

If you would like any further information or have any special requirements in respect of this Meeting, please contact Lynda Eastwood, Democratic Services Officer on 01507 613421

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Date: Tuesday, 26 September 2023

Dear Councillor,

Planning Committee

You are invited to attend a Meeting of the **Planning Committee** on **Thursday, 5th October, 2023** at **the Hub, Mareham Road, Horncastle, Lincolnshire LN9 6PH** at **10.30 am**, for the transaction of the business set out in the attached Agenda.

The public and the press may access the meeting via the following link <https://bit.ly/ELDCYT> where a livestream and subsequent recording of the meeting will be available or by attending the Meeting.

Yours sincerely



Robert Barlow
Chief Executive

Members:

Councillors Stephen Eyre (Chairman), Alex Hall (Vice-Chairman), Richard Cunnington, Sid Dennis, Dick Edginton, David Hall, Neil Jones, Sam Kemp, Terry Knowles, Steve McMillan, Daniel McNally, Kate Marnoch and Ru Yarsley

PLANNING COMMITTEE AGENDA

Thursday, 5 October 2023

Item Subject Page No.

1. **APOLOGIES FOR ABSENCE:**

2. **DISCLOSURE OF INTERESTS (IF ANY):**

3. **MINUTES:**

To confirm the Minutes of the Meeting held on 7 September 2023.

4. **UPDATE FROM PLANNING POLICY COMMITTEE**

TOWN AND COUNTRY PLANNING APPLICATIONS:

NB: Where photographs are used, with or instead of site visits, these provide site context for Planning Committee Members but are not submitted as evidence of material planning considerations.

5. **S/039/00565/23:**

1 - 8

[S/039/00565/23](#): View the Plans and documents online, please click on the Application Number. (Please note: If viewing as a pdf document, this hyperlink is not available).

Applicant: R. Izzard

Location: 4 Blackended Cottages, Croft Lane, Croft, Skegness, PE24 4PA

Recommendation: Approval with Conditions

Officer: Ryan Dodd

6. **S/153/01503/23:**

9 - 24

[S/153/01503/23](#): View the Plans and documents online, please click on the Application Number. (Please note: If viewing as a pdf document, this hyperlink is not available).

Applicant: Mr. D. Scott

Location: Ex Fun City Site, North Parade, Skegness, PE25 1DB

Recommendation: Approval with Conditions

Officer: Jane Baker

7. **S/153/01123/23:** **25 - 36**

[S/153/01123/23](#): View the Plans and documents online, please click on the Application Number. (Please note: If viewing as a pdf document, this hyperlink is not available).

Applicant: Mr. G. Dastgeer
Location: 112 Lumley Road, Skegness, PE25 3NA
Recommendation: Approval with Conditions
Officer: Megan Larder

8. **S/035/00909/23:** **37 - 46**

[S/035/00909/23](#): View the Plans and documents online, please click on the Application Number. (Please note: If viewing as a pdf document, this hyperlink is not available).

Applicant: Mr. J. Parker
Location: Proctors Farm, Sandy Bank, Coningsby Moorside
Recommendation: Refuse
Officer: Stephanie Watson

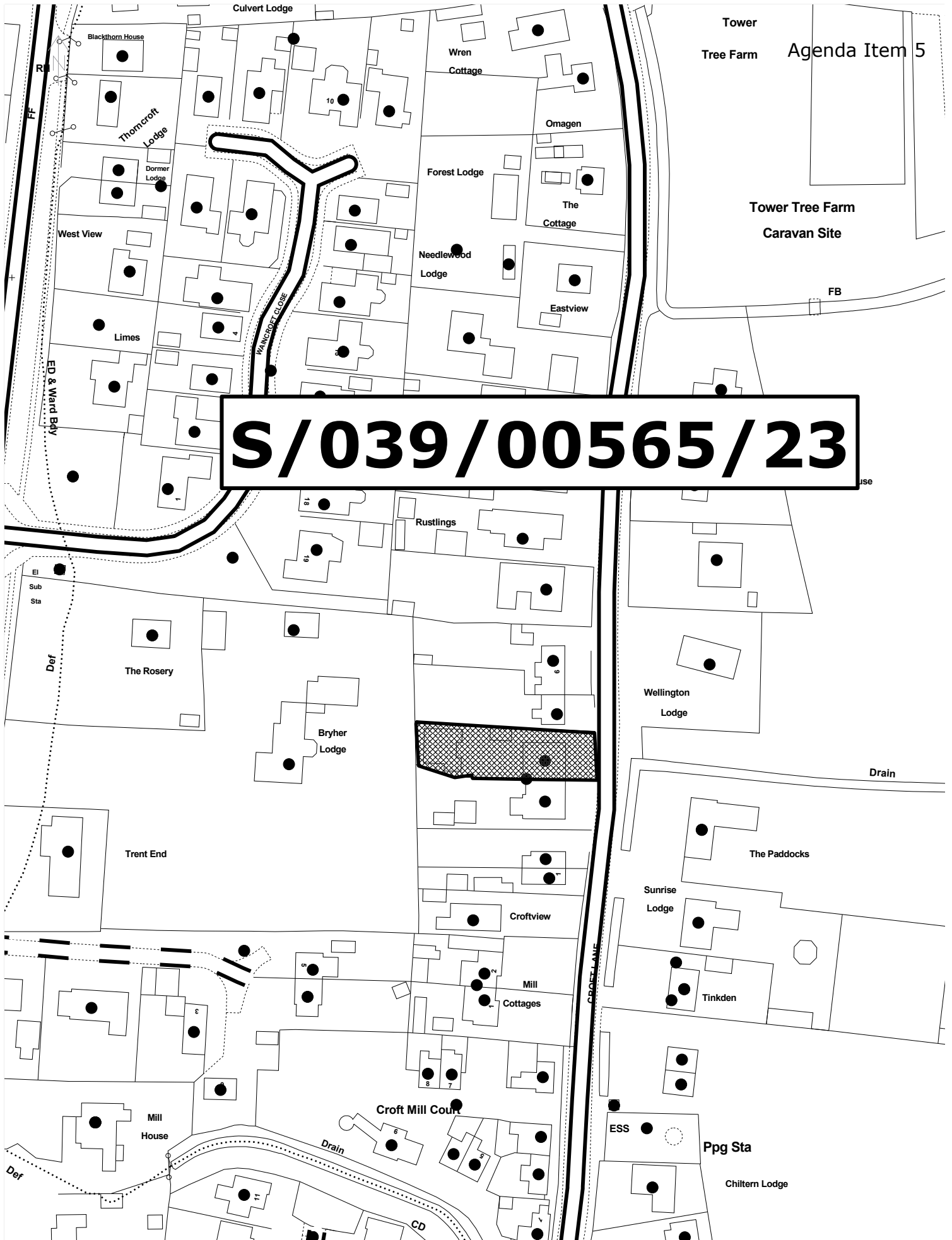
9. **APPEALS DECIDED:** **47 - 56**

10. **DELEGATED DECISIONS:** **57 - 76**

11. **DATE OF NEXT MEETING:**

The programmed date for the next Meeting of this Committee will be 2 November 2023.

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S/039/00565/23

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[5] Full Planning Permission

S/039/00565/ 23 **APPLICANT:** R. Izzard,

VALID: 17/03/2023 **AGENT:** Studio Charrette,

PROPOSAL: Planning Permission - Change of use of an existing indoor swimming pool to a mixed use of residential and commercial (commercial use already commenced).

LOCATION: 4 BLACKENDED COTTAGES, CROFT LANE, CROFT, SKEGNESS, PE24 4PA

1.0 REASONS FOR COMMITTEE CONSIDERATION

1.1 The application has been subject to a call-in request by Cllr Dennis due to the level of local concern.

2.0 THE SITE AND SURROUNDINGS

2.1 The application site comprises a semi-detached house which has been extended in the village of Croft. There is a detached single garage and detached swimming pool building in the rear garden. The boundary treatments consist of timber fencing to the northern and southern boundaries and a hedge along the rear boundary. There is a pair of semi-detached houses to the north and a detached bungalow to the west, set in a back land position. To the front of the property there is an open fronted gravel parking area.

3.0 DESCRIPTION OF THE PROPOSAL

3.1 The proposal seeks full Planning Permission for the change of use of an existing swimming pool to use for both personal and commercial use. The application is accompanied by a supporting planning statement.

3.2 No changes to the internal layout or existing plant associated with the operation of the swimming pool are proposed. No external alterations are proposed.

3.3 The swimming pool measures approximately 7.2m x 3m. The pool has been used commercially since October 2021 and the hours of opening for commercial users are 0800 to 2130 Monday - Sunday. There are a possible 8 sessions to book per day with each session divided into 75-minute sessions including changing time. Only one booking is allowed per session with a single booking allowing for up to 8 persons.

4.0 CONSULTATION

4.1 Set out below are the consultation responses that have been received on this application. These responses may be summarised and full copies are available for inspection separately. Some of the

comments made may not constitute material planning considerations.

Publicity

- 4.2 The application has been advertised by means of a site notice and neighbours have been notified in writing. The ward member is aware of the application via the weekly list.

