

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0662-26 **Applicant:** Stamford Properties Development Ltd

Proposal: Redevelopment, demolition and extension of vacant former Regent Bingo Club to include 41 residential units, comprising one, two and three bedroom apartments. The scheme also incorporates 298 sq m of flexible commercial floorspace within Use Class E (Commercial, Business & Service), together with dedicated residents external amenity space. The development will utilise existing vehicular and pedestrian access routes, providing parking areas to the rear with 28 parking bays and cycle parking, servicing arrangements and associated works.

Location: Former Regent Bingo Club Westlode Street Spalding

Terminal Date: 22nd October 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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02	Development Management
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APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework August 2026

Section 3: Decision-making
Section 4: Achieving sustainable development
Section 5: Meeting the challenge of climate change
Section 6: Delivering a sufficient supply of homes
Section 7: Building a strong, effective economy
Section 8: Ensuring the vitality of town centres
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Section 17: Pollution, public protection and security
Section 18: Managing flood risk and coastal change
Section 19: Conserving and enhancing the natural environment
Section 20: Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	1	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SPALDING & DISTRICT CIVIC SOCIETY	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	1	0	1	1
OTHER STATUTORY BODIES	1	0	0	8
RESIDENTS	10	0	0	5

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the redevelopment, partial demolition, alteration and extension of the vacant former Regent Bingo Club to provide 41 apartments and approximately 298 sq m of commercial floorspace within Use Class E, with associated access, parking, cycle storage, servicing and landscaping.

The scheme retains the principal Art Deco frontage onto Westlode Street and incorporates commercial accommodation within the front part of the building at ground and first-floor levels. The Design and Access Statement identifies approximately 166.5 sq m at ground-floor level and 131.7 sq m at first-floor level. The application description seeks flexible Class E accommodation, although the application form identifies Class E(b) in its floorspace and opening-hours sections. The precise scope of the proposed commercial use therefore requires clarification.

The development includes removal of the existing roof structure and demolition of the lower rear section, with new residential floors inserted within the main building and a full-height extension towards the rear. Residential accommodation is arranged across five levels, comprising seven apartments at ground floor, eight on each of the next two levels, and nine on each of the upper two levels. The mix comprises 11 one-bedroom, 26 two-bedroom and four three-bedroom apartments. The drawings distinguish four two-bedroom three-person apartments from 22 two-bedroom four-person apartments.

A communal residents' terrace is proposed within the front portion of the building at the level identified as Level 02. Ancillary accommodation includes residential circulation, lifts and stairs, plant

areas, refuse storage and an internal cycle store. Existing vehicular access from Westlode Street would serve 28 rear parking spaces, including two accessible spaces. Separate pedestrian access is shown along the opposite side of the building. The proposed cycle provision is stated to accommodate 80 bicycles.

Site Description

The site comprises approximately 0.277 hectares on Westlode Street within the defined Spalding Town Centre and wholly within the Spalding Conservation Area. It contains the vacant former cinema and bingo hall, side access routes and land to the rear formerly used for parking. Its surroundings comprise a mixture of town-centre commercial premises, parking areas and residential development.

The former Savoy Cinema opened in 1937 and subsequently operated as the Regent Bingo Club. The submitted documents describe closure during the Covid-19 pandemic and a fire in 2021. The building has remained vacant and has experienced deterioration and vandalism. These circumstances are relevant to the prospects for reuse, but do not in themselves establish that repair or an alternative use is unviable.

The building is not statutorily listed. It is, however, a non-designated heritage asset because of its architectural and historic interest, including its distinctive Art Deco and Streamline Moderne design and its longstanding role as a public entertainment venue. The surviving frontage, decorative tiling and vertical detailing give the building a recognisable identity. Its auditorium form and historic communal use also contribute to an understanding of its significance.

The site lies within the Historic Commercial Centre character area. The building forms a distinctive twentieth-century element in a townscape of varied historic buildings. The rear and side elevations are experienced from adjoining open areas, including the neighbouring car park, and the Heritage Statement identifies a view towards the site from Double Street. The Grade II* Constitutional Club on Broad Street has a visual and historic relationship with land to the rear. The pre-application response also identifies nearby listed buildings at Nos. 24-25 New Road, Nos. 2 and 4 Pinchbeck Road, Nos. 8 and 9 Broad Street, and the Museum of the Spalding Gentlemen's Society. Their inclusion in that response does not establish harm to each asset; the effect on individual settings must be assessed.

