DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0008-26**	**Applicant:**	**The Sessions House Spalding CIC**
Proposal:	Partial change of use of the ground-floor to form a commercial cafe/bar (Sui Generis) and retail unit, and change of use of existing first floor magistrates retiring room to restaurant		
Location:	The Sessions House Sheep Market Spalding		
Terminal Date:	15th May 2026		

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
09	Promoting a Stronger Visitor Economy
24	The Retail Hierarchy
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
29	The Historic Environment
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 4 - Decision making
Section 7 - Ensuring the vitality of town centres
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
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SPALDING & DISTRICT CIVIC SOCIETY	0	0	0	2
SPALDING & DISTRICT CIVIC SOCIETY	0	0	0	2
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for a partial change of use of the ground floor to form a commercial cafe/bar, a wedding dress retail unit, and the change of use of an existing first floor magistrates retiring room to a restaurant at The Sessions House, Sheep Market, Spalding.

The proposal seeks to utilise the ground floor to allow for new commercial businesses within the existing floor space. Firstly, five of the six interview rooms will be converted into seating areas, alongside a separate room also being converted to create a sixth seating area with a bar serving area also being situated within this area. Two separate toilets will be set near the entrance to the building.

Existing bedrooms and a retiring room located to the ground floor are proposed to be converted into a retail wedding dress shop, which is sited in the north west corner of the building.

To the first floor, it is proposed that an existing magistrates retiring room would be converted into a seated dining area.

It has been stated that no internal or external physical alterations are proposed as part of this development, with non-fixed features being provided to form part of the daily operations.

The objective of the change of use has been outlined as seeking to transition underutilised residential rooms into a vibrant, community-facing cafe and bar. It is stated to 'provide a unique heritage experience for Spalding and would leverage existing commercial infrastructure within the building'.

Site Description

The site is located within the defined settlement boundary of Spalding as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). The building is located within the Spalding Conservation Area.

The Sessions House is a Grade II listed building, described like so:

"by Charles Kirk. Massive stone structure in the form of a castle. 2 crenelated side towers and recessed centre of 2 storeys, of 3 bays divided by buttresses, centre heraldic beast finials. 3 windows between buttresses with 'Perpendicular' tracery. Central 4-centred doorway. Royal Arms to centre of crenelated parapet. Side towers of 3 storeys, with oriels to 1st floor, 4-centre doorways, carved spandrels. Clock to left tower. Side elevation in pale brick. See also Police Station."

The Sessions House is situated on the Sheep Market, which forms one of the principle character areas of the Spalding Conservation Area. The site is also adjacent to the similarly Grade II listed

former police station, and is considered to form part of a character group of local interest buildings with that site in addition to No's 32 and 33 The Crescent.

Within its setting, The Sessions House is the most prominent building and defines the area's character.

History

H16-0166-95 - Re-slating (Welsh Slate) of main south facing roof slope - Refused

H16-0426-09 - Reinstatement of wall and cast iron railings and entrance gate to front of courthouse - Approved

H16-1018-16 - Change of use of Sessions House to residential, including internal alterations - Approved

H16-1017-16 - Change of use of Sessions House to residential, including internal alterations - Approved

H16-1166-17 - Removal of wooden court dock - Approved

H16-0512-18 - Change of use of part of residential dwelling to D2 use (assembly and leisure) - Approved

H16-0154-19 - Removal of disused painted stone fireplace, removal and bricking up of kitchen serving hatch and dismantling of wood and glass entrance way. Works to the exterior front of the building including installation of an external light and replacement of a doorbell - Approved

H16-0034-20 - Change of use of part of residential dwelling to D2 use (assembly and leisure) - approved under H16-0512-18. Modification of Condition 3 to allow more versatility and offer a wider range of uses - Approved

H16-0209-25 - Removal of tiered benching viewing gallery in the old courtroom - Approved

H16-0923-25 - Erection of a freestanding, fully reversible outdoor servery unit to function as a coffee/bar area within the courtyard - Approved

Consultation Responses

Spalding & District Civic Society

Whilst the Conservation Officer appears to have no objections to the proposals because no structural alterations are shown to the building, it is not at all clear from the plans how some of the areas such as the seating areas are going to be formed without demolition or reduction in height of walls. Therefore we conclude that unless more informative plans are provided we are unable to consider the application and would suggest that further detail plans should be requested.