Consultees

- 4.3 PARISH COUNCIL - No reply.
- 4.4 LCC HIGHWAYS - No objection. Does not wish to restrict the grant of permission.
- 4.5 ENVIRONMENTAL PROTECTION - Although unlikely, the application seeks permission for up to 3 cars arriving and leaving 8 times per day which I suggest is more than you would expect for a domestic premises. In order to minimise disturbance to the nearby neighbours I recommend that the driveway is changed from the existing gravel to a smooth surface to minimise noise from the cars

Neighbours

- 4.6 5no. letters of objection have been received on the grounds of:-
- Noise/disturbance
 - Out of Character with the area
 - Highway Safety
 - Light pollution
 - Anti-Social Behaviour
 - Loss of Property Value

5no. letters of support.

5.0 RELEVANT SITE HISTORY

- 5.1 S/039/1174/07 - Planning Permission - Erection of a detached swimming pool with changing room and plant room. Approved.
- 5.2 S/039/1755/03 - Planning Permission - Extensions and alterations to existing house to provide a porch, study, w.c., utility, kitchen and dining room with 2no. bedrooms, bathroom and ensuite over on site of existing len-to building, which is to be removed, erection of a detached single garage and construction of a vehicular access. Approved.

6.0 PLANNING POLICY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the East Lindsey Local Plan (adopted 2018), including the Core Strategy and the Settlement Proposals Development Plan Document; and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

East Lindsey Local Plan

SP1 - A Sustainable Pattern of Places
SP2 - Sustainable Development
SP10 - Design
SP22 - Transport and Accessibility
SP26 - Open Space, Sport and Recreation

National Planning Policy Framework

7.0 OFFICER ASSESSMENT OF THE PROPOSAL

Main Planning Issues

- 7.1 The main planning issues in this case are considered to be:

Principle of the development
Impact upon neighbours
Highway safety

Principle of the development

- 7.2 The application site falls within the wider catchment of the village of Croft which is identified as a medium sized village by SP1. This application relates to an existing indoor swimming pool approved in 2007. The pool is housed within a detached building sited in the rear garden of the applicant's property. No conditions are imposed on the permission to restrict the use of the pool and it is therefore permitted to be used incidental to the enjoyment of the occupiers of the dwellinghouse at any time. Since October 2021 the applicant has hired the use of the pool to the local and wider community. This application therefore seeks permission for a material change of use to continue to use the pool commercially.
- 7.3 There are no local policies that directly relate to commercial swimming pools. SP2 is a generic policy to support sustainable development whilst part of SP14 supports proposals for the development of community and cultural facilities where they provide or maintain essential services and add to the quality of life of the communities of the district. SP26 states that the Council will support development that facilitates the Council's aspiration to increase participation in sports and physical activity.

- 7.4 It could be argued that the location of the application site is not a sustainable location for such use (intensive sport and recreation uses are noted in the NPPF as constituting a main town centre use) and users of the site may be attracted from far afield, prompting the need to use the private motor vehicle. However, being in operation as a commercial enterprise since October 2021 it is considered to be of modest scale and clearly serves both the local and wider community where the use of the pool demonstrates a need for this type of community facility. In this case it is considered the principle of development is acceptable with the main considerations being the impacts of the commercial use upon the neighbours and highway safety.

Impact on the neighbours

- 7.5 The swimming pool benefits from Planning Permission for personal incidental use with no restrictions. This application seeks permission to use the pool commercially. Hours of opening for commercial users are 0800-2130 Monday to Sunday with a possible 8 sessions per day available to book. The pool is only available by reservation only. Bookings are divided into 75-minute sessions including changing time. Only one booking is allowed per session to avoid conflict between different users. A single booking allows for up to 8 guests. This allows for families to use the facility together under a single booking. A 30-minute change over time is allowed between each booking, again to avoid conflict between calling vehicles and for cleaning.
- 7.6 The Council's Environmental Protection Officer has been consulted. There is no 'in-principle' objection to the use of the pool commercially nor is there any over-riding concern to the hours of operation based on the fact the pool can be used privately with no restriction. It is noted however that concern is raised as to the use of the gravelled parking area having regard to noise and disturbance upon the neighbours as a result of comings and goings over and above what could reasonably be expected at a residential property. The concern is acknowledged. However, the parking area simply allows for vehicles to pull off the highway with the distance of travel and movement for any vehicle entering or leaving the site being negligible. Any vehicles using the gravel parking area will be slow moving. The low speed together with minimal movements and staggered start/finish times is unlikely to cause noise and disturbance to an unacceptable degree and therefore it is not necessary or reasonable to request the surface of the drive to be changed. This element is unlikely to be unduly harmful to the living conditions of the neighbours.
- 7.7 It is acknowledged that the use of the pool beyond incidental use will change the character to some degree. The degree and materiality of the change in character is dependent on how the pool is used and managed. By reason of the size of the pool the use of such is self-limiting. As stated above, the pool benefits from

planning permission for personal use with no restriction. This means the applicants family and friends could potentially use the pool at any time of day. The key difference here is, realistically, the pool is unlikely to be used for incidental purposes throughout/all day, every day of the week and therefore any noise associated with the activity is unlikely to be continuous. Nevertheless, it remains a possibility as a fall-back consideration.

- 7.8 Officers have discussed the proposal and the concerns raised with the applicant and agent and the imposition of conditions to manage the use in the interests of residential amenity have been considered. Conditions such as hours of use, number of users at any one time or the requirement to keep a register of users have been considered. However, mindful of the tests for imposing conditions, they are not considered necessary, reasonable or enforceable in this case. For example, it would be extremely difficult to enforce hours of commercial use given the difficulty of being able to distinguish commercial guests to those using the pool incidentally, i.e. applicant's family and friends who could use the pool at any time. One way of being able to monitor the hours of use and those persons using the pool would be to impose a condition in addition to hours of operation that calls for a register of users to be kept for each booking. If the scenario of an alleged breach of the permitted hours were to arise, the Council could request to see the register of users to establish whether a breach of condition has taken place. Whilst possible, the question is still whether such a condition would meet the tests, in particular would such a requirement be reasonable given that the nature of the use of the pool for paying guests would not be significantly different to those using the pool incidentally. In this case, given how the use of the pool is managed together with the size of the pool, conditions are not considered necessary or reasonable at this time. However, the issues raised by neighbours are noted and the applicant is open to a temporary planning permission for one year. A temporary permission would allow the Local Authority to assess any noise impacts whilst allowing the use of the pool to continue. Given the circumstances and the fact the pool has been used commercially since October 2021, this is considered to be a reasonable compromise to enable a more formalised period of monitoring and assessment of impacts.

Highway Safety

- 7.9 Lincolnshire County Council as Highway Authority have been consulted and raise no objection. Parking is available at the front of the property and on street parking is also available with no restrictions. Upon booking, guests are advised no more than 3 vehicles are allowed per booking and are further advised not to arrive more than 5 minutes in advance of the start of the booked time. The supporting statement states guests are required to park on the existing gravel area at the front of the property and that sufficient space is always made available to avoid on-street

parking, although on-street is available. In this case it is considered the additional vehicular movements associated with the commercial use of the pool would see staggered start and finish times and this would not have an unacceptable impact on the highway.

8.0 CONCLUSION

- 8.1 It is recommended that permission is granted for a temporary period of 12 months.
- 8.2 For the reasons explained above the application is recommended for approval. This conclusion has been arrived at having taken into account all other relevant material considerations, none of which outweigh the reasons for the officer recommendation made below.