The site is identified as Flood Zone 3 in the submitted material. The Environment Agency's consultation response records that it falls outside the breach extent shown in the relevant South East Lincolnshire Strategic Flood Risk Assessment mapping.

History

H16-0862-14: Two outdoor condenser units, smoking shelter and frontage refurbishment. Approved 2 February 2015, as recorded in the pre-application response.

H16-1145-25: Written pre-application advice issued on 29 January 2026 concerning retention and conversion of the building to 37 apartments, with 34 parking spaces and a smaller commercial element. That written response is the Council's last position relied upon in this assessment. No subsequent discussions are treated as an endorsement of the submitted scheme.

The advice identified potential for residential accommodation in this town-centre location but did not support the proposal without qualification. It sought evidence addressing the loss of the leisure use, the feasibility of continued or alternative town-centre use, heritage significance, flood risk, transport and infrastructure requirements. It expressed a preference for continued town-centre use of the building, or a more substantial mixed-use arrangement, subject to appropriate justification.

The present application contains more commercial floorspace and fuller design information. Those changes are acknowledged. They do not remove the need to justify the loss of the leisure facility or demonstrate that the proposed scale, form and access arrangements are acceptable. The Design and Access Statement's description of general Council support is not adopted as the Council's position.

Consultation Responses

Ward Member

Objects and requests committee determination. Raises concerns about demolition, harm to local character and heritage, excessive height and the number of apartments. Also identifies concerns about traffic, parking, waste, noise and anti-social behaviour.

Anglian Water

Objects in relation to surface-water drainage.

Internal Drainage Board

Confirms that it has no watercourses in the area and requests submission of a drainage plan.

Environment Agency

No objection. Considers the submitted Flood Risk Assessment appropriate and confirms that the site lies outside the mapped breach extent. Supports full implementation of the recommended flood-risk mitigation.

Spalding and District Civic Society

Supports redevelopment in principle and welcomes retention of the original frontage. Requests removal of one storey, improvements to the side elevations, reinstatement of the Savoy sign and retention of original internal features where possible. Supports allowing restaurant use within the commercial accommodation.

Historic Environment Officer

Objects, while supporting redevelopment in principle and welcoming retention of the Art Deco frontage. Identifies the former cinema as a non-designated heritage asset because of its architectural and historic interest.

Considers that the increased height and bulk would overwhelm the frontage, appear unduly prominent within the conservation area and harm the setting of nearby listed buildings, particularly the Constitutional Club.

Acknowledges improvements to the elevation treatment but considers these insufficient to overcome the harm.

Considers that the need for the additional height has not been justified. Recommends reducing the building to a height similar to the existing structure; otherwise recommends refusal under Local Plan Policy 29 and NPPF Policies HE6 and HE7.

Pedals

Welcomes the cycle storage and requests a condition requiring it to be available before occupation of the first dwelling.

Education Planning Officer

Requests £81,754.02 towards education provision, comprising £54,502.68 for secondary education and £27,251.34 for sixth-form provision.

Lincolnshire County Council Highways and SuDS

Recommends deferral pending further information.

For highways, requests a Transport Statement to justify 28 parking spaces for 41 apartments, assess overspill parking and explain parking allocation and management. Welcomes the 80 cycle spaces but considers that these do not alone justify the parking shortfall. Also requests evidence that the constrained access would operate safely without vehicles waiting on Westlode Street.

For drainage, requests an outline surface-water strategy identifying existing and proposed impermeable areas, discharge rates, the outfall, application of the drainage hierarchy and opportunities for multifunctional SuDS. Detailed design and maintenance could be conditioned once an acceptable outline solution has been demonstrated.

Lincolnshire Fire and Rescue

No representations.

NHS Integrated Care Board

Requests £38,630.20 towards healthcare provision, plus applicable indexation. Seeks payment upon completion of 50% of dwellings in each phase and a ten-year period for expenditure from receipt of the final payment.

Ecology

Raises no significant ecological concerns. Recommends safeguards for nesting birds and protected species, with works stopped and ecological advice sought if necessary. Also recommends bird and/or bat boxes.