Lincolnshire County Council Highways & SUDS

Recommendation for No objection:

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood
risk and therefore does not wish to object to this planning application.

Comments:

Change of use of the ground-floor rear cell block & residential bedroom to a commercial cafe/bar (Sui Generis) & retail unit & change of use of magistrates retiring room on first floor to restaurant.

Given the former uses of this site and the town centre location the proposal would not have an adverse impact on the public highway.

Lincolnshire Fire & Rescue

No comments.

Conservation Officer

No objections. The proposal does not appear to include any physical alterations to the building, and is a straight forward change of use. Furniture additions are necessary to facilitate these changes of use, however, all are proposed to be unfixed and thus present no material harm to the listed building.

South Holland District Council Environmental Protection

We have no concerns in principle but request that if upgrading of kitchen facilities is included as part of the proposal that information on ventilation proposals are communicated with ourselves.

Lincolnshire County Council Historic Environment

Thank you for consulting us on this. Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):
- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Heritage Impact
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations and Drainage
- Biodiversity

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 December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

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; 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 application site in this instance is within Spalding, a 'Sub-Regional Service Centre', and lies within the defined settlement boundaries as detailed by Policy 1.

In context of this, when considering the cafe/bar and seated dining elements of the proposal, the principle of development within this location is considered to be appropriate. This can also be supported through the previous permissions on site which granted a change of use for The Sessions House to be used as D2 (assembly and leisure), with H16-0034-20 extending the use of the previous 2018 permission to a total of fifteen different event types. Alongside this, a recent application approved the siting of a freestanding cafe/bar building within the grounds of The Sessions House and thus saw further commercial aspects. It is therefore considered that the use of the site and building as a business is well established and has been used in this manner since at least 2018 with further aspects being approved in 2026.

Notwithstanding this, the various aspects of this partial change of use proposal would introduce new commercial elements to the business and has the potential to be used by other businesses, and not solely the current occupiers or owners of The Sessions House themselves; however, these would not be vastly dissimilar to the existing aspects on site. Customers who visit The Sessions House would use the building for its previously permitted purposes for events etc whilst also now being able to visit specifically for the outdoor cafe/bar, although this application would approve new aspects, they would tie well with the existing and established uses.

The seating areas and bar on the ground floor would have similar elements to the existing use and would allow for an extra source of revenue for the owners through it providing additional room to serve customers. The same can be said for the seated dining area on the first floor also.

Irrespective of the above, the additional use proposed within the submission directly relates to a new retail element on site. It is clear from the submission that this solely relates to being run as a wedding dress shop within the ground floor, with this having a link to the main use of the building, although tenuous, via it holding events such as weddings etc.

Where a proposal involves the creation of additional retail space, Policy 24 of the SELLP must be taken into consideration alongside Policy 1. Policy 24 directs the development of retail units towards the town centres of the sub-regional centres. Broadly speaking, the site is within the settlement of Spalding and is therefore within a sub-regional centre; however, in respect of Policy 24, the site luies outside of the Town Centre Boundary and must be assessed under Part C of this Policy as 'Outside the retail hierarchy'.

Part C of this Policy enables the creation of smaller, local shops to be created outside of the defined retail hierarchy. The Policy states that:

"Outside the retail hierarchy, individual local shops and small neighbourhood clusters of them within a settlement boundary, which meet the day-to-day needs of nearby residents, will be promoted. Wherever possible such new uses should be located in close proximity to each other, unless serving very local catchments e.g. corner shops".

Policies 1 and 24 are further supported by Policy 27. As the proposal does not relate to the creation of a convenience goods store, Section B is not considered to be relevant, with it being considered

that the use involves comparison goods and therefore should mostly be assessed against Section A and C. Firstly, Section A outlines that up to 10,810sqm of additional comparison goods floor space is expected to be required in Spalding by 2031, notwithstanding this, after 2022 the outstanding requirement for 7,110sqm floor space should only be met by development within Spalding Town Centre or an edge-of centre location. As this development is considered to be edge of centre location, the proposal broadly accords with this section and is therefore considered an appropriate location, particularly given the existing nature of the application site.

Furthermore, Section C discusses that proposed new shops will be limited to a maximum of 100sqm floor space. As only a total of 73sqm of floor space would be changed throughout the entire application, the retail section of this development be well below 100sqm and is therefore also in accordance with Section C.