9.0 OFFICER RECOMMENDATION: Temporary Permission for 12 Months.

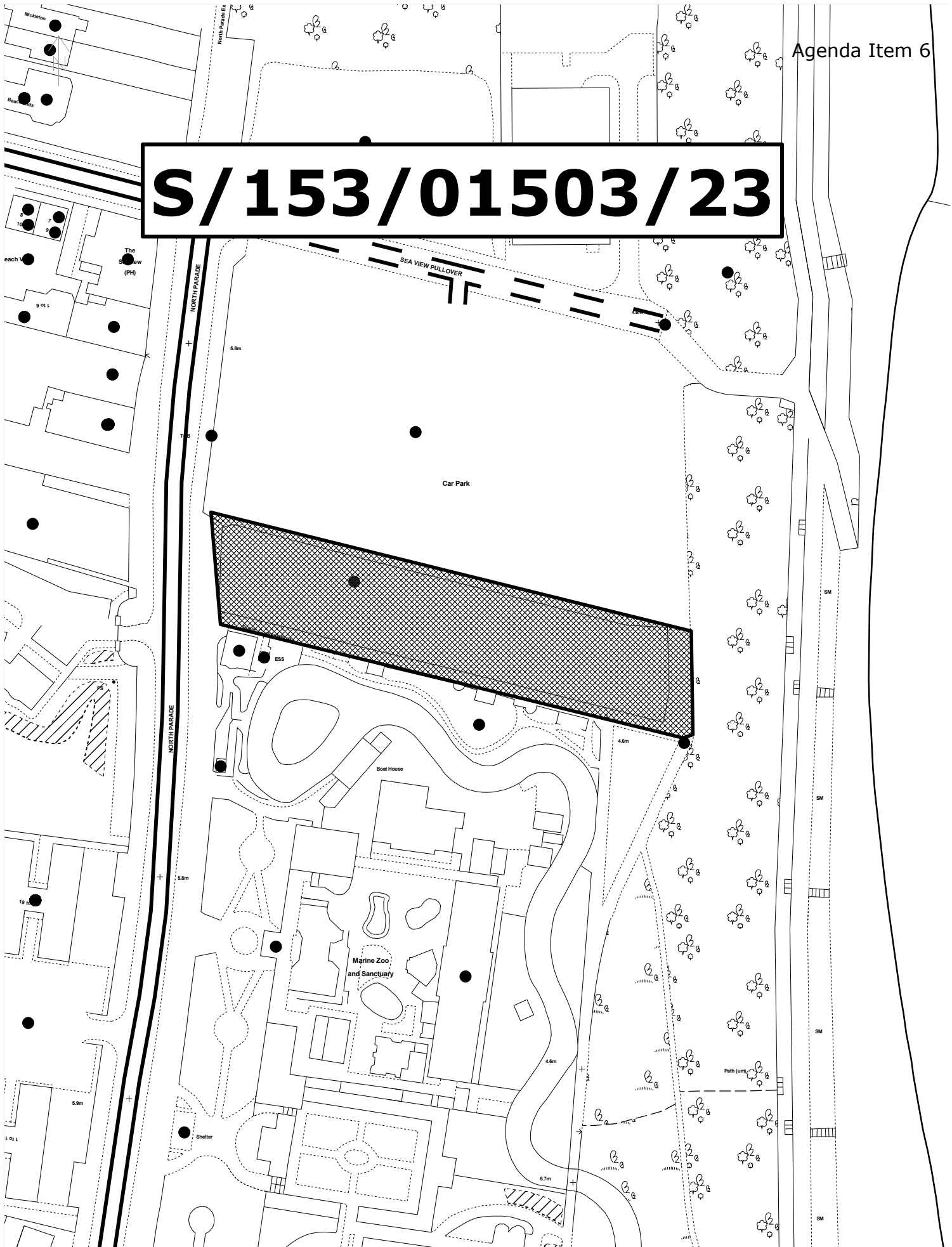
RECOMMENDATION: Approve

subject to the following conditions:

- 1 The commercial use of the swimming pool hereby permitted shall be discontinued on or before 6th October 2024 unless a further Planning Permission has been granted.

Reason: To enable the Local Planning Authority to review the potential noise implications of the use in the interests of residential amenity. This condition is imposed in accordance with Strategic Policy SP10 of the East Lindsey Local Plan and paragraph 130 of the National Planning Policy Framework.

S/153/01503/23



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[6] Full Planning Permission

S/153/01503/ 23

APPLICANT: Mr. D. Scott,

VALID: 28/07/2023

AGENT: Andrew Clover Planning and Design,

PROPOSAL: Planning Permission - Change of use of land from former amusement park and arcade to a holiday lodge showground, siting of a mobile lodge to use as an office and construction of a vehicular access.

LOCATION: EX FUN CITY SITE, NORTH PARADE, SKEGNESS, PE25 1DB

1.0 REASONS FOR COMMITTEE CONSIDERATION

1.1 The application has been subject to a call-in request by Councillor Danny Brookes for the reason that this area of Skegness needs regeneration and the potential granting of a temporary permission would result in reduced investment in the site which would impact on the success of the business. The proposed development would also not fully accord with adopted policy.

2.0 THE SITE AND SURROUNDINGS

2.1 The application site consists of a vacant piece of land at the northern end of the Foreshore on North Parade in Skegness. The site is long and relatively narrow and rectangular in shape. It is currently vacant and has a rubble surface. It is fenced off with heras fencing. Adjoining the site to the south are public toilets and the Skegness waterway, separated from the site by a line of mock castle walling. North Parade and a wide pavement is to the front of the site and the East Lindsey North Parade car park adjoins the site to the north. On the opposite side of the road lies the former Skegness Town Hall which is a Grade II listed building with the frontage walls also being listed. The site is flat, lies in Flood Zone 3 and lies within the Skegness Foreshore as designated in the East Lindsey Local Plan. To the east are vegetated sand dunes with the beach beyond.

3.0 DESCRIPTION OF THE PROPOSAL

3.1 The proposal seeks to change the use of land to use as a caravan display area for the sale of static caravans. The submitted block plan indicates that the caravans would be laid out in a line along the northern and eastern boundaries of the site with a site office being provided at the entrance. Trees are proposed along the northern and eastern boundaries.

3.2 It is proposed to build a 0.5m wall along all boundaries (with the exception of the southern) with a two metre wide planting bed set within the walling and to the rear of this would be a paladin fence for security. Only the paladin fence would be provided along the southern boundary. The aim of this fence is to provide security

but to also allow views into the site when it is closed.

3.3 A gate will also be provided which will be set back from the road.

3.4 The proposal also includes the provision of a dropped kerb off North Parade to allow vehicular access into the site.

4.0 CONSULTATION

4.1 Set out below are the consultation responses that have been received on this application. These responses may be summarised and full copies are available for inspection separately. Some of the comments made may not constitute material planning considerations.

Publicity

4.2 The application has been advertised by means of a press notice and site notice and neighbours have been notified in writing. The application has been advertised as development affecting the setting of a listed building and also as a potential departure from the East Lindsey Local Plan.

Consultees

4.3 PARISH COUNCIL - Object. The scheme is not appropriate for a Foreshore location and is out of character and not in keeping with the area.

4.4 LCC HIGHWAYS AND LEAD LOCAL FLOOD AUTHORITY - Request conditions are attached to any permission regarding the timing of deliveries of lodges and that gates should be set back a suitable distance to accommodate the largest of vehicles/holiday homes from the nearside of the footway edge to ensure any calling vehicles do not block the free passage of pedestrian movements.

4.5 ENVIRONMENTAL SERVICES (Environmental Protection) - No response received at the time of writing this report

4.6 ENVIRONMENTAL SERVICES (Drainage) - No response received at the time of writing this report

4.7 ENVIRONMENTAL SERVICES (Contamination) - No response received at the time of writing this report

4.8 ENVIRONMENT AGENCY - No comments

Neighbours

4.9 27 letters of support (including 8 standard letters) received on the grounds of:
- Would be an improvement;

- Further empty sites can only be detrimental to Foreshore;
- Would create employment in the town;
- Current site looks unsightly;
- Skegness is struggling for investment;
- Lack of investment in Foreshore area;
- Will encourage tourists to area which in turn would increase trade in the area;
- Site has been actively advertised for sale for a number of years with the only investment put forward for a hotel or caravan sales forecourt;
- No multinational corporation or national company is prepared to invest in this narrow slice of land at the quiet end of the promenade;
- Leaving site undeveloped would seriously affect the viability of the Arnold Palmer Putting Course on North Parade;

4.10 The Ward Councillor is aware of the application via the Weekly List.

5.0 RELEVANT SITE HISTORY

5.1 S/153/1302/20 - Outline planning permission granted for the erection of 64no. apartments, retail units, restaurants/bars, conference/function/meeting rooms and provision of parking.

5.2 S/153/1288/11 - Outline planning permission granted for the erection of a hotel and leisure complex, in accordance with amended plans and an addendum to the Design and Access Statement received by the Local Planning Authority on 26th and 20th September 2011 respectively.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the East Lindsey Local Plan (adopted 2018), including the Core Strategy and the Settlement Proposals Development Plan Document; and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

East Lindsey Local Plan

SP1 - A Sustainable Pattern of Places - Confirms Skegness as a town in the adopted settlement hierarchy.

SP2 - Sustainable Development - mirrors the NPPF position of a presumption in favour of sustainable development.

SP10 - Design - seeks to ensure good design outcomes

SP11 - Historic Environment - seeks to ensure that heritage considerations are fully considered and addressed

SP17 - Coastal East Lindsey - confirms the extent of coastal East Lindsey and supports employment diversification amongst other things

SP20 - Visitor Economy - advises that support will be given for

development on the Skegness Foreshore which builds on holiday attractions and confirms other suitable uses
SP22 - Transport and Accessibility - supports accessibility and reduced isolation in the district.

Skegness Neighbourhood Development Plan (NDP)

National Planning Policy Framework (NPPF)

7.0 OFFICER ASSESSMENT OF THE PROPOSAL

Main Planning Issues

- 7.1 The main planning issues in this case are considered to be:
- **Principle of this type of development in this location;**
 - **Visual Impact;**
 - **Neighbour amenity;**
 - **Impact on listed building;**
 - **Flood risk;**
 - **Highway safety.**

Principle of this type of development in this location

- 7.2 The application site lies in the Coastal Zone to which the coastal policies of the Local Plan apply. In addition, the site is located in the Skegness Foreshore as designated in the East Lindsey Local Plan Settlement Proposals Maps. This designation is also set out in the Skegness Neighbourhood Plan.
- 7.3 The supporting text to Policy V1 in the Skegness Neighbourhood Plan sets out that the Neighbourhood Plan recognises the cultural heritage of the town alongside the need to support regeneration and meet the needs of the modern visitor economy, including opportunities to diversify the appeal of the town and extend the season. It also explains that a key objective of the Plan is to realise the full potential of the Foreshore for the benefits of all visitors and residents. Policy V1 goes on to set out that the Plan will support applications for tourism-related development where it can be demonstrated that they promote the built and natural environment of the Skegness Foreshore; maintain and enhance the quality of the public realm; are of an appropriate scale and reflect the principles of good design. It also states that the design principles should reflect those set out in the Skegness Foreshore Design Code. (This design code is in relation to the design of public realm in the Foreshore area rather than uses that will be permitted so is not of direct relevance to this proposal as no public realm is proposed as part of the scheme).
- 7.4 The proposed development effectively seeks permission for a retail use, as opposed to tourism related development and as such, it is considered would not resonate with the NDP objective for realising the tourism potential of the Foreshore area. It is noted that

Skegness Town Council has objected to the proposal on the grounds that the scheme is not appropriate for a Foreshore location and is out of character and not in keeping with the area.