Housing Strategy

Requests seven affordable rented apartments, comprising five one-bedroom, two-person flats and two two-bedroom, four-person flats, reflecting identified local need. Also identifies Registered Provider expectations for internal space and bedroom sizes. The response refers to a 25% affordable housing requirement, although the requested seven units do not equate to 25% of the proposed 41 dwellings; clarification is required.

Environmental Protection

Raises no objection and requests a Construction and Environmental Management Plan covering working hours, noisy activities and dust control. Advises seeking prior consent under section 61 of the Control of Pollution Act for construction works and following relevant dust-assessment guidance.

Representations

The application has been advertised in accordance with the DMPO 2015 (as amended). A number of objections have been received (12 in total) including from both the ward member and the MP.

The matters raised include the building's historic, architectural and community value; loss of the cinema/bingo function; height, bulk and appearance; the number of apartments; inadequate parking and displacement of parking used by town-centre visitors; traffic; drainage capacity; noise, waste and anti-social behaviour; and boundary treatment and retention of an existing tree. Some representations welcome reuse or retention of the frontage while objecting to the submitted redevelopment. The planning assessment below addresses these material issues. An objection count is not itself a reason to refuse permission.

Planning Considerations

The proposal would bring a vacant town-centre building back into use, providing 41 apartments and approximately 298 sq m of commercial accommodation. The location is suitable in principle for this

mix of uses. The assessment considers whether these benefits would be delivered through an acceptable form of development and whether the loss of the former leisure facility has been justified.

The main issues are the effect of the building's increased height and bulk on heritage assets, the suitability of the access and parking arrangements, and the living conditions of future residents. Flood risk, drainage, ecology, affordable housing and infrastructure requirements are also considered.

The Council's written pre-application advice dated 29th January 2026 offered qualified support for redevelopment but identified matters requiring further assessment. It did not establish that the scale, layout or operation of the submitted scheme would be acceptable.

The key topics are:

- Principle of development and retail impact, including loss of the leisure facility
- Developer contributions, including affordable housing and infrastructure
- Design and impact on heritage assets
- Highway safety and sustainable transport
- Flood risk and drainage
- Residential amenity and operation
- Ecology and biodiversity net gain
- Planning balance and conclusion

Principle of development and retail impact

The application site lies within Spalding Town Centre. Policy 24(A) of the South East Lincolnshire Local Plan identifies the town centre as a focus for retail, food and drink, leisure and residential development. Policy 25 supports redevelopment that contributes to the centre's vitality and viability, while requiring regard to its historic character. These policies support a mix of commercial and residential uses in this location.

The NPPF definition of main town centre uses includes retail, restaurants, leisure and entertainment uses, expressly including bingo halls. Both the former bingo use and the proposed retail or restaurant accommodation are therefore recognised town centre uses. Residential development falls outside that definition, but NPPF Policy TC2 expressly supports its contribution to town centre vitality and viability. It requires substantial weight to be given to the benefits of diversification, intensification and residential accommodation, subject to development plan policies for specific locations.

The proposal would provide 41 apartments and approximately 298 sq m of Class E commercial floorspace. The commercial accommodation would occupy the front of the building facing Westlode Street. The ground-floor plan shows 166.5 sq m labelled "Retail", with a direct entrance from the street. A further 131.6 sq m, also labelled "Retail", is shown at first-floor level, connected by the front internal staircase. Residential accommodation would be provided behind the commercial space and on the higher floors.

Although the plans label these areas as retail, the application form identifies Class E(b), covering the sale of food and drink mainly for consumption on the premises. The Design and Access Statement also identifies an opportunity for restaurant use. Both retail and restaurant uses would be appropriate town centre activities.

This arrangement would provide a publicly accessible commercial frontage and homes close to shops, services and public transport. Reoccupation could increase footfall, support spending in nearby businesses and bring activity back to the premises. The commercial element would complement the town centre's range of uses. Substantial weight is given to these benefits in accordance with NPPF Policy TC2.

However, the existing bingo hall is itself a main town centre use. Its replacement with another recognised town centre use does not, on its own, justify the loss of its particular leisure and community function. Bingo halls are now classified as sui generis, having previously fallen within Class D2, assembly and leisure. The former use provided opportunities for recreation and social interaction. It is therefore considered a community facility for the purposes of Local Plan Policy 32 and a recreational building for the purposes of NPPF Policy HC7.

