DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0227-24**	**Applicant:**	**Eastfield Guesthouse Ltd**
Proposal:	Change of use from Residential (C3) to Hotel (C1)		
Location:	78 Pinchbeck Road Spalding Lincolnshire		
Terminal Date:	6th June 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
07	Improving South East Lincolnshire's Employment Land Portfolio
09	Promoting a Stronger Visitor Economy
24	The Retail Hierarchy
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
30	Pollution
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
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
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

SHDC INTERNAL	0	0	1	2

CASE OFFICER ASSESSMENT

Description of Proposal

The proposal seeks full planning permission for the change of use of 78 Pinchbeck Road from a residential dwelling (C3) to a hotel (C1). No external alterations are proposed. Internally, the works would see the three-bedroom dwelling converted to a five-bedroom hotel. All bedrooms would have access to an ensuite. It is proposed that the existing kitchen, breakfast room and lounge would remain. The front garden is to be removed and replaced with parking.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The site is located fairly centrally within Spalding, along one of the main arterial roads within the town. The site is located approximately 500 metres north of the defined town centre.

78 Pinchbeck Road is fairly typical of the area, although it can be distinguished via the use of black detail work on the gable ends. The property is a large three-bedroom house constructed of red bricks with white UPVC windows.

Relevant History

No relevant site history.

Consultation Responses

The responses received from consultees during the initial consultation exercises can be summarised as follows:

Conservation Officer

"Although the site is adjacent to the boundary of the Conservation Area, the application proposes no external alterations. Therefore, I have no objections, as the proposal cannot be said to alter the historic environment."

SHDC Food, Health and Safety Officer

"I note from the submitted plans that there will be 5 bedrooms and a kitchen/breakfast room. Not clear whether food is being serviced to the clients or self service. The provision of food will require the applicant to register as a food business giving 28 days notice. The link is https://register.food.gov.uk/new/south-holland."

Environmental Protection

No observations

Highway and Lead Local Flood Authority

"The parking is below what I'd expect to see - where will staff park? By moving the access to be more central a further parking space could possibly be accommodated to reach the 1 space/bedroom guidelines. The dimensions of the parking spaces need to be shown on the proposed site plan. Any changes to the access would need amending and constructed to Lincolnshire County Council Specification - a note should be added to the proposed site plan."

Public Representations

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

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.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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, December 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 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 site is within the settlement of Spalding which is classed as a sub-regional centre within Policy 1. As such development will be permitted that supports Spalding's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

As the site is within Spalding, development within this location is considered appropriate. While the proposal would result in the loss of a dwelling house, the impact of the development on local housing stocks would be minimal.

Where a proposal involves the creation of an employment opportunity, Policy 1 is supported by Policy 7. While Policy 7 primarily concerns itself with traditional Class B uses and employment land, Paragraphs 4.2.1 and 4.2.2 discuss, in brief, the wider economic needs of the area. Paragraph 4.2.1 acknowledges the requirement for the growth of the leisure sector, giving some weight in favour of the proposal. Paragraph 4.2.2 sates that "economic growth will be focused in the higher tier settlements". Being located in Spalding, the proposal adheres to this point.

In any event, Policy 7 states that "new employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings". The proposal would reuse previously developed land, via this conversion. While the existing building is not redundant, there are wider economic benefits to the conversion as opposed to maintaining the site as a residential property. Therefore, it is considered that the proposal conforms to Paragraph 7 of the SELLP.

Where a proposal concerns tourism or the visitor economy, Policy 1 is further supported by Policy 9. Policy 9 states that "proposals for tourism and visitor development which utilise and enrich the natural and built environment and existing attractions of South East Lincolnshire to the benefit of the local economy, visitors and local communities will be supported within the boundaries of settlements

identified in Policy 1".

The proposal would be located within Spalding, and therefore, displays a relationship with the existing tourism ventures in the town. The proposal utilises an existing building, and while no external alterations are proposed, would ensure its good maintenance moving forward. At such a small scale, the proposed site is unable to provide significant enrichment to the natural environment. Therefore, it is considered that the proposal generally conforms to Policy 9 of the SELLP.

Policies 24 and 25 of the SELLP concern the vitality of the town centre. While this site is outside of the town centre, the proposal is considered to support the town centres; albeit, only in a small capacity. The proposal would likely increase visitor numbers to the town, who would then access and support local facilities. While the relative impact that this increase in visitor numbers would have is minimal, it still gives some weight in favour of the proposal.

Section 6 of the NPPF, "building a strong, competitive economy", gives weight in favour of proposal which offer an opportunity for economic growth. Paragraph 85 states that "significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development". In line with this paragraph, significant weight should be given in favour of the proposal.

Therefore, the proposal is considered to be in accordance with Policy 1, 7, 9, 24, and 25 of the SELLP, as well as Section 6 of the NPPF. The principle of development on this site is considered acceptable subject to other material considerations being met.

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

Section 12 of the NPPF, "Achieving well-designed and beautiful places", states 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 NPPF, 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. Developments 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, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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 NPPF 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.

As no alterations to the elevations are proposed here, the character impact of the development is limited. Externally, the property would remain visually consistent, albeit with an increased level of off-street parking. These additional parking arrangements are not considered to have a significant impact upon the character or appearance of the area. Several of the properties within the area have comparable parking arrangements, helping to naturalise the proposal.