- 7.5 SP17 of the Local Plan is concerned with Coastal East Lindsey and Clause 1 sets out that the Council will give a high priority to development that extends and diversifies all-year round employment opportunities, contributes directly to the local economy, infrastructure and diversifies the tourism market. The applicant was contacted for information regarding the employment opportunities at the site and advised that the proposal would result in an initial 6-7 full time staff which would include jobs in cleaning, maintenance and sales. He has suggested that there would be a knock on effect for the surrounding caravan parks with increased activity and gone on to state that it is expected within three years that the proposal would create 10-15 jobs.
- 7.6 SP20 of the Local Plan is concerned with the visitor economy in the coastal zone. Clause 1 sets out that:
- "The Council will support development in the Skegness Foreshore that builds on the holiday attractions. In addition to holiday amusements it will support the following uses A3, food and drink, C1 hotels and hostels, D1, non-residential institutions (d,e and g) and D2, assembly and leisure."
- 7.7 The proposed development is not one of the uses supported by SP20.
- 7.8 Furthermore, Clause 2 of SP20 sets out the following:
- "A1 (non-food) retail may be supported where it involves ancillary uses to uses on the Skegness Foreshore. Retail development must demonstrate that the proposed development would not affect the viability of the existing town centre."
- 7.9 Although the proposed use is not a high street retail use due to the land area required, it would still constitute a retail use and so the potential impacts of a retail use in this location is a material consideration.
- 7.10 As noted above, with respect to Clause 1, the proposed use of a caravan sales area does not fall within any of the specified use classes stated as being acceptable in this Foreshore location and as such the proposal is contrary to this element of SP20. Equally, the retail use proposed would not be ancillary to any use on the Skegness Foresore area and so would not satisfy policy expectations in that respect.
- 7.11 However, it is acknowledged that the site is vacant and has been for a number of years now and also that it has been actively marketed for more prestigious commercial use (see planning

history above) but with no apparent buyer coming forward. This is a material consideration but it is not considered, given the comparatively short period since the last permission was granted and the current economic uncertainties, that the evidence confirms that more suitable development proposals are not likely in the future. The policy expectations and aspirations for the Foreshore seek more appropriate uses for the land, because of the prominent position and the particular opportunities that it offers for ensuring a vibrant place and enhancement of the visitor offer to the town. Established uses in the vicinity of the site include restaurants, cafes, and a bingo hall confirming a tourism character area that, delivers on the vibrant place requirements of policy. The proposed use would not be commensurate in character terms with these uses and equally would not comply with adopted policy.

- 7.12 Another material consideration is the previous planning permission (reference S/153/1032/20) on the site which the agent has confirmed is extant. There is still one year left for reserved matters to be submitted for approval. This outline permission provides for the erection of apartments, retail units, restaurants and bars, meeting rooms and parking in the form of a 'landmark' building. This proposal provided restaurants and bars which better satisfied objectives of SP20 and also SP18 in delivering housing within the central area of the town on a brownfield site.
- 7.13 In considering the detail of the extant permission, it was recognised that strong regeneration and urban design benefits would accrue from the development of this site and which could not be achieved on any more central site. The previous approved development equally offered wider defining regeneration benefits by virtue of the range of proposed uses, visual enhancement (locally and in townscape terms), job creation. That permission also included the provision of tourism related uses. It is considered that the proposed development would not provide any of the range of benefits proposed through the previous permissions and if granted, may undermine any imperative and impetus in seeking to progress the permitted development or explore more policy compliant proposals.
- 7.14 In terms of the retail use of this site, this type of retail use could not be offered in a town centre and the retail offer is not directly related to a main town centre use. It is considered that this type of retail use in this location, therefore would not directly impact on the vitality of the town centre, but nevertheless, it must be noted that the provision of a retail use in this location would still be contrary to the aims of SP20.
- 7.15 To summarise the above, officers are mindful of the vacant and unkempt nature and appearance of the application site but regard must be had for the adopted policies of the Council's Local Plan and Clause 1 of SP20 in particular, which calls for uses that build on the holiday attractions in the area to be permitted in the

Foreshore. The applicant argues that the proposed use would bring tourists into the area and the sales would help other caravan sites in the area and encourage more people to stay. It is acknowledged that it is proposed to open the sales area all year round but the suggestion that the proposal would be a tourism attractor, is not accepted.

Officers are therefore proposing a temporary permission to ensure that this unused site becomes occupied but that it does not jeopardise any future potential development of the site for a use that is more suited to this locality, as per the requirements of SP20.

Visual impact

- 7.16 SP10 of the East Lindsey Local Plan states that the Council will support well-designed sustainable development which maintains and enhances the character of the area and uses high quality materials. The layout, scale, massing, height and density should also reflect the character of the surrounding area.
- 7.17 It is acknowledged that the existing site is vacant and poorly maintained in what is a prime tourist location. The site is adjacent to a busy public car park so there are prominent views of it from two directions, the north and the front, from North Parade. The site is also visible when approaching from the south and there is public walkway along the eastern boundary. The proposal includes the provision of landscaping, low walling, paladin fencing and the siting of caravans. The proposed low walling acknowledges a character detail of the area as there are examples of different walls in the locality. There is generally not a lot of landscaping around sites nearby although there is a wooded area to the north, beyond the car park. The proposed landscaping would therefore help to soften the overall appearance of the site. Paladin fencing as proposed, is not a feature of the area and is more traditionally found on industrial estates or around schools as it is used for security. This fencing has the potential to appear incongruous in the street scene and potentially harmful to the wider character of the area. However, if permission were granted, it is acknowledged that some form of security fencing would be required.
- 7.18 It is considered that the siting of caravans in this location would appear at odds with the general character of the area. It is accepted that caravans are an established and common feature in Skegness generally, but they are mostly found on the edges of the town or on the main approach roads and are there for reasons of providing an accommodation offer. They are not currently found in the Foreshore area or seen as a defining characteristic of the central area of the town, and although they are used for holiday purposes, they are not tourist attractions in themselves and as such would appear out of place in this location.

7.19 As set out, the landscaping may help to soften the appearance of the development to some extent, but the caravans will still be visible in the context of the wider area. It is acknowledged that there are some localised visual benefits in bringing this vacant site back into better managed use, but the overriding impact would be to harm the character of this prominent and important area with further potential to undermine the stated policy objectives for developing the Foreshore as a vibrant and active part of the town.

Neighbour amenity

7.20 SP10 of the East Lindsey Local Plan sets out that development will be supported if it is designed to or unacceptably harm any nearby residential amenity.

7.21 The nearest residential properties are found to the south west and north west of the application site. These are a considerable distance away, (approximately 70 metres to the south west) and approximately 120m to the north west. There also appears to be a residential flat above Raff 55, opposite the site. This flat is significantly higher than the application site, at second floor level. The proposed caravan sales area is at ground floor level and the proposed use would not result in overlooking or loss of privacy to nearby properties. There would be no adverse increase in noise levels, particularly when taking into account the surrounding land uses. Deliveries of caravans would occur early in the morning or late in the evening to avoid the busiest times, but the site lies on a main road along the seafront and close to a pub, restaurant and bingo hall which will attract various movements late in the day. It is therefore considered that the proposal will not result in an adverse impact on neighbour amenities. No neighbour objections have been received to the development.

Impact on listed building

7.22 Opposite the site lies the former Skegness Town Hall which is a Grade II listed building. The wall along the frontage of the site is also listed. The proposed sales area will be seen in the same context as this listed wall. SP11 of the East Lindsey Local Plan is concerned with the historic environment and states that proposals should have particular regard to the special architectural or historic interest and setting of the District's Listed Buildings. Furthermore, legislation requires that in considering any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged. The Council's Conservation advisor has been consulted on the application, but comments have not been received at the time of writing this report. Councillors will be updated on the supplementary agenda of any comments received although it is anticipated that the nature of impact is likely to be assessed as 'less than

substantial' at worst. Such impact would require the harm to be weighed against the public benefits of the proposal.

Flood risk

- 7.23 The application site lies in Flood Zone 3 and mostly within the Danger for All hazard zone, with the front part of the site lying in the Danger for Most hazard zone. Paragraph 159 of the National Planning Policy Framework (NPPF) states that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."
- 7.24 The proposal is for the change of use of land to a caravan sales area. The caravans will not be used for occupation. The proposal is being put forward as a commercial use, and is intended to help regenerate a currently vacant site. The sequential and exception tests, as required by paragraphs 161-165 of the NPPF, do not need to be applied to changes of use such as this. However, the proposals do still need to comply with the site specific flood risk requirements of the site, which need to be addressed in a Flood Risk Assessment (FRA).
- 7.25 A Flood Risk Assessment has been submitted with the application outlining various mitigation measures that the proposal will adhere to such as securing the lodges to concrete pads when on site. A Flood Warning and Evacuation Plan has also been drawn up for the site.
- 7.26 The Environment Agency has stated that they have no comments to make on the proposal. It is therefore considered that the proposal would be acceptable in terms of flood risk.

