

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H18-0752-25      **Applicant:** API Ltd

**Proposal:** Change of use from hotel Class C1 to residential Class C3 including the creating of 15 residential units - Approved under H18-0463-24.  
Modification of Condition 2 to allow amendments to previously approved plans

**Location:** Bridge Hotel 4 Bridge Road Sutton Bridge

**Terminal Date:** 14th November 2025

### Planning Policies

#### South East Lincolnshire Local Plan - Adopted: March 2019

|            |                           |
|------------|---------------------------|
| 01         | Spatial Strategy          |
| 02         | Development Management    |
| 03         | Design of New Development |
| 28         | The Natural Environment   |
| 29         | The Historic Environment  |
| 30         | Pollution                 |
| 36         | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards         |

#### National Guidance

#### National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development  
Section 4 - Decision-Making  
Section 5 - Delivering a sufficient supply of homes  
Section 9 - Promoting sustainable transport  
Section 12 - Achieving well-designed 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 |
|--------------------|--------|---------|---------|----------|
| PARISH COUNCIL     | 0      | 0       | 0       | 0        |
| WARD MEMBER        | 0      | 0       | 0       | 0        |
| ENVIRONMENT AGENCY | 0      | 0       | 0       | 1        |

|                                       |   |   |   |   |
|---------------------------------------|---|---|---|---|
| HIGHWAYS & SUDS SUPPORT               | 0 | 0 | 0 | 1 |
| SOUTH HOLLAND INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| OTHER STATUTORY BODIES                | 0 | 0 | 0 | 2 |

## **CASE OFFICER ASSESSMENT**

### **Proposal**

This application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary Condition 2 (approved plans) of planning permission H18-0463-24, which granted consent for the change of use from hotel (Use Class C1) to residential (Use Class C3), including the creation of 15 residential units.

The current application seeks approval for a series of amendments to the previously approved drawings. The proposed changes are as follows:

·Rear Elevation:

An increase in the height of the roof section above Unit 15, located between the two rear gables, to achieve improved internal headroom.

·Windows:

Minor alterations to the sill and head heights of selected windows to align with Condition 4 of the original approval, ensuring compliance with the required Finished Floor Level (FFL) for flood mitigation purposes and reflecting engineering adjustments.

·Internal Layout and Attic Accommodation:

Redesign of Unit 15 within the roof space to utilise the entire attic area, addressing head height constraints identified during technical design. As a result, Unit 15 is reconfigured from a one-bedroom to a three-bedroom dwelling. Two additional windows are proposed on the rear elevation, and one on the side elevation at second-floor level to serve the enlarged space.

·Roof Alterations:

Introduction of two conservation-style rooflights (one to the rear and one to the side roof slope) to provide natural light to habitable rooms, together with the raising of the flat roof section between the rear gables to provide sufficient headroom for the internal landing and stairwell.

### **Site Description**

The application site relates to the Bridge Inn Hotel which is a vacant building last used in 2008. The building has recently been purchased and subsequently this application has followed. The application site is located within Flood Zone 3 in accordance with EA Mapping systems and shown on the 2115 hazard maps to be in an area with a danger for most.

The application site is within the town centre boundary for Sutton Bridge, as well as within the primary shopping area.

The building is a large redbrick former hotel. With parking located to the rear. Whilst many of the openings are boarded up, it remains clear that they were sash openings with cill and lintel detailing. The building is built across 4 floors which includes the basement. The side of the property is along West Bank whilst the rear faces Wharf Street.

A Grade II listed building is located to the west.

## **History**

H18-1234-16 - Redevelopment of site to provide 21 one-bed flats, parking and infrastructure. Non-determination 12-09-17

H18-0463-24 - change of use from hotel Class C1 to residential Class C3 including the creating of 15 residential units. Approved with accompanying Section 106. 28-01-25

H18-0240-25 - Change of use from hotel Class C1 to residential Class C3 including the creating of 15 residential units - Approved under H18-0463-24. Remove Condition 5 to allow basement level to be used as habitable accommodation. Refused 07-05-25

## **Consultation Responses**

### Anglian Water

Thank you for your email consultation on H18-0752-25 | Variation of condition 2 (Approved Plans) to approved planning application H18-0463-24. We have reviewed the submitted documents with the variation of condition and there are no drainage related documents therefore we are unable to make comments on the above application. Please do not hesitate to consult Anglian Water for drainage related matters/conditions.

### IDB

Thank you for your consultation on the above planning application. Whilst the site in question lies within the Internal Drainage District of the South Holland Internal Drainage Board, having reviewed the details of this application, I can confirm the Board has no comments to make.

### Environment Agency

We did not recommend Condition 2 on application H18-0463-24 and therefore have no comment to make on this application (H18-0752-25). However, if you believe you do need our advice, please call me on the number below.

### Highways & SuDs Support

No objection - The proposal is for minor amendments to Change of use from hotel Class C1 to residential Class C3 including the creating of 15 residential units - Approved under H18-0463-24. Modification of Condition 2 to allow amendments to previously approved plans. The minor amendments proposed will not have an adverse impact upon the public highway or surface water flood risk.