Policy 32 requires the loss of an existing community facility to be justified against its stated tests. Policy HC7 also protects recreational buildings and land, subject to exceptions including evidence that the facility is surplus to requirements or that qualifying replacement or alternative provision would be made. The building's vacancy and condition are relevant, but do not alone demonstrate that these tests have been met. Nor has the proposed commercial accommodation been shown to provide an equivalent replacement for the former leisure facility.

The loss of the facility and the absence of sufficient justification under Policy 32 and NPPF Policy HC7 therefore weigh against the proposal. These matters will be given appropriate weight in the overall planning balance, alongside the benefits of housing, commercial activity and bringing the building back into use.

Overall, the proposed residential and commercial uses are acceptable in principle in this town centre location. In terms of their location and mix, they accord with Policy 24(A), the town centre regeneration objectives of Policy 25 and NPPF Policy TC2. This conclusion does not resolve the separate policy concerns arising from the loss of the leisure facility or the other impacts assessed below.

Developer contributions

Policies 5 and 6 of the South East Lincolnshire Local Plan require development to make appropriate provision for the infrastructure needed to support it. Policy 18 seeks about 25% affordable housing on qualifying residential developments in South Holland, subject to relevant site-specific considerations. Policy 32 also requires development to contribute towards community facilities where additional demand would arise.

NPPF Policy HC3 requires development to provide or contribute towards necessary improvements to community facilities and public service infrastructure. Policies DM5 and DM6 address viability and the use of planning conditions and obligations. Contributions must be justified, necessary to make the development acceptable, directly related to it, and fairly and reasonably related in scale and kind.

The proposal would provide 41 apartments and would generate additional demand for local services. Housing Strategy, Lincolnshire County Council's Education Planning Officer and the NHS Integrated Care Board have therefore requested affordable housing and infrastructure contributions.

Housing Strategy identifies a 25% affordable housing requirement and requests seven affordable rented apartments, comprising five one-bedroom, two-person apartments and two two-bedroom, four-person apartments. The requested number does not correspond with 25% of the proposed 41 dwellings. The final requirement therefore needs clarification, including the basis for any applicable credit or adjustment, together with the tenure, mix and delivery arrangements.

The Education Planning Officer requests £81,754.02, comprising £54,502.68 towards secondary education and £27,251.34 towards sixth-form provision. The NHS Integrated Care Board requests £38,630.20 towards healthcare provision. These financial requests total £120,384.22, before any further applicable indexation.

Heads of terms have not been agreed. However, the application is not supported by a viability assessment seeking a reduction in affordable housing or infrastructure contributions. There is therefore no evidenced viability basis for departing from the justified requirements. If the proposal were otherwise acceptable, it is anticipated that these requirements would need to be secured through a Section 106 agreement.

Based on the consultation responses, the proposed heads of terms would comprise:

- Affordable housing: on-site provision, with the final number, tenure, dwelling mix and location to be agreed following clarification of Housing Strategy's response. The agreement would secure delivery, eligibility, nomination arrangements and retention as affordable housing, subject to the usual exceptions.
- Secondary education: a contribution of £54,502.68, subject to confirmation of the identified provision, applicable indexation and payment trigger.
- Sixth-form education: a contribution of £27,251.34, subject to confirmation of the identified provision, applicable indexation and payment trigger.

·Healthcare: a contribution of £38,630.20, subject to confirmation of the identified provision and applicable indexation. The NHS requests payment upon completion of 50% of the dwellings in each phase and a ten-year period for expenditure from receipt of the final payment; these arrangements would require agreement.

·Implementation: agreed payment and delivery triggers, provisions governing the use and repayment of financial contributions, and any justified monitoring fees.

The justification for each obligation would need to be confirmed before the agreement is completed. Subject to securing the agreed affordable housing and necessary infrastructure contributions, the proposal could accord with Policies 5, 6, 18 and 32 of the Local Plan and the relevant requirements of NPPF Policies HC3, DM5 and DM6. These matters remain outstanding, but there is currently no basis to conclude that the applicant is unwilling or unable to meet the justified requirements.

Design and impact on heritage assets

Policies 2 and 3 of the South East Lincolnshire Local Plan require development to respond appropriately to its surroundings through its scale, design and appearance. Policy 29 seeks to conserve and enhance designated and non-designated heritage assets. Part A addresses the setting of listed buildings, while Part B requires development within conservation areas to respect local distinctiveness, including height, massing, scale and form. It also requires the effects on the townscape, roofscape and skyline to be assessed and addressed.