Highway safety

- 7.27 A dropped kerb is proposed off North Parade and a vehicular access would be formed into the site. This access would only be used for the delivery of caravans onto the site. No visitor parking is proposed and the supporting statement accompanying the application sets out that visitors will be encouraged to use the adjoining public car park. This car park is large and would be able to accommodate any additional vehicles visiting the application site. This will limit the amount of vehicles needing to cross the pavement into the site. The application also confirms that the deliveries of caravans would be permitted only in the early morning or late evening. Deliveries will generally be low in number as the site is being used as a showground as opposed to a high-density sales and storage area.
- 7.28 LCC Highways have been consulted on the application and have raised no objections but have requested that a condition is attached to any permission restricting the deliveries of caravans to early morning or late evening to reduce impact with pedestrian and vehicular movements in the interests of highway safety. Additionally, LCC Highways have requested that any gates must be set back a suitable distance to accommodate the

largest of vehicles/holiday homes from the nearside of the footway edge to ensure any calling vehicles do not block the free passage of pedestrian movements.

- 7.29 It is therefore considered that the proposed development would not result in an adverse impact on highway or pedestrian safety.

8.0 PLANNING BALANCE & CONCLUSION

- 8.1 The proposal is for the change of use of a vacant piece of land in the Skegness Foreshore. The Foreshore allocation means that SP20 of the Local Plan supports developments that build on the holiday attractions in the area. The proposed caravan sales area would not comply with the requirements of SP20 and as such the proposal is considered contrary to the aims of this policy.
- 8.2 The application site lies in an area of Skegness where there is a mix of uses, with most reflecting the tourism character of the seafront. The provision of caravans on this site would not reflect this established and defining character and would appear at odds with the surroundings, harmful to wider character and objectives of SP10 of the East Lindsey Local Plan. That character impact would be further harmed by the proposed security type fencing contrary to aims of SP10.
- 8.3 The permanent development of the site as a sales area may also prejudice attempts to market the site for more suitable uses and also undermine those longer term SP20 policy objectives by setting an unhelpful precedent for non policy compliant uses to become established. It is noted that the proposal would not result in any undue adverse impact on neighbour amenity, on flood risk or on highway and pedestrian safety.
- 8.3 However, notwithstanding the above position, regard needs to be had for the vacant nature of the site and it's deteriorating condition. It is also accepted that there is no current indication that the permission for a prestigious development on the site is likely to be taken up, but that permission is extant and alternative, equally suitable development proposals may still come forward against that planning history position.
- 8.4 Notwithstanding the requirement and commitment through this application to invest in security fencing and landscaping, it is considered that a caravan sales area requires a comparative modest level of investment and could be considered to be an easily 'reversed' type of development. This has been acknowledged by the applicant in the supporting statement accompanying the application and in subsequent discussion.
- 8.5 Consequently, mindful of that situation, the current circumstances for the alternative, policy compliant development scenario and also the current condition of the site, it is considered that a short

term permission could be considered as acceptable given the short term visual benefits that would result. It is however suggested that these benefits would be modest and not appropriate in the longer term, mindful of other policy requirements. Furthermore, a short term permission would better ensure that alternative future uses for the site were not jeopardised or circumstances created that may reduce any desire to explore more suitable development outcomes.

8.6 It is therefore considered that a temporary period planning permission be considered. In formal discussion with the applicant indicated that this would be a possible acceptable outcome for them. This practical, balanced approach would ensure that the site is used and is no longer left vacant but the permission would not preclude any future, more appropriate and better quality tourism/commercial development of the site such that longer term policy objectives would not be compromised.

8.7 This conclusion has been arrived at having taken into account all other relevant material considerations, none of which outweigh the reasons for the officer recommendation made below.

9.0 OFFICER RECOMMENDATION

9.1 Approve with conditions

RECOMMENDATION: Approve

subject to the following conditions:

1. Full Permission

The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall only be undertaken in accordance with the following approved plans;

Plan No. 48323-01 Received by the LPA on 25/7/23

Plan No. 48323-02 Received by the LPA on 25/7/23

Reason: For the avoidance of doubt and the interests of proper planning.

3 The use hereby permitted shall be discontinued on or before five years after the date on which the development is first brought into use, in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

Reason: The use hereby permitted is being permitted to ensure a vacant site in a prominent position in the Foreshore is brought back into use. The

use hereby permitted however, is not compliant with SP20 of the East Lindsey Local Plan and so a temporary permission will ensure that the permitted use does not preclude any permanent/future use for the land which would be in compliance with SP20 of the East Lindsey Local Plan.

- 4 The boundary treatments at the site shall be in accordance with the details shown on plan number 48323-02 which was received by the Local Planning Authority on 25th July 2023. The boundary treatments shall be provided on site prior to the first caravan being placed on the site and retained thereafter while the caravan sales area is in use.

Reason: In the interests of the character of the area in accordance with SP10 of the East Lindsey Local Plan.

- 5 Deliveries of caravans to the site shall not take place between the hours of 08:00 and 18:00 on any day.

Reason: To ensure deliveries occur at the quietest times of the day to avoid conflict with pedestrians. This condition is imposed in accordance with SP22 of the East Lindsey Local Plan.

- 6 Any entrance gates into the site must be set back the minimum length of any delivery lorry from the nearside of the footway edge of North Parade at all times that the caravan sales area is in use.

Reason: To ensure calling vehicles are clear of the highway and to ensure the free passage of pedestrians is not affected. This condition is imposed in accordance with SP22.

- 7 The caravans placed on the application site shall be for sale purposes only, and shall not be occupied either permanently or for holiday use.

Reason: The application is for a change of use of land for the purposes of caravan sales and has been assessed as such. To occupy the permitted caravan sales for residential or holiday purposes would need to be tested against other policies of the Local Plan. This condition is imposed in accordance with SP20 of the East Lindsey Local Plan.

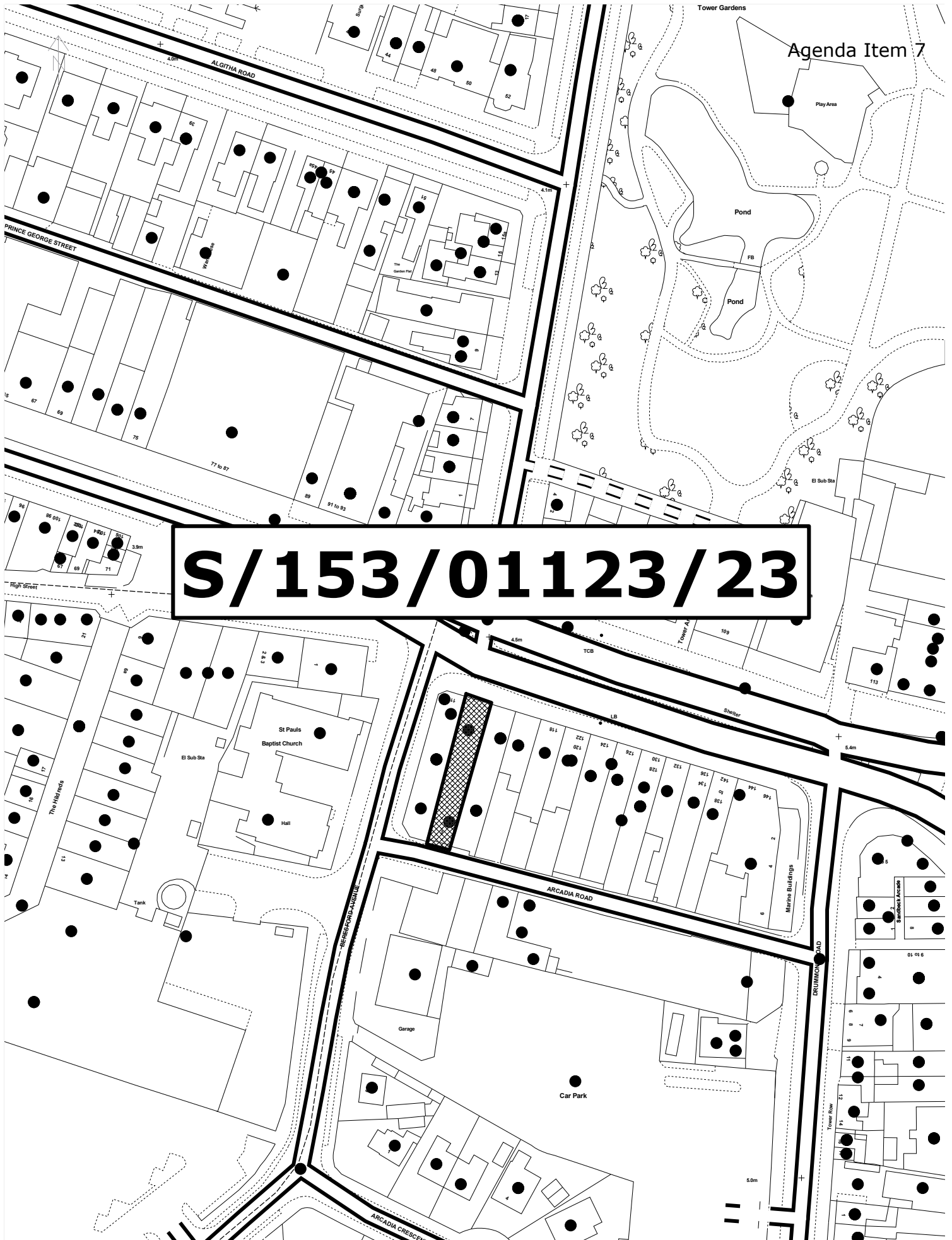
- 8 The development shall proceed and be used in accordance with the following mitigation measures as set out in the Flood Risk Assessment carried out by Andrew Clover Planning and Design, submitted with the application:

- Any lodges on site for display shall be securely anchored to a concrete pad using ground anchors and chains;
- The site owner/manager should register with the Environment Agency flood warning service;
- The site shall be occupied in accordance with the Flood Warning and Evacuation Plan accompanying this planning application.