### Historic Places Team

Thank you for consulting us on this. We reiterate our previous comments. No objection to modification of Condition 2.

## **Planning Considerations**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019,

forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals.

In this instance, no relevant neighbourhood plans have been adopted. The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

### **Evaluation - Section 73**

The proposal relates to the variation of Condition 2 of H18-0463-24, through seeking permission under Section 73 of the Act. The purpose of an application made under Section 73 of the Town and Country Planning Act 1990 is to vary or remove conditions associated with an existing planning permission. These applications are used to allow for amendments to an approved scheme and can be made both retrospectively and prior to a permission being implemented, as long as the permission is extant.

The Act is very clear that: "On such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted." As such, the Local Planning Authority are not able to revisit the principle of development and only matters relevant to the specific conditions can be considered.

The effect of granting permission would be to issue a new permission with Condition 2 amended, together with any other relevant conditions from the original permission, or subsequent relevant revisions since this permission.

Planning practice guidance highlights that where less substantial changes are proposed, amending a proposal can occur through 'Amending the conditions attached to the planning permission, including seeking to make minor material amendments'. The PPG clarifies that "Permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions.

The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted".

There is no statutory definition of a 'minor material amendment'; but this is likely to include any amendments where its scale and/or nature results "in a development which is not substantially different from the one which has been approved". In the case of *R (Vue Entertainment Limited) v City of York Council*, it was concluded that the decision gives clear support for use of s.73 in respect of changes to conditions which go beyond 'minor' amendments.

It places a clear emphasis on preserving the precise terms of the grant. If an amendment to a condition can be made which keeps the description of the development intact it may well be appropriate to make such an application under a s.73, even if the affect of the change will be significant".

### **Assessment**

This application, made under Section 73 of the Town and Country Planning Act 1990 (as amended), seeks permission to vary Condition 2 (approved plans) of the extant consent. The proposed amendments comprise the following:

·Changes to the Rear Elevation:

An increase in the height of the roof above Unit 15, located between the two rear gables.

·Windows:

Minor alterations to sill and head heights to ensure compliance with Condition 4 relating to the

Finished Floor Level (FFL) required for flood mitigation and to reflect engineers' specifications.

·Internal Layout and Attic Use:

Redesign of Unit 15 within the attic to occupy the full roof space due to head height constraints identified during technical design. Two new windows are proposed on the rear elevation and one on the side elevation at second-floor level. As a result, Unit 15 would increase from a one-bedroom to a three-bedroom unit.

·Roof Alterations:

Introduction of two conservation-style rooflights (on the rear and side-facing roof slopes) to provide natural light to habitable rooms, and the raising of the flat roof section between the rear gables to achieve sufficient headroom for the landing and stairwell.

Given the existence of an extant permission, there is no requirement to revisit matters of principle. The main considerations in determining this application are whether the proposed changes are acceptable within the scope of a Section 73 application and their implications in terms of:

- Scope of Section 73
- Character and Historic Environment
- Amenity Impacts
- Highway Safety
- Reattachment of Conditions
- Section 106 Compliance

### Scope of Section 73

Section 73 of the 1990 Act allows an application to be made for planning permission to carry out development without complying with one or more of the conditions imposed on a previous permission. The Local Planning Authority may grant permission subject to different conditions, remove conditions altogether, or refuse the application if the original conditions remain justified.

The Planning Practice Guidance (Paragraph 14, ID: 17a-014-20140306) clarifies that Section 73 cannot be used to extend the time limit for commencement or change the description of development.

In this case, the development has already commenced and the proposed alterations do not seek to vary the description or terms of the approved development. The changes are therefore within the lawful scope of a Section 73 application.

### Character & Historic Environment

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

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

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

SELLP Policy 29 sets out the policy framework for assessing proposals that may affect the historic environment. It requires development to conserve and enhance the character and appearance of

both designated and non-designated heritage assets, including historic buildings, conservation areas, and their settings, through high-quality and sensitive design.

Part A(3) of Policy 29 specifically supports proposals that preserve or better reveal the significance of Listed Buildings and their settings.

SELLP Policies 2 and 3 also require that new development is of appropriate size, scale, layout, and design, respects local character, and maximises opportunities to enhance the quality of the built environment.

The proposed alterations are modest in scale, with the increase in roof height above Unit 15 being the most notable. This change is functional, enabling adequate headroom within the attic accommodation, while retaining the established gable form of the building. The proposed rooflights and minor window alterations (including adjustments to sill and lintel heights) are proportionate and visually consistent with the approved design.

The site lies close to Nos. 6-10 Bridge Road, a Grade II listed building. The LCC Historic Places Team and Conservation Officer raised no objections to the original proposal, and the current amendments do not introduce any new impacts upon the setting of this heritage asset.

Condition 7 of the original consent, requiring approval of external materials, was discharged under H18-0237-25 in accordance with the schedule provided by Clayton Architecture. As the current proposal does not materially alter those materials, this condition will be reimposed in compliance form. The only new elements are the rooflights, described as "conservation style"; in the absence of detailed specification, a condition will require these to be finished in black or anthracite grey to complement the approved slate roof.

