DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0474-23**	**Applicant:**	**Mr M Oko**
Proposal:	Proposed change of use of dwelling to holiday accommodation		
Location:	Lowfields House Fulney Drove Spalding		
Terminal Date:	26th July 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
09	Promoting a Stronger Visitor Economy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

6 - Building a strong, competitive economy

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a change of use application at Lowfields House, Fulney Drove, Spalding for a proposed change of use of a dwelling to holiday accommodation. The five bedroom dwelling at ground floor

level contains a bedroom, games room, three halls, sun room, lounge, wc, utility, kitchen, dining area, sitting area, table tennis room, shower / changing room, plant room, swimming pool and a gymnasium. At first floor level four bedrooms, two en-suites, a dressing room, bathroom and a balcony are provided. No external alterations are proposed.

SITE DESCRIPTION

The site is outside of defined settlement limits and the surrounding area is predominately rural, characterised by non-nucleated linear development of varying ages and designs. The dwelling is in Environment Agency Flood Zone 3, and in Danger for Most hazard area with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. The submitted application form incorrectly states that the site is not in Environment Agency Flood Zone 2 or 3. As the dwelling is long established there is not a requirement to raise finished floor levels to address flood risk.

RELEVANT HISTORY

H16-1097-08

Full - Proposed extensions and alterations to dwelling - Approved - 28 November 2008.

H16-0849-09

Full - Extension and alterations to create swimming pool - Approved 21 December 2009.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

No objection - *"The subject property has a good quality vehicle access onto Fulney Drove and there is ample parking for residents and visitors within the curtilage of this large dwelling. The use of the dwelling as holiday accommodation would not be expected to have any more onerous impact upon the safe operation or the capacity of the local highway network than its existing domestic dwelling house and therefore, the highway authority does not wish to object to the grant of Consent for this Application."*

South Holland District Council - Environmental Protection

No comments.

MATERIAL CONSIDERATIONS

Principle

Policy 1 of the SELLP directs developments to the most sustainable locations. The site has already been developed and therefore as additional development is not being sought under this application there is not considered to be an additional impact from accommodation in this location.

The proposal therefore accords to Policy 1 of the SELLP and as such, the principle of a holiday accommodation development in this location is sound. The dwelling is large and sited on a spacious plot with no immediate neighbours. The existing room provision and garden provision, as well as an on-site private swimming pool is considered appropriate for a holiday let use.

Flood Risk / Site Levels

Policy 4 of the SELLP and Section 14 of the NPPF involve mitigating and adapting to flood risk as well as drainage issues.

The dwelling is in Environment Agency Flood Zone 3, and in Danger for Most hazard area with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. The submitted application form incorrectly states that the site is not in Environment Agency Flood Zone 2 or 3. As the dwelling is long established there is not a requirement to raise finished floor levels to address flood risk. Foul and surface water drainage is not being altered.

This application accords with SELLP Policy 4.

Character / Appearance

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

There is to be no external amendments or extensions to facilitate this holiday accommodation use.

There is not considered to material impact on character and appearance from this proposal which accords with the relevant criteria of Policies 2 and 3 of the SELLP.

Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

As the holiday accommodation is not immediately adjacent other dwellings and is not contrary to a standard residential use, therefore there is not considered to be an increased amenity impact.

There is not considered to material impact on amenity from this proposal which accords with the relevant criteria of Policies 2 and 3 of the SELLP.

Parking / Highway Safety

The site can accommodate in excess of three off road parking spaces. Therefore the proposal is in accordance with Appendix 6 of the SELLP which requires a minimum of three off road parking spaces for dwellings with four bedrooms or greater.

Management of holiday accommodation

No management details have been submitted to support this application. However, an application under reference H16-0470-23 for a new dwelling adjacent to the site for holiday accommodation has been submitted.

PLANNING BALANCE

It is considered that a holiday let use in a large spacious dwelling on this site would be appropriate. There is not considered to be increased harm on the amenity of neighbours, with the proposed usage not contrary to a standard residential use. There is no impact on the character of the surrounding area as there are no exterior amendments proposed.

CONCLUSION

This application is considered to accord with 01, 02, 03, 09, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Section 6 of the National Planning Policy Framework, 2021.

RECOMMENDATION

This application is recommended for approval.

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.