NPPF Policy HE4 requires development to conserve heritage significance and avoid or minimise harm. Policy HE6 requires substantial weight to be given to the conservation of designated heritage assets and considerable importance and weight to any harm. Where harm is identified, it must be weighed against the public benefits of the proposal. Policy HE7 requires a separate balanced judgement where a non-designated heritage asset would be harmed, taking account of its significance and the scale of harm.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) requires special regard to the desirability of preserving affected listed buildings, their settings and their features of special architectural or historic interest.

The site lies within Spalding Conservation Area, close to the Grade II* listed Constitutional Club on Broad Street. The former cinema is not listed. However, the Conservation Officer identifies it as a prominent and rare surviving Art Deco cinema designed by Alfred Thraves, an architect known for his interwar cinema buildings. Its distinctive architecture and history as a place of public entertainment give it architectural and historic significance. It is therefore considered a non-designated heritage asset.

The proposal would retain the Art Deco frontage onto Westlode Street, with commercial accommodation at ground and first-floor levels. Behind this frontage, the building would be altered and extended to provide residential accommodation across five levels. The proposed elevations show repeated window openings, broad rendered surfaces and a brick-faced rear extension. A continuous parapet would define the upper edge of the enlarged building.

There are positive aspects to this approach. Retaining the distinctive frontage would preserve an important part of the building's architectural interest and its contribution to Westlode Street. Reoccupation would also provide investment in a vacant building and an opportunity to secure its future. The Conservation Officer describes retention of the facade as "to be commended" and confirms that there is no objection to the broad principle of redevelopment.

The existing structure behind the frontage is already large and visually prominent. The Conservation Officer considers it to have limited aesthetic value and acknowledges that introducing windows would make the proposed elevations "substantially less harsh in terms of general design". The proposed treatment would therefore improve some aspects of the building's appearance. However, these improvements would not overcome the harmful effect of its increased height and bulk.

The enlarged residential block would rise prominently behind the Art Deco frontage. Its broad elevations, repeated windows and continuous parapet would draw attention away from the frontage and make the new accommodation the dominant part of the building. The setback would provide some separation, but would not prevent the upper structure from appearing overbearing.

The Conservation Officer considers that the proposal would "entirely dwarf the significant art deco frontage". This concern is accepted. Although the frontage would remain physically intact, it would be visually overwhelmed by the development behind it. Its distinctive form and detailing would become subordinate to the much larger residential block, reducing its architectural presence within the street scene. This would harm the significance of the non-designated heritage asset.

The effect would extend into the wider conservation area. The existing building is already taller and bulkier than its immediate neighbours. Further enlargement would increase that contrast and create an unduly dominant feature within the surrounding townscape. In views of the side and rear, the extended elevations and raised roofline would appear overbearing in relation to the smaller historic buildings around the site.

The Conservation Officer describes the resulting building as "visually unwieldy and unduly prominent". The proposed windows would break up the elevations, but would not sufficiently reduce the impression of a large, continuous block. The development would dominate the local roofscape and weaken the contribution made by the Art Deco frontage to this part of the conservation area. It would therefore fail to respect local distinctiveness in height, massing, scale and form, contrary to Policy 29(B).

The Conservation Officer also identifies harm to the setting of the Constitutional Club, particularly in publicly accessible views towards its rear. The enlarged block would form a more dominant and overbearing backdrop to the listed building. It would compete with its architectural presence and make it harder to appreciate the building within its historic surroundings. This would harm the contribution made by its setting to its significance and would fail to preserve or better reveal that significance, contrary to Policy 29(A).

The Conservation Officer places the effect on the former cinema at the highest end of the "harm" category, with harm to the conservation area and listed-building setting at a lower degree. Substantial harm to the designated heritage assets is not identified. Nevertheless, the harm is material and must be given considerable importance and weight. The effect on the non-designated cinema must be assessed separately, having regard to its architectural and historic significance.

The public benefits include 41 homes, commercial accommodation, increased town centre activity and investment in the repair and reuse of a vacant building. Retention of the Art Deco frontage is also a benefit. These matters carry positive weight, including the substantial weight given to the town centre benefits under NPPF Policy TC2.