Overall, the amendments represent a modest and sympathetic refinement of the approved scheme. The proposal is considered to preserve the character and appearance of the building and its surroundings and to have no adverse effect or harm on nearby heritage assets.

Accordingly, the development complies with SELLP Policies 2, 3 and 29.

### Amenity Impacts

SELLP Policy 2 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

SELLP Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important considerations when considering proposals for planning.

The proposal would make limited impact, over the above proposal, in terms of its erect upon the neighbouring properties. The physical works, increase in roof height to the rear would have a limited impact by way of overshadowing/overbearing whilst all openings are in locations that would not result in unacceptable levels of overlooking.

Whilst there is a modest intensification by increasing unit 15 to a 3 bed (from a 1 bedroom), this would not result in such a manner that would be detrimental to the amenity of neighbouring properties. Furthermore, in terms of amenity for future residents all units would provide an acceptable amount of internal space, commensurate with NDSS requirements.

On this basis the proposal would accord with SELLP Policies 2 and 30.

### Highway Safety

SELLP 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.

SELLP 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.

SELLP Policy 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

Highways have been consulted and confirm that the changes would not result in having an adverse impact upon the public highway or surface water flood risk. The additional bedrooms attributed to unit 15 would not result in the need to amend parking arrangements.

Therefore subject to conditionality it is possible that the proposal would accord with SELLP Policies 2, 3 and 36.

#### Reattachment of conditions

Condition 3 of the original permission required the submission and approval of a surface water drainage scheme. This matter has since been satisfactorily discharged under application H18-0398-25, and will therefore be reimposed as a compliance condition to ensure continued adherence to the approved details.

Condition 4, requested by the Environment Agency, required that all ground floor living accommodation be set no lower than 7.25 metres above Ordnance Datum (AOD). This requirement remains essential in safeguarding future occupiers from flood risk and will be reattached to any new permission. The applicant has submitted detailed elevation drawings indicating finished floor levels and window cill heights; however, these do not explicitly confirm that the ground floor (excluding the basement/lower ground floor) will meet the 7.25m AOD threshold. To ensure consistency with the previously approved flood mitigation strategy, a condition will therefore be applied (notwithstanding the approved plans) to secure this minimum floor level. Should any discrepancy arise with Building Regulations during implementation, it will be for the developer to resolve through design adjustments, as the approved Finished Floor Level (FFL) remains a critical flood resilience measure. It is also reaffirmed that no habitable accommodation is permitted within the basement/lower ground floor, consistent with Condition 5 of the original permission.

Condition 6, which removes permitted development rights for extensions or alterations that would provide additional habitable accommodation beyond that expressly approved, will be reattached to retain control over future development of the building.

Condition 7, relating to external materials, will similarly be reimposed in compliance form, referencing the materials schedule approved under H18-0237-25. To ensure visual consistency, any new rooflights shall be finished in black or anthracite grey to complement the existing slate roof.

#### Section 106

A S106 was secured (dated 27th January 2025) which secured obligations. Section 16 of this agreement extends that any subsequent planning permission issued, pursuant to an application under section 73, would still be bound by that agreement.

#### **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.

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application has been determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant policies of the South East Lincolnshire Local Plan (2019), together with the provisions of the National Planning Policy Framework (December, 2024), have been taken into account in reaching this decision.

The proposal seeks to vary Condition 2 of planning permission H18-0463-24 under Section 73 of the Town and Country Planning Act 1990 (as amended) to allow minor material amendments to the

approved plans. The amendments, including modest roof height alterations, revised window and rooflight arrangements, and internal reconfiguration of Unit 15, are limited in scope and do not alter the overall scale, form, or nature of the approved development.

The changes are considered acceptable in terms of design and heritage, preserving the character and appearance of the building and the setting of the adjacent Grade II listed structure. No unacceptable impacts upon residential amenity or highway safety have been identified, and no objections have been raised by statutory consultees. All relevant conditions from the previous approval will be reapplied, including those relating to materials, drainage, and the restriction of permitted development rights.

To ensure flood resilience, a condition will also require that the finished floor levels (FFL) of all ground floor living accommodation are set no lower than 7.25m above Ordnance Datum (AOD), and that, there shall be no habitable rooms in the basement, in line with Environment Agency requirements. The obligations secured within the Section 106 Agreement dated 27 January 2025 will continue to apply to this permission.

Overall, the proposal represents a minor and acceptable variation to the approved development that would remain in accordance with the Development Plan and the NPPF. The balance of considerations therefore weighs in favour of granting planning permission for the variation of Condition 2, subject to the reimposition of relevant conditions and continued compliance with the existing Section 106 Agreement.

## **Additional Considerations**

### Public Sector Equality Duty

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

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

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

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

### Human Rights

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

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

on the considerations set out in this report.

## **Conclusion**

Taking the above into account, the proposal would accord with Policies 2, 3, 4, 29, 30 and 36 of the South East Lincolnshire Local Plan (2019), and the corresponding provisions of the National Planning Policy Framework relating to flood risk, achieving well-designed places and protecting and enhancing the historic environment.