Overall, the site is within a somewhat prime location, with it being just outside the Spalding Town Centre Boundary and nearby to existing community facilities. The location is considered to be vastly sustainable and comprises an appropriate form of development for the location, with the wedding dress retail use having a relation to the function venue it lies within, and would therefore be in accordance with the overall principles of the spatial strategy.

As such, the proposal is considered to be in accordance with the requirements of Policy 1, 24 and 27 of the South East Lincolnshire Local Plan (2019) when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

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

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed 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 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout 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 2024), 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 2024) 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 application site in this instance is within the Spalding Conservation Area and The Sessions House itself is a Grade II Listed Building. Not only this, it is within close proximity to multiple other Listed Buildings, most notably the Grade II listed former Police Station.

In respect of any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990.

In assessing proposals of this nature, the Local Planning Authority must ensure special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

The National Planning Policy Framework (NPPF) (December 2024) expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the National Planning Policy Framework (December 2024) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework (December 2024). Development proposals will expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

As outlined above, there would be no physical alterations, either internal or external, to the listed building as a result of this proposal, despite the proposal seeking a change in the use of various rooms within the property. Although Listed Building Consent may not be required as a result of this, it is still imperative to assess the potential impact of the proposal upon the significance of the heritage asset.

The Sessions House is a Grade II Listed Building which is listed under '1063960' and was first listed in 1975. Alongside this, this building was listed in conjunction with the Grade II listed Police Station, listed under '1169618'. It is considered that The Sessions House is the most prominent building within its setting and defines the area's character, in any case, the Police Station itself is an important building within the context of the area and should be held with high weight.

As a result of the historic significance of the area and the buildings nearby, the Conservation Officer has been consulted on the application. Their comments have outlined that they have no objections to the proposal, and specifically state that *"The proposal does not appear to include any physical alterations to the building, and is a straight forward change of use. Furniture additions are necessary to facilitate these changes of use, however, all are proposed to be unfixed and thus present no material harm to the listed building"*.

It should be noted that Spalding & District Civic Society have raised comments, forming a differing view, by expressing that due to a lack of clarity within the submission, including how some areas are going to be formed without demolition or reduction in height of walls, they conclude that unless more informative plans are provided they are unable to consider the application and suggest that further detailed plans be requested.

The comments raised by the Spalding & District Civic Society are noted and the lack of detail in areas is agreed, with the concerns regarding the quality of the submission being somewhat shared; however, notwithstanding this, clarity has been sought from the applicant in that no physical

alterations will be carried out as a result of this proposal, with the proposal utilsing non-fixed feature, such as loose table and chairs within existing segregated rooms. An informative is recommended to make it clear that any such permission does not permit any physical alterations.

The case officer has also visited the site, accompanied with the applicant, with it being clear in showcasing that there is sufficient infrastructure on site for the change of use to occur, particularly in relation to the eating area on the first floor, alongside there clearly being the capacity to introduce non-fixed furniture where necessary.

Paragraph 207 of the NPPF outlines that LPAs should require applicants to describe the significance of the heritage asset affected with this needing to include any contributions made by their setting. Following on from this, Paragraph 208 discusses that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal and this should be taken into consideration when assessing the impact of a proposal on a heritage asset to avoid conflict between the conservation of the asset and the proposal as a whole.

As outlined above, the Conservation Officer has raised no objections and has identified that no harm would amount as a result of the development, to the significance of the host listed building, nearby listed buildings, or the conservation area. Although no harm has been identified in this instance, as required, a brief statement has been provided in support of the proposal from the applicant in the form of a Heritage Impact Assessment.

Firstly, the statement discusses the overall importance of the asset, in particular the aspects which are to change. The ground-floor rear wing originally functioned as high-security holding cells and interview rooms. The rear cell block holds significance through lying in its intact Victorian plan form with narrow corridors, heavy masonry walls and small vaulted rooms to illustrate the local penal system. As a result of the heritage importance of The Sessions House, the applicant has designed the scheme to be a *"non-invasive, furniture-only model to ensure the total preservation of the 1843 fabric"*.