However, the application has not demonstrated that the proposed scale of development is necessary to secure the building's reuse. No supporting viability assessment establishes that a less dominant scheme could not be delivered. The Conservation Officer identifies a reduction in height as a means of achieving a more suitable relationship with the retained frontage and surrounding historic buildings. The submitted proposal does not adequately justify the harm arising from its greater scale.

Applying Policy HE6, and giving substantial weight to conservation and considerable importance and weight to the identified harm, the public benefits do not outweigh the harm to the conservation area or the significance of the Grade II* Constitutional Club through development within its setting. Applying Policy HE7 separately, the benefits also do not outweigh the harm to the non-designated former cinema, particularly the visual domination of its distinctive frontage.

Overall, the retention and reuse of the building are supported, and parts of the proposed elevation treatment would improve its appearance. However, the enlarged residential block would dominate and overbear the Art Deco frontage, appear unduly prominent within the conservation area and harm the setting of the Constitutional Club. Having applied the statutory duties under sections 66(1) and 72(1), the proposal is considered contrary to Policies 2, 3 and 29 of the Local Plan and NPPF Policies HE4, HE6 and HE7. These effects provide a reason for refusal.

Highway safety and sustainable transport

Policies 2 and 3 of the Local Plan require suitable access and parking arrangements. Policy 36 and Appendix 6 set out the parking requirements and allow lower provision where appropriately justified. NPPF Policies TR3 and TR4 seek sustainable transport arrangements, safe access and appropriate

parking. Policy TR6 requires proportionate transport assessment and travel planning where development is likely to generate significant amounts of movement.

The proposal provides 28 parking spaces for 41 apartments, together with storage for 80 bicycles. The site is close to town centre services, and residents would have opportunities to walk, cycle and use public transport. This could support a lower level of car parking than would be appropriate in a less accessible location.

The Highway Authority welcomes the cycle provision but considers that this alone does not justify the shortfall against the Local Plan parking standards. It has requested a Transport Statement to demonstrate that the proposed parking provision would be appropriate and would not cause harmful overspill parking or adverse effects on the surrounding highway network. Its formal recommendation is deferral pending further information.

No Transport Statement or Transport Assessment has been submitted to demonstrate the likely parking demand associated with the apartments and commercial accommodation. The application also does not adequately explain how parking would be allocated or managed. The Highway Authority specifically seeks clarification of whether spaces would be allocated to individual apartments or remain unallocated, noting the potential for additional movements from residents searching for available spaces.

The town centre location and cycle storage are positive features. However, general references to nearby services do not establish how the reduced parking provision would work in practice. No Travel Plan has been provided to explain the measures relied upon to reduce car use, how they would be delivered or how their effectiveness would be monitored. Any reliance on nearby public or third-party parking would also require evidence of availability and competing demand.

The Highway Authority raises a further concern about the operation of the existing access. It states that the access "appears constrained and may not provide sufficient width to accommodate two-way vehicle movements". It therefore requests assessment demonstrating that vehicles would not need to wait on Westlode Street while other vehicles enter or leave the site, to the detriment of highway safety.

This is an unresolved concern rather than a finding that the access is necessarily unsafe. The previous bingo use may be relevant when comparing vehicle movements, but no assessment has been provided to establish how the proposed development would operate or whether access improvements or management measures would be necessary.

Conditions could secure agreed access works, parking management and sustainable travel measures if an acceptable and deliverable approach were first demonstrated. However, the current information does not establish what measures are needed or whether they could be accommodated within the proposed layout. A condition requiring a later assessment would therefore leave fundamental questions about the suitability of the access and reduced parking provision unresolved.

The reduced number of parking spaces is not, by itself, a reason for refusal. However, the application has not provided sufficient evidence to demonstrate that the parking and access arrangements would operate safely and satisfactorily, or that effective measures could address the identified concerns. Compliance with Policies 2, 3 and 36 of the Local Plan and NPPF Policies TR3, TR4 and TR6 has therefore not been demonstrated. The lack of information provides a reason for refusal; it does not establish that severe network impacts or unacceptable highway safety impacts have already been proved.

Flood risk and drainage

Policy 4 of the Local Plan requires development to address flood risk and avoid increasing risk elsewhere. Policies 2 and 3 also require appropriate drainage. NPPF Policies F4-F7 address flood-risk assessment, the Sequential and Exception Tests and the safety of development, whilst Policy F8 requires proportionate provision for sustainable drainage.

