SELLP.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions. The impact upon amenity has been broken into multiple sections to enable examination in additional detail, with the noise and light impact being covered more thoroughly in the pollution section.

The amenity impacts of the marquee are minimal. As mentioned before, there are sizeable boundary treatments to prevent overlooking or overshadowing. There is also a small distance between the proposed location and neighbouring properties that will be sufficient to full minimise the potential amenity impacts of the marquee.

The proposed change of use, however, potentially would have a significant impact upon the neighbouring residential amenity. The area is extremely sensitive to noise (being located in a high-density residential area, within 50 metres of a graveyard and within 75 metres of two churches) and therefore any potential impacts would be felt more severely. Due to the historic importance of the area, it is unlikely that noise fences/ barriers could be installed.

A site visit was conducted at approximately 12pm on a rainy Friday afternoon in Spring. While conducting the site visit it was noted that the noise level produced from vehicle traffic along High Street was considerable; however, it was not audible along Albert Walk. The area immediately surrounding the venue was extremely quiet and peaceful. The addition of any noticeable level of noise (via music or talking) would therefore have a significant impact upon the amenity of neighbours.

The authority has received a slew of objections, all of which note potential noise impact. These concerns regarding noise pollution and amenity impacts have therefore been found to be significant.

The proposal fails to conform to Policies 2, 3 and 30 of the SELLP in terms of amenity impact.

Economic Sustainability

Policy 9 of the SELLP relates to tourism. The policy states that proposals that promote tourism or visitors within the settlement defined in Policy 1 should be supported. As stated above, the proposal will increase visitor numbers to Holbeach, and a proportion of these visitors will support local businesses. Paragraph 4.4.3 of the explanatory text goes on to describe the potential spill over impacts upon local businesses and the wider community benefits tourism can bring. It is therefore established in local policy that proposals, such as what is proposed here, are beneficial to the community, promote economic sustainability and protect viability of settlements.

Section 6 of the NPPF relates to the duty of planners to facilitate economic growth. Paragraph 81 states that significant weight should be given to the need to support economic growth. As stated above, the proposal would lead to a small but significant increase in economic activity in the settlement.

The proposal therefore is supported by Policy 9 of the SELLP and Section 6 of the NPPF.

Natural Environment

The site is well vegetated, with a large number of these trees having a TPO attached. The proposal will not result in any harm to any tree, ensuring there is no conflict with the natural environment. The proposal therefore conforms to Policy 28 of the SELLP.

Historic Environment

The proposal is within the curtilage of a locally listed building, is adjacent to a Grade I Listed building and is within a conservation area. Policy 29 of the SELLP and Section 16 of the NPPF are therefore relevant.

As stated above, the impact upon the character of the area due to the marquee is minimal. Therefore, there would be minimal damage to the integrity of the conservation area from the marquee. The Conservation Officer comments supported this view.

The development would occur in close proximity to a Grade I Listed Church. As a church and a listed building, the character of the building would be impacted by any significant in the locale. The additional noise generated by the venue would therefore impact upon the setting of the listed building. This would directly contradict Policy 29A, section 3, of the SELLP which states that all proposals affecting Listed Buildings should preserve or enhance the listed building.

The SHDC Conservation Officer has objected to the proposal on the grounds of the potential damage to the setting of the listed building. The Officer raised the point, in line with advisory documents printed by Historic England, heritage assets derive their value from the emotional or symbolic importance of the site. It is therefore important to consider that an atmosphere of relative and reasonable quietness within which users of the church and graveyard adjacent are afforded quiet contemplation and reflection, is vitally important to the communal value of the Grade I listed asset. The change of use would therefore directly harm the communal value of the listed building and associated grave yard, in turn damaging the significance of the asset.

It is therefore considered that the proposal fails to achieve the aims of Policy 29 of the SELLP and Section 16 of the NPPF via the potential harm to the setting and appreciation of the nearby Grade I Listed Building.

Pollution

Policy 30 of the SELLP relates to pollution, including noise and light pollution. As stated above, there is a significant potential for pollution arising from this development.

The potential for noise pollution must be minimised in order to respect the existing nearby uses. The proposal cannot incorporate any acoustic fence, due to its sensitive nature within the conservation area. The recommendation therefore is to place a condition that limits the potential sound levels if approval is given.

The area is located in extreme proximity to the graveyard at Holbeach All Saints Church. As such, any noise increase would have a significant impact, particularly during daylight hours when people may be paying their respects. It is considered that the proposed change of use would fundamentally conflict with this existing adjacent use, potentially damaging the integrity of the listed building and disturbing the peace of mourners. It is recommended that if approval was granted, that the hours of use be restricted in order to prevent damage to the peace of mourners.