Reason: To reduce the risk and impact of flooding at the site. This condition is imposed in accordance with paragraph 159 of the National

Planning Policy Framework.

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[7] Full Planning Permission

S/153/01123/ 23

APPLICANT: Mr. G. Dastgeer,

VALID: 19/06/2023

AGENT: Mr. P. Sparkes,

PROPOSAL: Planning Permission - Change of use, conversion of and alterations to the existing retail premises to provide a mixed use comprising a café (Class E), hot food takeaway (sui generis) and a shisha bar (sui-generis) including associated external seating area and installation of an extraction system and flue.

LOCATION: 112 LUMLEY ROAD, SKEGNESS, PE25 3NA

1.1 REASONS FOR COMMITTEE CONSIDERATION

1.1 The application is presented for determination by the Planning Committee as the proposal would constitute a departure from the Skegness Neighbourhood Development Plan (a part of the development plan for the district) and the recommendation is for conditional approval.

2.0 THE SITE AND SURROUNDINGS

2.1 The site is located in the coastal town of Skegness, within the main retail/commercial area of Lumley Road. The established use of the building is for retail, and forms part of a long terrace of properties. Immediately to the east is another retail outlet, whilst to the west is a seaside food kiosk. Elsewhere along the same frontage are further retail outlets, but also a wide variety of town centre commercial outlets. There is a wide pavement area and a bus stop a short distance to the east. The current frontage is modern, wide, part glazed and part open.

3.0 PROPOSED DEVELOPMENT

3.1 As originally submitted, the proposed development sought permission for *'Change of use, conversion of and alterations to the existing retail premises to provide a hot food takeaway with associated seating area, a shisha bar with associated external seating area and installation of an extraction system and flue'*.

Following negotiation this description of development has now been amended to more accurately reflect the proposed operation as a mixed use of the site, as follows - *'Change of use, conversion of and alterations to the existing retail premises to provide a mixed use comprising a café (Class E), hot food takeaway (sui generis) and a shisha bar (sui generis) including associated external seating area and installation of an extraction system and flue'*.

3.2 It should be noted that through this negotiation, the proposed area for the shisha bar element has been reduced. It was initially proposed to include part of the pavement area but is now limited to a small area within the recess of the facade to the premises.

3.3 For clarity, it is understood that shisha is a 'way' of smoking, usually tobacco and fruit flavourings, through a bowl with a hose or tube joined on. It is considered similar to smoking. It is further understood that there are new products being introduced all the time, some claiming to be tobacco free but this is hard to prove and control. Other relevant legislation therefore requires that it must be carried out outdoors.

4.0 CONSULTATION

Publicity

4.1 A site notice has been displayed and neighbours have been notified in writing. The Ward member is aware of the application via the weekly list.

4.2 During consideration of the application, reconsultations have been carried out following the amended description of development and detail as outlined above. The application has also been advertised in the press and on site as a departure to the Skegness Neighbourhood Development Plan.

4.3 Set out below are the consultation responses that have been received on this application. These responses may be summarised and full copies are available for inspection separately. Some of the comments made may not constitute material planning considerations.

Consultees

4.4 SKEGNESS TOWN COUNCIL - Initial response - Object on grounds of adverse effect to pedestrian safety, flow and congestion, and close proximity to a bus stop.

Response following reconsultation on description - Not supported on grounds that it is not an appropriate location for a shisha bar, in a prime position in a family focused tourist destination.

4.5 LCC HIGHWAYS AND LEAD LOCAL FLOOD AUTHORITY - Initial response - No objection.

No further response received following reconsultation.

4.6 ENVIRONMENTAL SERVICES - No response received at the time of preparing this report.

4.7 ENVIRONMENTAL SERVICES (FOOD SAFETY) - Initial response - Object on grounds of issues with shisha smoking, state that it must remain outside noting other legislative requirements.

No further response received following reconsultation.

4.8 ENVIRONMENT AGENCY - No response received at the time of preparing this report.

Neighbours/third party

4.9 2 x letters of objection received initially (from neighbouring traders) raising the following concerns: (no further comments received following reconsultation at the time of preparing this report):

- Impacts on amenity;
- Shisha bar will be just a few feet from the child friendly ice cream serving area, smell will be a nuisance, may impact on health and lessen attraction of business.
- Shisha bar will be detrimental to the traditional seaside shops surrounding it;
- Concerns of secondary smoke, significant level of chemicals in shisha;
- Isn't a good look for Skegness;
- Impact on amenity, food shop will no longer be attractive to customers due to smell from the smoking bar.

5.0 RELEVANT PLANNING HISTORY

5.1 No recent history.

6.0 PLANNING CONSIDERATIONS

Planning Policy

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the East Lindsey Local Plan (adopted 2018), including the Core Strategy and the Settlement Proposals Development Plan Document; and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

East Lindsey Local Plan

Including but not limited to:

- SP1 - A Sustainable Pattern of Places
- SP2 - Sustainable Development
- SP10 - Design
- SP14 - Town/Village Centres and Shopping
- SP17 - Coastal East Lindsey
- SP22 - Transport and Accessibility

Skegness Neighbourhood Development Plan (NDP)

Including but not limited to:

Policy Theme 3 - Skegness Town Centre - Policy TC1

Policy Theme 4 - Transport and Infrastructure - Policy INF1
Policy Theme 7 - Design and Environment - Policy D1

National Planning Policy Framework (NPPF)

Other documents referred to

Health Act 2006
Stroud v North West Leicestershire District Council court case

7.0 OFFICER ASSESSMENT OF THE PROPOSAL

7.1 The main planning matters in this case are considered to be:

Principle of the development;
Impact on amenity;
Impact on character of the area;
Highway impacts;
Flood risk.

Principle of the development

7.2 Strategic Policy 1 of the Council's Local Plan identifies Skegness as a town, and the Skegness NDP recognises it as a service centre for nearby towns due to its relative size. SP2 offers support to sustainable development.

7.3 The site is within Skegness Town Centre and is designated as a Primary Shopping frontage, both as defined in the Local Plan Settlement Proposals document. As such, Strategic Policy 14 of the Council's Local Plan is relevant and seeks to expand and improve the town centre's retail, business, office, tourism, leisure, commercial and cultural facilities. Retail is considered important in maintaining the attractiveness, vibrancy and vitality of the district town centres. However, given the shopping trends, many centres have been diluted through the introduction of cafes, pubs and offices which are now fundamentally part and parcel of the town centre offer, with the policy although aiming to retain a strong retail core, accepting the evolution of such areas and the provision that an appropriate mix of uses can help towards the vitality and viability of these areas.

7.4 This is reiterated through the National Planning Policy Framework at paragraph 86, and especially sub-para's a) & b) which seeks policies and decisions that support the role that town centres play at the heart of local communities, and requires a positive approach to their growth, management and adaptation, including by allowing them to diversify in a way that can respond to rapid changes in the retail and leisure industries and allows a suitable mix of uses.

7.5 Main town centre uses, that are considered appropriate in such locations, are defined within Annex 2 of the NPPF: Glossary section highlighting retail, leisure, sport, recreation, office, arts culture and tourism

development. However, this list is not exhaustive.