The statement outlines that there would be no structural alterations via all internal masonry walls remaining fully intact with no openings, penetrations or structural modifications being proposed. There would be a clear preservation of plan form and *"the original cell layout and spine corridor rhythm will be preserved exactly as they were designed in the 19th century"*. The existing floors will also be left in their current state as there will be no new floor coverings, adhesives or mechanical fixings proposed. Any new plumbing and electrical requirements for the bar area specifically will utilise existing infrastructure and any new wiring or pipework will be surface mounted to avoid chasing into the historic brickwork.

The submission also details the retention of all internal walls and existing floor surfaces, ensuring that the buildings structural and historical integrity is maintained and that the special interest of the listed asset is unimpacted. Furthermore, the restoration of the cells to a functional, public facing use will enhance the aesthetic appreciation of the building.

The statement closes out by listing the overall heritage benefits the proposal has to offer. It states that the NPPF *"encourage(s) the 'optimum viable use' of heritage assets"*. Through transitioning these rooms it would provide *"the necessary revenue for the long-term maintenance and repair of the wider Grade II estate"*. Further to this, the proposal provides a community educational benefit through it *"allowing residents to experience a part of Spalding's judicial history that was previously private"*.

Paragraph 215 of the NPPF discusses that where a development proposal will lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal which includes, where appropriate, securing its optimum viable use. The applicant has identified that the change of use would see the site benefit from an optimum viable use should the application be approved. Whilst the LPA do not necessarily disagree that this could see an optimum viable use, it is considered that one does not need to be identified. In line with the Conservation Officer's comments above, no harm has been identified as a result of this proposal and thus proof of an outweighing public benefit is not needed in this instance; albeit, this is a positive factor in weighing the assessment.

As such, no structural alterations are proposed, with the site remaining in its plan form throughout and any alterations would not be permanent or fixed to allow for the preservation of the site.

Furthermore, it is not considered that the use of these rooms and the wider building itself is intrinsic to the actual listing. Although each room would showcase the historic aspects of the building through the cell blocks, interview rooms and magistrates retiring rooms etc, as the change of use would not involve permanent or fixed alterations with these purely being non-fixed, the rooms could revert back at any given point. This would ensure that the layout of each room would not be altered or lost following the change of use and if the use was intrinsic to the listing, this would not be permanently removed.

Despite no harm being identified, the proposal is still considered to have an element of public benefit. The Planning Practice Guidance (PPG) identifies that public benefit could be anything that 'delivers economic, social or environmental objectives... They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit'. It should be considered that the benefit from this site would be a private benefit and would be one that actually provides a benefit to the public alongside this. The change of use would create new revenue streams for the business and should ensure that The Sessions House remains functioning and open to the public whilst remaining in a good condition.

Overall, it is considered, in line with the Conservation Officers comments, that no harm has been identified. The partial change of use, in respect of each of the elements set out under this application, are considered to be acceptable.

In any case, the proposal would not result in permanent or fixed changes to the form, with the changes being purely non-fixed and therefore can be removed at any point to allow for the changes to be reversed. The applicant is advised and is aware that any permanent changes or fixed alterations would require Listed Building consent, and potentially planning permission.

Turning the to retail wedding dress unit, it is considered that the introduction of this use, particularly given the wider use of the site as existing and the sites relationship to the town centre, would represent an appropriate use, which would not impact upon the character of the area.

Taking account of the nature of the development and extent of work, as detailed above, the proposal is considered to be acceptable. The proposal would not cause any material impact to the character or appearance of the area, nor cause harm to the significance of the heritage assets; namely the host listed building, nearby listed buildings, or Spalding conservation area. The proposal therefore accords with Policy 2, 3, and 29 of the South East Lincolnshire Local Plan, and Sections 12 and 16 of the National Planning Policy Framework (December 2024).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2024) 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 proposal seeks to introduce a number of elements, in the form of partial changes of use. Namely, these include:

- A change of use, in part, to the ground floor to form a retail wedding dress shop.
- A change of use, in part, to the ground floor to form a bar/cafe, with bar area (identified as 'Seating Area 1-6 and 'bar serving area').
- A change of use, in part, to the first floor to form a 'Seated Dining Area'.

Generally, the uses proposed offer a commercial use, whereby the site would be frequented by customer's and visitors during the operating hours of the businesses.

Initially, the submitted application form outlined that each room subject to the change of use was seeking permission for the following operating hours:
- 09:00am - 00:00am Monday - Sunday, including on Bank Holidays.

