DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0380-26**	**Applicant:**	**Mr A Clayton**
Proposal:	Change of use from B & B (C4) to HMO (Sui Generis) including Internal Alterations		
Location:	Riverlodge B & B 5-6 London Road Spalding		
Terminal Date:	19th June 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
21	Houses in Multiple Occupation and the Sub-Division of Dwellings
29	The Historic Environment
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

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	1	0	0
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY	0	0	1	0

BODIES				

CASE OFFICER ASSESSMENT

Description of Proposal

This is a full planning application for the change of use of Riverlodge B and B, 5-6 London Road, from a bed and breakfast to a nine-bedroom house of multiple occupancy (HMO). This would be comprised of a basement living area (including kitchen and dining space), two ground floor bedrooms (11.7sqm and 9.3sqm), three first floor bedrooms (6.92sqm, 7.75sqm and 7.25sqm) and one kitchen, and four second floor bedrooms (7.5sqm, 8.16sqm, 7sqm and 6.54sqm).

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The site is approximately 80m south of High Bridge, and is in an edge of town centre location.

5-6 London Road is a Grade II property. The Historic England description reads:
"2. Early C19. 3 storeys in red brick, ground floor rendered. Moulded wood eaves cornice. 2 windows, stucco frames, no glazing bars. Band at top floor cills. Paired shop windows and doors.

Nos 2 to 7 (consec), 7A, 8, 9 and 11 to 29 (consec) form a group."

Relevant History

H16-0384-26 - LB - Proposed alterations including the partial demolition of a wall & blocking up of another section of wall on the ground floor & basement floors - Ongoing

H16-0564-14 - LB - Change of use into bed and breakfast accommodation - Approved 10/11/14

H16-0561-14 - S73 - Change of use and conversion of former printers to bed and breakfast accommodation - approved under H16-0200-13. Modification of condition 2 to allow previously approved plans relating to floor layout to be amended. - Approved 10/11/14

H16-0200-13 - Full - Change of use and conversion of former printers to bed and breakfast accommodation (re-submission of H16-1004-12) - Approved 12/06/13

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Spalding and District Civic Society

Support - We have no objection to this providing the room sizes comply with the minimum regulation requirements. We are assuming that all internal plumbing is reused and there are no new plumbing pipes externally on the front elevation.

SELCP Ecologist

Having reviewed this application, we have no comments regarding ecology.

Conservation Officer

No objections. Internal alterations appear to be relatively minor, with some minor creation of new openings, and closing of existing in limited locations. It would appear given the fact that the site is

formerly 2 buildings merged to a single B&B use that the proposed new layout is perhaps slightly closer to the original than the extant layout.
I do have a question, however, which is that on the layout plans, the proposed ensuites in the rear first floor appear slightly smaller than existing. Is this an error in the plotting, or is it proposed to install new ensuite rooms?

Highway and Lead Local Flood Authority
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No objection - the site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development will not be reliant on the private car and therefore parking is not essential for this proposal.

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

Principle of Development

Policy Context

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 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.

Where an application would relate to the creation of a HMO, Policy 1 of the SELLP is supported by Policy 1. Policy 21 states:

"Proposals for the creation of large Houses in Multiple Occupation and the sub-division of dwellings will be permitted provided that, in each case:
1. it would not result in the loss of family-sized dwellings in high density residential streets of predominantly terraced and/or semi-detached properties;
2. it would not significantly harm the amenities of the occupiers of adjoining or neighbouring

properties by way of noise, overlooking, general disturbance or impact on visual amenity;
3. it would not have a significant adverse impact on the character and appearance of the area, including the historic and natural environment;
4. adequate provision is made for the storage and disposal of refuse and recycling;
5. it would not have a significant adverse impact on the surrounding area by way of increased on-street parking, impaired highway safety or by impeding proper access to the area;
6. the site has good access - by walking and cycling - to community facilities, services, public transport and local employment;
7. an adequate standard of residential accommodation and residential amenity is provided for future occupiers; and
8. adequate provision is made for the communal gardens and amenity areas.

Where all of the above criteria are satisfied, the Nationally Described Space Standards (or any successor) will be applied to ensure that the occupiers have adequate floor space."

Policy 21 does not differentiate space standards between HMOs and flats; therefore, the overarching principles of the Nationally Described Space Standards (NDSS) apply to this proposal regardless. A minimum floor space of 7.5sqm for a single bedroom and a 11.5sqm for a double bedroom would be required.

Assessment

Assessing the proposal against the nine criteria of Policy 21, the following is considered:

1.The proposal would not result in the loss of a family sized dwelling.
2.The proposal would have no significant impact upon the amenity of neighbouring properties, when considered in the context of the existing use of the site. The noise generated by a ten bedroom B&B and a nine bedroom HMO is considered comparable. No new openings would be created, therefore no additional overlooking would occur.
3.As no external alterations are proposed, the impact upon the appearance of the area would be limited.
4.The submitted design and access statement has referred to a refuse area to the rear. Whilst exact details have not been provided, this may be conditioned. In any event, from the Officer Site visit, the area referred to is large, secure and obscured from the public realm via a fence. The arrangements are considered to be acceptable.
5.As the site is towards the centre of Spalding, the vast majority of everyday needs can be catered for via sustainable modes of transport. On that basis, there would be limited need for an occupant to use a car. In any event, the parking requirements of a HMO and B&B would be comparable, with the transitory nature of the B&B likely increasing the likelihood someone would access the site via private vehicle.
6.The site is near to the defined town centre (less than 100m to the north). As such, occupants would have good access on foot to all relevant facilities.
7.It is not considered that the requirements of criteria 7 have been met. Of the nine bedrooms, only four meet the requirements of the NDSS. Whilst the standards of The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 have been met (which require a minimum of 6.51sqm), this is a separate legislative consideration. The Development Plan is explicit in the level expected, and this has not been met for the majority of bedrooms.
8.No garden space is provided. Moreover, there would only be a single lounge and small dining area as internal communal recreation space. Given the number of residents, and the aforementioned inadequate room sizes, it is considered that this level of amenity provision is below what would be reasonably expected.

