

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H23-0624-20 **Applicant:** Mr & Mrs J Lusher
Proposal: Change of use of part of restaurant to holiday lets
Location: The Bluebell Inn Cranesgate South Whaplode St Catherine
Terminal Date: 28th September 2020

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
09	Promoting a Stronger Visitor Economy
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 6, 8, 12 and 14

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a change of use of part of the existing restaurant to holiday lets.

Site Description

The building is part of the existing restaurant associated with the Bluebell Inn. A parking area is located to the south, plus a micro-brewery and small caravan site associated with the public house.

An associated static caravan is situated to the north-west and a bungalow (Phoenix) to the north-east set back from Cranesgate South. A bungalow (The Willows) is situated to the north beyond a private drive serving the latter and houses are situated opposite.

History

H23-0217-06 - Full - Extension to form new dining area, disabled WC plus access and additional kitchen space - Granted

H23-0515-17 - Full - Erection of residential annexe (retrospective) - Granted

Consultation Responses

Whaplode Parish Council - No response.

LCC Highways/SUDs - Does not wish to restrict the grant of planning permission.

SHDC Environmental Protection (noise) - No objections.

Public - No response.

Planning Considerations

The main issues in this case are:

- Policy/sustainability;
- Character/appearance and the likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk and drainage.

Policy/Sustainability

As indicated in paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is within Whaplode St Catherine Settlement Limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 of the SELLP states that within the settlement boundaries of Other Service Centres such as Whaplode St Catherine development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

In this case, the proposal would help sustain the existing public house and the restaurant will still be retained, albeit at a reduced/revised scale. It is considered that the proposal satisfactorily complies with Policy 1.

The proposal also accords with SELLP Policy 9, which specifically relates to the visitor economy. It indicates that within defined settlement limits proposals for tourism and visitor development which benefit the local economy, visitors and local communities will be supported.

Moreover, the proposal is consistent with advice within the National Planning Policy Framework,

2019. It indicates that significant weight should be placed on the need to support economic growth taking into account both local business needs and wider opportunities for development.

Character/Amenity

The proposal would include relatively minor alterations to the fenestration, including new French doors at the rear. The proposal would not materially harm the character/appearance of the building or area.

The nearest residential properties unassociated with the public house include a bungalow (Phoenix) to the north-east, set back from Cranesgate South. A bungalow (The Willows) is situated to the north beyond a private drive serving the latter and houses are situated opposite. The proposal is considered to be relatively low key when compared to the overall use of the premises. Associated activity would not materially harm the amenity of nearby residents to a significantly greater degree than at present in terms of overlooking, lack of privacy, noise and disturbance, etc.

It is noted that the submitted plans appear to include a new/revised external dining area. This element doesn't form part of the current submission. In any case, it is likely that permission is not required because it is within the existing curtilage of the public house/restaurant and doesn't involve a new building.

The proposal satisfactorily accords with Policies 2 and 3 of the SELLP in terms of visual/residential amenity.

Highway Safety

An existing access and large car park are available for use. LCC Highways has raised no objections on highway/parking grounds. The proposal is compliant with SELLP Policies 2, 3 and 36 in this regard.

Flooding/Drainage

The site is within Flood Zone 2 on the Environment Agency Flood Maps. However, it is within an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment. The proposal therefore satisfies the sequential test.

Foul drainage and surface water would be disposed of to the existing systems on site.

Conclusion

The proposal is in general accordance with the overall aims and objectives of Policies 1, 2, 3, 9 and 36 of the South East Lincolnshire Local Plan, 2019 and advice with the Framework. The proposal would not materially harm the amenity of neighbouring residents to a significantly greater degree than at present and is acceptable on highway safety and flood risk grounds.

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.