It is noted that under the previous application on site, which approved an outdoor servery, a condition was attached to the decision notice which limited the building to only be used between the hours of 08:00am to 20:00pm Monday - Saturday and 09:00am to 19:00pm on Sundays and Bank Holidays.

Whilst these are noted and it is appreciated that these restrictions in hours are the most recent applied, it should be also be noted that whilst relating to the same building and site, this comprises a separate structure. Furthermore, planning approval reference H16-0034-20 granted permission for the venue to be used as an events centre for various different types of events. This was approved and assessed under the assumption that the weddings/events would be held between the hours of 11:00am - 23:00pm.

An assessment of the appropriate hours of use is important as to ensure that no unacceptable impact would be caused to the residential amenity of neighbouring occupiers. This would, in the most part, relate to the potential for noise disturbance given an increase in activity.

In this regard, a statement has been submitted in support of this application which details the applicants noise management plan. The statement begins by stating that during the 18-month period that the business has been in operation there have been a record of zero noise complaints. The LPA are unaware if any complaints that have been received by other relevant areas of the authority; although, it should be noted that the proposal seeks to introduce additional uses, which would have the potential to operate at the same time as those currently functioning.

Furthermore, in this regard, they acknowledge that the change of use may lead to an increase in the frequency of activity; however, it was viewed that it is not anticipated that there will be any increase in noise levels from this increase. This has been justified through the activity becoming a *"professionally managed commercial environment contained within high-mass masonry walls"*. As well as this, the volume of music and patron activity will be maintained at levels consistent with the venue's existing operation.

Multiple points have also been raised within the applicants submission in relation to the thickness of the walls, particularly within the cell blocks. These walls are considered to be a highly effective acoustic buffer which exceeds modern sound insultation. Further to this, music will kept to a low level and limited to background level as well as patron activity being kept to a minimum. This paired with the general thickness of the walls is considered to limit the noise throughout. Any speakers will be positioned away from boundary walls and directed inward towards the centre of the rooms also. They have also stated that sound levels will be monitored if required to ensure they do not exceed pre-set thresholds. Finally, after 23:00pm staff will manage the courtyard to ensure volume is kept low as well as assisting the departure from, the site. Any deliveries will also be scheduled to occur during daytime business hour as opposed to evenings to further limit harmful noise.

There are a variety of public houses within the wider context which are open until similar times and dates. These public houses, albeit located further away from residential properties, provide clear presence of similar uses within close proximity.

Alongside this, the proposed cafe/bar and dining seating areas are not dissimilar to the existing business operating on site, via the private functions, and would therefore be to a similar extent and scale and thus provides a justification to permit the change. Whilst it is note that the proposal would introduce an intensification of the use on site, this is not considered to be to an unacceptable scale or one that would be significant as to give rise to a significant adverse imapct to residential amenities, as to refuse the application.

Furthermore, the proposed retail unit, comprising solely of a wedding dress shop, would form a les intensive and less noise omitting use; albeit, forming a use that most differs to that which exists. This use would not result in an unacceptable impact upon residential amenities, subject to suitable conditions controlling its use and hours of operation.

Returning to the matters of opening hours, notwithstanding the request of the applicant and those outlined above, it is considered that it would be reasonable for the LPA to restrict the hours of use to protect the residential amenity of nearby occupiers.

Whilst the hours for the bar and restaurant are considered to be acceptable in the main, to operate between 10:00am until 00:00am Monday - Saturday, it is considered appropriate to further reduce the hours for Sunday use to 10:00am - 22:00pm, with regard to the bar and cafÃ?????© elements.

This is in light of the existing permission and extent of permitted use for the building as a function venue.

In addition, given the evident differing nature of the wedding dress unit, the LPA consider that the opening hours for tis element should be restricted further. The opening time of 09:00am is considered to be suitable; however, it would be unreasonable to operate as late as 00:00am, as a retail unit. Whilst this would naturally be a quieter use in comparison to the existing features and those proposed elsewhere within this submission, restricting its overall opening hours would allow for a limit to the potential noise levels, as well as the overall noise levels from the increased intensification of the building.

This has been agreed with the applicant, alongside the hours for the other elements of the proposal, as to restrict the hours to 09:00am - 20:00pm on Monday - Saturday and 09:00am - 17:00pm on Sundays and Bank Holidays. The LPA appreciate the need for this unit to be open beyond typical 'working hours' to allow for people to visit the site and purchases items outside of their typical working day. As such, these hours are also considered to be acceptable and should not cause material harm.