The potential for light pollution is of similar concern. Lighting will be trained onto the site, but some spill over is expected. However, it should be noted that there are already a number of streetlights and properties with exterior lighting in the area. Therefore, the actual expected impact arising from light pollution is minimal.

The proposal therefore does not conform to Policy 30 of the SELLP.

Parking and Transport

Parking and transport are of significant concern for this application. Policy 36 and Appendix of the SELLP outline the parking requirements for new proposals. Said policy state that for an application such as this, parking requirements are to be assessed on a case-by-case basis. As a maximum of 40 visitors is expected, approximately 25 spaces would be required (however this number is not a designated minimum).

The site can accommodate 10 parking spaces, in addition to this, some parking can be accommodated within Holbeach town centre. There is a town centre car park 360 metres to the north of the site. Some parking spaces are also available on the nearby Church Street. As the surrounding streets to the east are extremely narrow, no on road parking is available here. The proximity to the town centre means that guests could easily use the town centre parking facilities. Therefore, despite the neighbouring residents; concerns over parking, it is considered that sufficient facilities can be provided to accommodate the proposal.

The site is located down Church Walk, an extremely narrow street. There are equally narrow streets to the east. Any potential increase in traffic would have a sizeable impact upon traffic in the area, potentially damaging resident's ability to leave their home. Despite this, the Highways Department have raised no objections to the proposal.

The site would be accessible via a number of means of sustainable transport. There is a bus service to King's Lynn and Spalding running every 30 minutes, enabling visitors to access via public transport. However, this bus service stops at 19:40, preventing guests leaving via public transport. Due to the low-density nature of South Holland, taking a taxi to another settlement at the end of the event is likely to be costly enough to prevent usage. The site is extremely accessible via bicycle, being sited only 100 metres from an established cycle route. However, the likelihood of visitors utilising this cycle route is low, due to the formal nature of the events to be hosted. Therefore, despite the site benefiting from some sustainable transport infrastructure, the potential benefits from this infrastructure are low.

The relevant consultee from the Highways Department has raised no objection to the proposal. Therefore, despite the numerous objections from members of the public on road safety, it is the view of the case officer, following the advice from the relevant consultee, that the proposal is not unsafe in terms of highway safety.

Planning Balance

As stated within the NPPF, it the purpose of the planning system is to achieve sustainable development. Therefore, all proposal must be economically, environmentally, and socially sustainable. All three pillars must be achieved in order for a proposal to be acceptable.

The environmental impacts of the proposal are negligible. No trees or habitat would be disturbed. The proposal is too small in scale to have any significant impact on drainage or flood risk, with the Internal Drainage Board and Lead Local Flood Authority both raising no objections. The proposal is, in theory at least, accessible via environmentally sustainable means of transport. As such the proposal is environmentally sustainable.

The proposal is economically sustainable. The proposal would increase, albeit marginally, visitor numbers to Holbeach. It can be assumed some of these guests will come from outside the district and spend the night in the town, further improving the local economy. It could also be assumed that the catering for the events would use local produce and support local businesses. Some objectors have stated that there are several wedding/ events venues within Holbeach currently; however, it is considered that this application proposes a unique style of venue that is not currently seen in the area.

The proposal must also be socially sustainable. Various objections and comments have been received for this proposal and each general point will be tackled below.

Numerous residents have objected on the grounds of parking and highway safety. However, the relevant consultee from the Highway Department has raised no objection, stating that the traffic would be infrequent and not likely to significantly impact the safety of the highway. There is also sufficient parking within the area due to the proximity to Holbeach town centre.

Secondly, objections were raised over the damage to the conservation area and listed building, importantly these objections were shared by the Conservation Officer. The Officer, in line with advisory documents published by Heritage England, objected on the grounds that the noise pollution arising from the development would directly conflict with the existing use of the Grade I Listed church. In conflicting with this use, and damaging the sense of tranquillity that is key to the enjoyment of this building, the proposal fails to achieve the aims of Policy 29 of the SELLP.

The final significant general point raised was noise pollution. It is considered that the residential nature of the area, combined with the close proximity to a Grade I Listed Building means that these concerns are significant. Any potential large increase in noise would be felt dramatically by neighbouring residents, reducing their quality of life to a measurable degree. The potential for noise and parties in close proximity to the Listed church and graveyard is of concern also. The juxtaposition of these two uses would damage the integrity and sanctity of the churchyard.

As such, the proposal is not considered to be socially sustainable. Despite some support, the potential noise pollution is deemed to great of a concern as to allow the unrestricted granting of permission.

Despite the proposal conforming to Policies 4, 6, 36 and Appendix 6 of the SELLP, it fails to conform to Policies 2, 3, 29 and 30. As such the planning balance is against the proposal.

Conclusion

The recommendation is for delegated refusal.

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.