Flood risk

The site lies within Flood Zone 3a. The submitted Flood Risk Assessment considers the relevant sources of flooding and identifies mitigation measures to ensure the development would be safe

over its lifetime. The Environment Agency raises no objection, subject to implementation of the recommended mitigation, and confirms that the site lies outside the relevant mapped breach extent. Having regard to this advice, the development is considered acceptable in principle in respect of flood risk.

Changes of use are exempt from the Sequential and Exception Tests under NPPF Policies F5(2)(c)(iii) and F6(2)(a). The proposed development does therefore not have to satisfy either given it relates predominantly to a change of use.

The mitigation recommended in the Flood Risk Assessment can be secured by condition. This would include agreed finished floor levels and the specified flood-resilience measures.

Drainage

The Lead Local Flood Authority has requested further information on the surface-water drainage strategy, and Anglian Water has raised an objection concerning the demonstration of the drainage hierarchy. These concerns require consideration against the existing developed condition of the site.

Section 3.9 of the Flood Risk Assessment states that the site is already entirely impermeable and that the proposal would not result in a net increase in impermeable area. Consequently, the additional residential floorspace would not, in itself, generate a material increase in surface-water runoff. The assessment proposes a connection to the dedicated surface-water sewer in Westlode Street, with a restricted discharge rate to be agreed with Anglian Water. This provides an opportunity to reduce peak discharge compared with the existing situation.

Given this baseline and the drainage approach identified, the outstanding surface-water matters are considered capable of mitigation through an appropriately worded drainage condition. The condition would require approval of a detailed scheme demonstrating consideration of the drainage hierarchy, appropriate discharge controls and attenuation, climate-change allowances, safe exceedance routing and arrangements for future maintenance. The approved scheme would need to be implemented before occupation and maintained thereafter.

On this basis, a separate drainage reason for refusal is not considered reasonable. Subject to the aforementioned mitigation the proposal would be capable of satisfying Policies 2, 3 and 4 of the Local Plan and NPPF Policies F7 and F8.

Residential amenity

Policies 2, 3 and 30 of the Local Plan seek to protect living conditions and prevent unacceptable noise and other pollution. NPPF Policy P3 requires development to provide suitable living conditions for future occupiers and avoid unacceptable effects on neighbouring properties.

Living conditions for future residents

The apartments would be in a convenient town-centre location, close to shops, services and public transport. The layouts provide separate bedrooms, living and kitchen areas, bathrooms and circulation space. A communal terrace at Level 02 would provide outdoor space for residents, supported by cycle and refuse storage.

Some apartments would have a more restricted outlook and daylight than others, particularly those at lower levels or with windows facing in only one direction. However, this is a closely developed town-centre site, and the submitted plans do not demonstrate that these limitations would make the accommodation unacceptable. The communal terrace would provide a useful shared space, and its use and screening could be controlled by condition to protect privacy and limit disturbance.

The apartment layouts and shared facilities are therefore considered broadly acceptable. The main unresolved issue is whether residents would be adequately protected from the commercial uses within the same building.

Relationship between commercial and residential uses

Commercial accommodation is proposed at ground and first-floor levels, close to the apartments.

The first-floor accommodation is of particular concern because commercial activity would take place alongside residential accommodation at the same level.

The proposed Class E use could include a restaurant. This could generate noise from customers, music, kitchen equipment, extraction systems, deliveries and refuse handling, together with cooking odours. Noise could pass through the building as well as affect residents through their windows and when using the communal terrace.

A mix of commercial and residential uses is appropriate in principle in this town-centre location. Some activity and background noise can reasonably be expected. However, residents must still have suitable conditions for day-to-day living and sleep.

No Noise Impact Assessment or equivalent acoustic information has been submitted. The application does not adequately explain how noise would be controlled between the commercial premises and the apartments. It also lacks sufficient information about the commercial operation and any associated extraction equipment. The likely effects on future residents are therefore unclear.

Environmental Protection has not objected, and this weighs in favour of the proposal. Nevertheless, the information submitted does not demonstrate that the proposed uses could operate together without unacceptable disturbance. Its request for a construction management plan addresses building works rather than the operation of the completed development.