Conditions will be applied to the decision notice that limit the hours of operation of each section of the application in line with what has been discussed above.

It is also noted that Environmental Protection have raised comments regarding the cooking facilities and the need for extraction/ventilation details to be provided. They raise no concerns to the scheme in principle; however, request that if the kitchen facilities are to be upgraded these should be part of the proposal and communicated with themselves. Upon further discussion with the applicant, it has been concluded that cooking would not take place on site with food being prepared beforehand and distributed on site. As such, no permanent cooking facilities are required. There would not any material harm to the amenity of residents from this either. As such, a condition is recommended to seek these details prior to any cooking or preparation of hot food on site.

Finally, due to the works all taking place internally it is not considered to cause any material harm to nearby residents via overshadowing with there being no new openings so there should be no material overlooking either.

As detailed above, the scale and denature of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Flood Risk

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

This goes on to state, within Paragraph 172, that all plans "should 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".

It is important to note that whilst minor developments comprising a change of use must meet the requirements for site-specific flood risk assessments, they should not be subject to the sequential test, nor the exception test, as outlined in Paragraph 176 and to be read in conjunction with footnote 62.

The site lies within Flood Zones 3 of the Environment Agency's Flood Maps. These 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.

Despite the site being within Flood Zone 3, it is located within an area of no hazard with the South Holland Strategic Flood Risk Assessment. Despite the variety in uses, each aspect would fall under 'Less Vulnerable' within the flood risk vulnerability classification and in some cases would see a reduction from 'More Vulnerable' due to the residential rooms on site currently.

Furthermore, the Flood Risk Assessment outlines that the change of use would only apply to approximately 73sqm of existing internal ground floor space with there being no structural alterations and the new use being through the introduction of freestanding, non-fixed furniture. In addition to this, the floor levels would remain unchanged due to the historic nature, with these levels being considered to be historically proven to be resilient within the landscape. There are no changes to existing external drainage or impermeable surfaces, surface water will continue to be disposed of via the established main sewer connection. Finally, there are no permanent fixtures to be installed and as such the site can be restored easily if necessary.

The application would purely change the use of existing rooms within a well-established building, customers will not be kept on site permanently with there being clear exits to and from the site in the event of a flood. If a flood were to occur, customers would not be materially affected and could utilise upper floors for safe refuge. Furthermore, there would not be any significant harm raised and it would not materially increase the flood risk for the site and surrounding area in a harmful way.

Overall, when considering the development on balance, 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 2024) in this regard.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

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.

Further, 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.

Existing parking arrangements are provided on site with parking spaces being set out in front of the building via the existing access. These parking spaces would provide adequate room for customers who are coming to visit the site to access the new uses proposed within this application. As previously mentioned, the site is within the settlement of Spalding and is just outside the Spalding Town Centre Boundary meaning it is in an ideal location for customers to visit the site on foot or park at existing parking facilities nearby. A car park is located within the Sheep Market itself as well

as various side street parking.

Lincolnshire County Council Highways have raised no objections from a highway safety perspective either. Their comments outline that due to the former uses of the site and the town centre location, the proposal is not considered to have an adverse impact on the public highway.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or
(c) the development is exempt from the biodiversity gain condition.

For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

When taking the above into account, the development in this instance is exempt from the statutory 10% Biodiversity Net Gain requirements. The development relates solely to a change of use taking place within internal rooms on site. The development would therefore fall under a de minimis exemption, with there being no removal of vegetation and no impact on existing biodiversity on site.

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 proposal represents appropriate development within the defined settlement boundary. No harm has been identified to the significance of the host listed asset, nearby listed buildings or the conservation area; in any case, a public benefit is considered to have been identified in this regard to provide further benefits to the scheme.

Alongside this, a detailed assessment has been carried out to ensure that no material harm would arise to the amenity of nearby residents through an increase in noise following the intensification of the uses hereby proposed. The opening hours have been conditioned and therefore restricted to further ensure no harm is raised following the implementation of each aspects.

Furthermore, adequate parking is provided whilst there would be no material harm through flood risk and the development is exempt from statutory BNG requirements.

When viewed as a whole against the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024) the proposal is considered to be in accordance and compliant with all relevant policies/requirements.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

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

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 29 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024). The are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved

under Delegated Authority.