- 7.6 The application seeks a change of use from retail to a mixed use comprising cafe (Class E), takeaway (sui generis) and shisha bar (sui generis). The fact that hot food take away use or shisha bar is not specifically mentioned in Annexe 2, does not necessarily mean that Sui Generis uses are excluded from being a town centre use. It is considered that hot food takeaways have characteristics similar to other uses mentioned within the NPPF's definition such as retail or as a leisure or entertainment use (in the sense that it involves the sale of goods, provides for a hospitality/leisure/entertainment offer). It is considered helpful to note that this particular matter was debated through the High Courts in *Stroud v North West Leicestershire District Council*, where it was concluded "*...that hot food take away could be regarded as a species of retail use, although it was one which, as he rightly pointed out, attracted its own considerations in planning terms. That is evidenced by the fact that it is separated out into a use class of its own*".
- 7.7 Also of particular policy relevance is the Skegness Neighbourhood Development Plan, Policy Theme 3, Policy TC1. This seeks to encourage and promote the development of active frontages. The NDP outlines that active frontages aim to ensure that there is visual engagement between the street and the ground floor of a building. At street level, active frontages provide visual interest to passers by and can therefore help improve footfall in an area. Furthermore, the NDP seeks to preserve the vitality of the town centre by reaffirming the designation of primary frontages (these are consistent with those identified in the East Lindsey Local Plan at SP14, where the preservation of retail and other Class E uses will be promoted where possible. For clarity, Class E uses are wide ranging, including shops (other than for the sale of hot food), food and drink (which is mostly consumed on the premises), services principally to visiting members of the public including financial services, professional services (other than medical services), any other services which it is appropriate to provide in a commercial, business or service locality, Indoor sport and recreation (not swimming pools, ice rinks or motorised vehicles or firearms), Medical services not attached to the residence of the practitioner, non-residential creche, day centre or nursery, office, the research and development of products or processes, any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area).
- 7.8 The NDP through Policy TC1 requires that development in Skegness Town Centre should lead to the creation of active frontages, in order to enhance the vitality of the town centre. It further states that in the Primary frontages, changes of use to non Class E uses will not be supported. This implies amongst other things, a concern that non Class E uses may generally be unable to contribute towards active frontages. SP14 of the Council's Local Plan is consistent but less prescriptive in that respect, simply confirming support for retail uses within the primary shopping frontage.
- 7.9 The proposed development would deliver a mixed use, the characteristics

of which include the provision of a substantial amount of seating for use as the cafe element. This element is suggested by reference to the plans as a dominant provision within the scheme and would be a use, that on its own falls within Class E and would satisfy policy requirements. The takeaway element conflicts at face value with policy objectives but is noted to relate to a comparatively small area at the rear of the building. The building has a relatively open frontage and aspect to the street, with the plans indicating doors and screen to be held open during opening hours. Consequently, it, is considered that the layout of the building and the mix of uses proposed, when considered collectively would not only provide visual interest to the streetscene, but also generate footfall and activity during opening hours in a manner consistent with the aims of adopted policy for securing active frontages within the town centre.

- 7.10 Given the above, the mixed use scheme (Class E & Sui Generis) as proposed is considered to be acceptable, and although technically a departure, is considered to satisfy the overall aims of the Skegness NDP, the Local Plan, and the advice contained within the NPPF. Other material factors present themselves for consideration as well, with the unit in question being currently vacant during a period of well documented economic uncertainty and difficulties for High Streets in the country. Occupancy of the building in a manner that should generate additional footfall would not only be visually beneficial, but, it is considered would add to the vitality and vibrancy of the Town centre and encourage additional spending. It is therefore considered that, notwithstanding the prescriptive policy position of the NDP, the proposed uses would be acceptable in this location.

Impact on amenity

- 7.11 SP10 of the Local Plan, states that development will be supported if it does not unacceptably harm residential amenity, which is reiterated in the NPPF at paragraph 130, stating that policies and decision should ensure that developments promote a high standard of amenity for existing and future users.
- 7.12 The building is within a town centre location, surrounded by a mix of commercial uses and a number of residential units. As it is situated on the main shopping/commercial street in Skegness, it is expected that there will be an existing level of noise throughout the day and evenings.
- 7.13 Concerns from neighbouring businesses relating to the shisha bar are noted and acknowledged. Paragraphs 185 - 188 of the NPPF are of relevance in this instance. Paragraph 185 (a) discusses the impact of noise pollution by new development. The development should ensure that any noise generated is minimised and does not give rise to significant adverse impacts on health and quality of life of nearby occupiers. Paragraph 186 talks about air quality.
- 7.14 The shisha area consists of two tables outside. It is anticipated that due to the revised small area accommodating the shisha bar, the level of impacts as a result would not be to an unduly harmful level. Indeed, it is

considered that this would be little different to a conventional outdoor seating area associated with a cafe.

- 7.15 The proposal seeks permission for erection of a necessary new extraction flue to the rear of the property. This is positioned away from residential units and no objection has been received from colleagues in Environmental Services.
- 7.16 Overall, in relation to the plant to the rear, no significant harm is expected on residential amenity and it is not considered that this change of use, or the new flue would generate an increase in noise, traffic or other factors that would be harmful to the closest residential units. Furthermore, as noted above no concerns have been raised by Environmental Health relating to noise generally.

Impact on character of the area

- 7.17 SP10 of the Council's Local Plan relates to design. It sets out criteria by which the Council will support well-designed sustainable development, which maintains and enhances the character of the districts towns, villages and countryside. Chapter 12 of the NPPF reiterates this, in particular paragraph 130. Policy Theme 7 of the Skegness NDP (Policy D1) aims to raise the standard and quality of design in new developments within the town.
- 7.18 The proposed change of use to mixed use will result in internal changes to the ground floor plan to accommodate the uses, with the shisha bar element incorporating a small outside seating area, in front of the recessed folding door. This is to be visible however given its location, tucked beside the doorway which is recessed, this is considered to have an acceptable impact upon the visual amenity of the street scene and, indeed, as noted earlier in this report would contribute towards an active frontage, to the betterment of the character of the commercial streetscene. The other external changes such as the plant at the rear are considered to be of an acceptable design and scale. There are no external changes proposed to the front of the building.
- 7.19 Overall the proposal is not considered to have a harmful impact on the character of the area, which accommodates other commercial uses.

Highway impacts

- 7.20 The site is within the town centre and, as there is no parking associated with the site, the site is reliant on sustainable transport modes, including walking, cycling and public transport. This is in accordance with SP22 of the Local Plan. LCC Highways have been consulted and raised no objection to the proposal, stating that it does not have an impact on the Public Highway or Surface Water Risk. This is in accordance with paragraphs 110 - 111 of the NPPF and also Policy INF1 of the NDP. The comments from LCC Highways note that if the outside seating area is to be expanded onto the public highway, approval for a cafe licence will be needed from LCC. This can be noted on the decision notice as a note to

applicant.

Flood Risk

- 7.21 The site falls within Flood Zone 3 - High risk. However, the development involves a change of use, and is therefore not considered subject to the application of the sequential and exception tests, as stated in paragraph 168 of the NPPF. The application is accompanied by a Flood Risk Assessment, and the standing advice from the EA shows that both the existing and proposed uses are considered to be 'less vulnerable' uses. As such there is no increase in the flood risk from this proposal and subsequently no objection on this matter.

8.0 CONCLUSION

- 8.1 To conclude, this proposal seeks a change of use from retail to a mixed use comprising of cafe, takeaway and shisha bar. The key issue in this case is the use, as Policy TC1 of the NDP indicates that only Class E uses will be supported for this location, given objectives for creating active frontages by limitation to Class E uses. In this case, the proposed use is a mixed use, but incorporates elements of Class E use and is, on balance considered to equally satisfy the active and safeguarding of vitality objectives of Policy TC1 of the NDP.
- 8.2 Concerns relating to amenity are also noted but in this case, due to the small scale of the shisha bar element, it is considered the proposal would not cause undue harm to amenity.
- 8.3 In all other aspects the proposal is acceptable and therefore is recommended for approval. It is considered that the proposal would be acceptable for the reasons outlined above. The proposal complies with the Policies and Government guidance mentioned previously and is recommended for approval subject to conditions set out below.

RECOMMENDATION: Approve

subject to the following conditions:

1. Full Permission
The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall only be undertaken in accordance with the following approved plan numbers;

Plan No. 23-2751-02 A Received by the LPA on 29/08/2023.
Plan No. 23-2751-03 A Received by the LPA on 29/08/2023.
Plan No. 23-2751-04 A Received by the LPA on 29/08/2023.

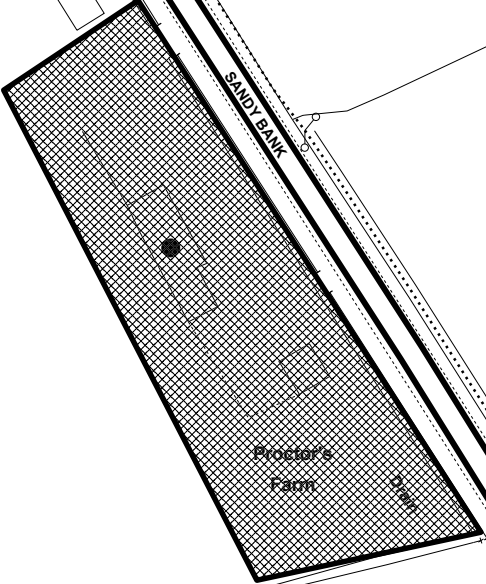
Reason: For the avoidance of doubt and the interests of proper planning.

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Sandy Bank Farm

White Cottage

S/035/00909/23



7.5m

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[8] Full Planning Permission

S/035/00909/ 23 **APPLICANT:** Mr. J. Parker,

VALID: 25/04/2023 **AGENT:** Andrew Clover Planning and Design,

PROPOSAL: Planning Permission - Erection of a dwelling which incorporates the existing agricultural barn.