For the above reasons, the proposal is considered contrary to Policy 21 of the SELLP. The principle of development is therefore not considered to be acceptable.

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

Policy Context - Design

Section 12 of the National Planning Policy Framework (December 2024), "Achieving well-designed 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 National Planning Policy Framework (December 2024), 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.

Policy Context - Conservation Area

The site is within Spalding Conservation Area, as well as being Grade II listed.

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".

Paragraph 220 expands upon this, in relation to Conservation Areas, stating:
"Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 214 or less than substantial harm under paragraph 215, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole"

Policy 29 (The Historic Environment) of the SELLP 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. Policy 29 is broken into five interrelated sections, with parts A, and B relevant here.

Policy 29A of the SELLP, relating to listed buildings, states: "Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed

Building." This section is discussed in greater detail later in this report.

Policy 29B of the SELLP, relating to conservation areas, 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. Proposals should:
1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;
2. Retain architectural details that contribute to the character and appearance of the area;
3. Where relevant and practical, remove features which are incompatible with the Conservation Area;
4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;
5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape;"

To this end, all proposals in the Conservation Area or which affect listed buildings should preserve or enhance their settings.

Policy Context - Listed Building

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which they possess.

In assessing proposals of this nature, the Local Planning Authority must also 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.

Paragraph 213 of the NPPF outlines that "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification." In other words, should a proposal result in harm to an asset, this should be weighed against the public benefits arising from the proposal. Paragraph 215 expands upon this, stating that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

The above assessment of harm should be informed by the submission of an appropriate Heritage Impact Assessment (HIA). On this point, Paragraph 207 of the NPPF outlines that in "determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary".

Policy 29 of the SELLP outlines that all proposals shall conserve and enhance the character and appearance of designated heritage assets. Section A of Policy 29 outlines criteria which applications relating to listed buildings should conform to. These are as follows:

"1. Proposals to change the use of a Listed Building or to alter or extend such a building will be granted where the Local Planning Authority is satisfied that the proposal is in the interest of the building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting.
2. Proposals involving the demolition of Listed Buildings will not be permitted, unless in an exceptional case, or wholly exceptional case (depending on their grade) where a clear and convincing justification is made in line with national policy.
3. Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building."

Assessment

It is considered that the change of use (regardless of any works required to facilitate that change of

use) would not be harmful to the character of the area or the historic significance of the building. The building has been occupied by various uses throughout its lifetime, with the B&B use being a relatively new development. The existing use is not intrinsically linked to the significance of the asset. Moreover, residential dwellings and HMOs are not uncommon in the immediate area.

No external alterations are proposed. As such, there would be no impacts on the character or appearance of the area or building as a result. Internal alterations are proposed; however, these works do not constitute development under the Town and Country Planning Act, 1990 and should therefore not form a part of the considerations here. Said alterations are to be assessed under the corresponding listed building consent application.

On this basis, it is considered that the proposal would not have a harmful impact upon the listed building, when considered purely in the scope available under the Town and Country Planning Act, 1990. However, it has equally not been evidenced that the proposal would have a beneficial impact. On this basis, it is considered that the effect would be neutral.

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, 3 and 29 of the SELLP and Section 12 and 14 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 outlined previously, there would be no increase in noise disturbance expected. There would be no additional overlooking or overshadowing either.

That being said, as outlined above, the proposal would fail to provide adequate amenity space of the occupants. Several rooms are below the NDSS, thereby failing to meet the requirements of Policy 21. Moreover, there is a lack of shared internal or external recreation spaces. On balance it is considered that the proposal would fail to provide an adequate standard of accommodation.

Therefore, the proposal would be contrary to Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 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. 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. No specific standards are given for a HMO; however, being in a reasonable distance from the town centre would alleviate the need for private vehicle ownership.

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 174 of the NPPF states "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

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 process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

The site lies within Flood Zone 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 outside of any identified hazard area.

Paragraph 176 of the NPPF states "Applications for some minor development and changes of use should also not be subject to the sequential test, nor the exception test". Footnote 62 clarifies what constitutes a minor development, with this proposal meeting the relevant criteria.

On that basis, there is no requirement to apply the sequential or exceptions tests. In any event, the site is outside of an identified hazard area with the SFRA, and therefore the tangible flood risk is low.

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.

Outstanding Matters from Representation

The Conservation Officer has raised a query regarding alterations to bathrooms. Seeing as these

are internal alterations, outside of the scope of this application, these have not been assessed here.

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 is considered to fail to provide adequate shared amenity space, whilst also providing overly small rooms. The proposal would therefore not provide accommodation conducive to a high standard of living, and would be contrary to Policies 2, 3 and 21 of the SELLP as a result.

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 these factors into consideration, the proposal is considered to contrary to Policies 2, 3 and 21 of the SELLP, as well as Section 12 of the NPPF. There are no significant factors in this case that would outweigh the harm identified. Therefore, the planning balance is against the proposal.

Recommendation

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

under Delegated Authority.