Conditions could secure noise insulation, operating hours and extraction details where suitable measures have been shown to be achievable. Here, it is not clear whether those measures would be sufficient within the proposed layout or whether changes to the scheme would be needed. This issue should therefore be assessed before permission is granted rather than left entirely to condition.

Neighbouring amenity and construction

The information available does not establish a separate unacceptable effect on neighbouring properties from overlooking or loss of light. The effects of commercial plant, extraction and servicing would also need to be addressed through the operational assessment.

Construction noise, dust and working hours could be controlled through a Construction and Environmental Management Plan. Bringing the vacant building back into use could improve natural surveillance, and there is no evidence that the residential use would itself cause unacceptable crime or anti-social behaviour.

Conclusion

The residential layouts and shared facilities are broadly acceptable. However, insufficient information has been provided to demonstrate that future residents would be protected from noise and disturbance arising from the commercial accommodation, particularly at first-floor level, and from any associated extraction equipment. The proposal therefore fails to demonstrate compliance with Policies 2, 3 and 30 of the Local Plan and NPPF Policy P3. Refusal is recommended on this basis.

Ecology and biodiversity net gain

The applicant claims the de minimis exemption from mandatory biodiversity net gain because less than 25 sq m of habitat would be affected. Subject to confirmation that no priority habitat and less than 5 metres of linear habitat would be affected, the proposal would be exempt and a Biodiversity Gain Plan would not be required.

The ecological consultation raises no significant concerns. Protected-species precautions and suitable biodiversity enhancements could be secured by condition. No ecology reason for refusal is proposed.

Planning Balance

The proposal would provide 41 homes in an accessible town-centre location, together with commercial accommodation that could support footfall, local spending and activity. It would bring a vacant building back into use and secure investment in its repair, while retaining the distinctive Art Deco frontage. Substantial weight is given to the town-centre benefits in accordance with NPPF Policy TC2.

However, the increased height and bulk would overwhelm the retained frontage and harm the significance of the former cinema as a non-designated heritage asset. The development would also appear unduly prominent within Spalding Conservation Area and harm the significance of the Grade II* listed Constitutional Club through its effect on the building's setting.

The harm to the designated heritage assets is less than substantial, but carries considerable importance and weight. Having given substantial weight to their conservation and applied the duties under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the public benefits are not considered sufficient to outweigh that harm. A separate balanced judgement also finds that the benefits do not outweigh the harm to the former cinema. The application has not demonstrated that the proposed scale is necessary to secure the building's reuse or that a less harmful scheme could not be delivered.

The loss of the former bingo hall's leisure and community function has not been adequately justified. Its vacancy and condition do not establish that it is surplus to requirements, and the commercial accommodation has not been shown to provide an equivalent replacement. This adds further weight against the proposal.

There are also important gaps in the supporting information. The application has not demonstrated that the reduced parking provision and constrained access would operate satisfactorily. Nor has it established that future residents would be adequately protected from the proposed commercial activities, particularly at first-floor level. These are unresolved questions about the suitability of the scheme, rather than matters that can confidently be left entirely to conditions.

The apartment layouts and shared facilities are broadly acceptable. Flood-risk mitigation, drainage and ecological safeguards are considered capable of being addressed through conditions, subject to the necessary confirmation of the applicable flood-risk tests. Affordable housing and justified infrastructure contributions could be secured through a Section 106 agreement if the development were otherwise acceptable. These matters do not overcome the identified harm and shortcomings.

Overall, the housing, regeneration and town-centre benefits do not outweigh the heritage harm, the unjustified loss of the leisure facility and the failure to demonstrate acceptable transport arrangements and protection for future residents. The proposal conflicts with the development plan when read as a whole, and the material considerations do not justify granting permission.

Conclusion

The proposal would harm the significance of the former cinema, the character and appearance of Spalding Conservation Area and the setting of the Grade II* listed Constitutional Club, contrary to Policies 2, 3 and 29 of the Local Plan and NPPF Policies HE4, HE6 and HE7.

Insufficient information has also been provided to demonstrate that future residents would be protected from noise, disturbance and cooking odours associated with the proposed commercial accommodation, contrary to Policies 2, 3 and 30 and NPPF Policy P3.

The benefits do not outweigh these harms and shortcomings. Planning permission is therefore recommended for refusal.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.