The proposed use as a hotel would also not be out of keeping. The site is immediately adjacent to an existing hotel, which would help to naturalise the proposal. The proposal would also not

represent an over proliferation of C1 uses in the area. The overall impact, when viewed in conjunction with exisitng uses within the immediate setting, is not considered to give rise to a detrimental impact upon the character of the area.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

As no external alterations are proposed, the proposal would not increase overshadowing levels. No new windows are proposed, preventing increased overlooking.

It is not considered that the proposal would significantly increase the potential for noise pollution over the existing dwelling. The level of noise arising from a five-bedroom hotel would not represent a substantial increase compared to a house; albeit, potentially increased given the likelihood of increased movements.

As detailed above, the scale and design of the proposal is considered to have 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 Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 115 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards. A minimum of one space per room is required for the development of hotels. The proposal fails to adhere to these standards, providing only four parking spaces. However, the site is located in close proximity to the town centre and public transport provisions. As such, the tangible need for parking on site is significantly reduced. The site is approximately 500 metres from the bus station and 750 metres from the train station, meaning users could access the site via sustainable methods of transport as opposed to requiring a vehicle. Furthermore, there is some existing provisions along Pinchbeck Road for on street parking, further reducing the need for onsite parking. Therefore, while the proposal does not achieve the requirements of Appendix 6 and despite the comments received from the Highway authority, it is still considered that the proposal is acceptable from a parking perspective.

The Highway authority have mooted the possibility of altering the access in order to provide further parking. It is considered that this suggestion would be inappropriate due to the proximity to a neighbouring tree and as it would result in the loss of a hedgerow. The loss of this hedging would have a negative biodiversity impact, and therefore, its retention is considered to be beneficial; more beneficial than the potential minor gain for parking. Furthermore, as a change in the access would

not be sought, it is not considered necessary to request the relevant alterations to the site plan or impose a condition on these lines.

As previously discussed, the site is located within walking distance from public transport provisions and the town centre. A bus stop is located directly outside the property, while the bus and train stations are located 500 metres and 750 metres away respectively. The site is located along an established cycle route. These factors combine to ensure that the proposal adheres to Policy 33 and Section 9 of the NPPF and is accessible via sustainable methods of transport.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF 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: applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 of the NPPF states " 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". The sequential approach is 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 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 SELLP 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 SFRA as a basis to apply the sequential test.

Within the SFRA the site is classed as danger for most, with a hazard depth of up to 0.5 metres.

As the proposal would be for a change of use application, it unreasonable to request the installation of significant adaptation methods (such as raising floor levels) to take place. Within Annex 3 of the NPPF, hotels and dwelling houses both fall within the "more vulnerable" classification. As such, the proposed new use is no more vulnerable than the existing. Furthermore, as the new use is a hotel, it can be assumed that occupation would be temporary in nature, with occupants having possessions and valuables than would be expected of a permanent resident. As such, the tangible impacts of a flood event may be reduced compared to the existing use.

The creation of ground floor bedrooms, as is the case is here, could reasonably be undertaken without the need for permission via internal alterations. Occupants would, in the event of a flood, have access to the first floor to act as a safe refuge.

The creation of a parking area, in place of a garden, would increase surface water run-off. No drainage details have been provided at this stage. As such, it is considered appropriate to request a

standard surface water drainage condition.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Environmental Sustainability

In respect of the climate emergency, Section 14 of the NPPF 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'.

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 180 and 185 ensure sites of biodiversity value are protected through the planning system; while Paragraph 186 states that "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".

In line with both aforementioned sections of the NPPF, Policies 28 and 31 of the SELLP ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place.

The application was submitted prior to mandatory requirements for Biodiversity Net gain as introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) which requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. For applications such as the current scheme, submitted prior to the introduction of this requirement, such a requirement is not in place.

While the proposal would see the loss of a front garden, the actual biodiversity impacts of the proposal are considered to be low. Mowed grass has a relatively low biodiversity value and so its loss here would not be significant.

Taking the above into account it is considered that given the details submitted, and those required by suitably worded condition, the proposal is acceptable with regards to environmental sustainability. The proposal would therefore be in accordance with Policies 28 and 31 of the SELLP and Sections 14 and 15 of the NPPF.

Heritage and Conservation

Policy 29 of the SELLP, alongside Section 16 of the NPPF, relates to the preservation of the historic environment. Both outline that all applications within the Conservation Area should preserve or enhance the setting locale.

In this regard, 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.

The NPPF 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 NPPF 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 NPPF. Development proposals will be 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.

Policy 29 states "Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting".

While the site lies outside of the Conservation Area (CA), and is not near to any listed buildings, the property displays a clear relationship with the CA. The site is a mere 10 metres from the CA, and therefore, any alterations would impact upon the historic character of the CA. That being said, as no external alterations are proposed, the impact upon the CA is not considered to arise. This has been reaffirmed by the comments of the Conservation Officer and as such, the proposal is not onsidered to cause harm.

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. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 7, 9, 24, 25, 30, 33, and 36 of the SELLP, as well as Sections 6, 9, 12, 14, 15, and 16 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

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.