LOCATION: PROCTORS FARM, SANDY BANK, CONINGSBY MOORSIDE

1.0 REASONS FOR COMMITTEE CONSIDERATION

1.1 The application has been subject to a call in request by Councillor Martin Foster given local interest, the site's planning history and it's conflict with planning policy.

2.0 THE SITE AND SURROUNDINGS

2.1 The application site lies outside of the built area of Coningsby (defined by SP1 of the East Lindsey Local Plan as a town), occupying an open countryside location within the parish. The site comprises of a redundant brick built agricultural building with a large pole barn attached, with a corrugated metal sheeted roof which is in a state of disrepair.

2.2 South of those buildings is another building previously used as a dwelling again in a state of disrepair half hidden in the overgrown greenery. The roof of the former dwelling has collapsed with only the end gable wall remaining.

2.3 The site is accessed directly from Moorside Road with an existing grassed agricultural entrance and is surrounded on each boundary by flat open fields. The site is screened from the road by an approximately 3 metre high hedge.

2.4 The site is within Flood Zone 1 - Low Risk.

3.0 PROPOSED DEVELOPMENT

3.1 This application seeks planning permission for the erection of a dwelling which would incorporate the existing agricultural barn.

3.2 The proposals propose the erection of a large, detached house on the site of the existing pole barn, which would be demolished, but incorporating the brick built agricultural building. The remnants of the former dwelling are also proposed to be demolished.

3.3 The proposed house would be two storeys with the existing barn being utilised to provide a single storey room to the north west elevation and a further second single storey new build element to the west elevation.

3.4 The existing access would be utilised with hardstanding for the first 5 metres and the remaining drive, parking and turning area gravelled.

4.0 CONSULTATION

- 4.1 Set out below are the consultation responses that have been received on this application. These responses may be summarised, and full copies are available for inspection separately. Some of the comments made may not constitute material planning considerations.

Publicity

- 4.2 The application has been advertised by means of a site notice and neighbours have been notified in writing. The application has also been advertised in the press as affecting the setting of Public Footpath no. 221.
- 4.3 It should be noted that the application is currently subject to a further period of consultation/publicity to advertise for the aforementioned public footpath. That publicity period runs beyond the date of this committee meeting, but, given the level of publicity already undertaken, the application is considered appropriate for committee consideration now, for reasons of expediency. In the event that any new material planning matters were to arise as part of this consultation the application can be bought back before Committee members for further consideration.

Consultees

- 4.1 CONINGSBY PARISH COUNCIL - Support.
- 4.2 TUMBY PARISH COUNCIL - Not received at the time of writing report.
- 4.3 LCC HIGHWAYS AND LEAD LOCAL FLOOD AUTHORITY - No objections but suggests informative be added in relation to the improvements to access.
- 4.4 ENVIRONMENTAL HEALTH (CONTAMINATION) - Potential contamination noted and a Phase 1 study suggested, however, can be secured by condition.

Neighbours

- 4.5 One representation received providing advisory comments in relation to swifts and requesting provision of swift bricks within the proposal.
- 4.6 In addition 9 no. letters of support were submitted by the applicant's agent as part of the initial submission on the basis that the proposal would tidy up the site, would be an enhancement to the area and add value to the locality.
- 4.7 The Ward Councillor is aware of the application via the Weekly List.

5.0 RELEVANT PLANNING HISTORY

- 5.1 S/035/02447/22 - Erection of a dwelling which incorporates the existing agricultural barn. WITHDRAWN.

6.0 PLANNING CONSIDERATIONS

Planning Policy:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the East Lindsey Local Plan (adopted 2018), including the Core Strategy and the Settlement Proposals Development Plan Document; and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

East Lindsey Local Plan:

SP1 - A Sustainable Pattern of Places - sets out a typology of settlement within the district and confirms the site as lying within an open countryside location.

SP2 - Sustainable Development - mirrors the NPPF approach of a presumption in favour of sustainable development.

SP3 - Housing Growth and the Location of Inland Growth - confirms Coningsby as a more sustainable settlement within the district wherein there is support for housing growth to be delivered on allocated sites and on suitable windfall sites. The policy effectively confirms that this site would not be an appropriate location within the terms of the policy for provision of housing.

SP8 - Rural Exceptions - advises of the exceptional circumstances when housing in rural locations may be supported (this proposal does not satisfy those exceptions)

SP10 - Design - seeks to ensure good design outcomes

SP16 - Inland Flood Risk - seeks to ensure flood risk is appropriately considered

SP22 - Transport and Accessibility - seeks to ensure accessibility and isolation in the district is reduced.

SP23 - Landscape - provides a policy basis for considering landscape impacts

SP24 - Biodiversity and Geodiversity - amongst other things, seeks to protect and enhance the biodiversity and geodiversity of land and buildings.

National Planning Policy Framework

7.0 Officer Assessment:

- 7.1 The main planning issues in this case are considered to be:-
- The principle of residential development in this location

- Design
- Impact on residential amenity
- Ecology and biodiversity
- Contamination
- Highway Safety

7.2 **The principle of residential development in this location**

7.3 The proposal seeks planning permission to erect a new dwelling in an open countryside location which is at some distance from Coningsby. There is no suggestion that the proposed dwelling is required for the essential need of a rural worker such that the proposal is considered to be clearly in conflict with adopted policy and sustainable principles for the location of new housing. Furthermore, paragraph 80 of the NPPF confirms that planning decisions should avoid the development of isolated homes in the countryside (which this proposal would be) other than in certain situations. For the majority of those, it is not considered that those situations apply. To clarify further, the proposal would not satisfy an essential need for a rural worker, the existing building is not considered to be a heritage asset so there is no need for enabling development to safeguard its future, it does not provide for subdivision of an existing residential building and it is not a proposal where the design is of exceptional quality, in that it would be truly outstanding or reflect the highest standards in architecture.

Paragraph 80 does also provide support for proposals that would re-use redundant or disused buildings and enhance their immediate setting, but those circumstances equally, do not apply to this case as the proposal is not that of a conversion.

7.4 In support of the application, it is suggested that the proposal should be considered as providing a replacement dwelling. To the south of the agricultural buildings lie the remains of what has been identified as a former dwelling which is in a dilapidated state with the roof having collapsed and the only full wall remaining being the eastern elevation adjacent to the road. The remains are overgrown and largely buried beneath ivy.

7.4 There is no specific policy in the Local Plan relating to the provision of 'replacement dwellings' but the general stance of this authority has been to support such proposals in principle, as the resulting development would not unduly compromise the Councils housing strategy or increase the number of dwellings in unsustainable locations.

7.5 The peculiarity for this proposal, however, is that the former dwelling, particularly by reference to its condition, may have been abandoned and no longer benefit from lawful use rights as a dwelling. In such circumstances, the proposal could not be considered as a replacement dwelling and as referenced above, would not satisfy locational and sustainable policy considerations for the provision of new dwellings.

The concept of abandonment, however, is complex and requires a

methodical assessment of the facts of any particular case and site. As an objective test relevant case law (Castell-y-Mynach Estate v SoS for Wales [1985]) concluded that there are four key factors for assessing abandonment. These are:

- The physical condition of a building
- Whether there has been an intervening use
- The period of non-use
- The owner's intentions

- 7.6 As described above, the physical condition of the building is undoubtedly poor. The applicant has indicated in the submitted Supporting Statement that the dwelling was held in probate for a period of seven years during which time no work was permitted to be carried out resulting in the condition of the dwelling deteriorating and the partial collapse which occurred in late 2021. No intervening use appears to have been carried out and the applicant has confirmed this. The submitted Planning Statement also stated the last occupation of the dwelling was believed to be over 30 years ago, however, through correspondence with the applicant and the owner of the site, it is now stated that the dwelling has not been lived in for approximately 15 years. Furthermore, it is suggested that due to the longevity of probate issues, the dwelling was unable to be maintained outside of the owner's control. There has been no evidence provided to confirm those claims, however. Furthermore, there are no current Council Tax records for the dwelling and no records to confirm when the property was last registered.
- 7.7 On balance, due to the lack of more robust evidence from the applicant's agent to confirm the four tests (referenced above) have been met, discussion with the Councils legal advisors suggests that the residential use of the site will have been 'lost' and that the application should be considered as for the erection of a new dwelling rather than a replacement dwelling.
- 7.8 In that respect, and to further clarify previous comment in this report, the application site lies in an open countryside location, away from the settlement of Coningsby. The town itself lies to the west of the site, approximately 3 miles away by road. Public Footpath no. 221 runs along the southern boundary of the site and provides a link through to the northern edge of Coningsby approximately 2.3km distant. It is, however, considered that is not a reasonable walking distance to access facilities and further confirms the unsustainable nature of the location.
- 7.9 It is therefore considered that the proposal would not satisfy requirements of adopted policy and would not constitute sustainable development as the proposal is for a dwelling in an open countryside location, a significant distance away from local services requiring residents to be unduly reliant on use of a private motor vehicle. The principle of development in this location is therefore contrary to both the aims of the Local Plan and the NPPF.

7.12 **Design**

7.13 SP10 of the East Lindsey Local Plan states that the Council will support well-designed sustainable development which maintains and enhances the character of the area and uses high quality materials. The layout, scale, massing, height and density should also reflect the character of the surrounding area.

7.14 The Planning Statement submitted with the application sets out that the design approach for the proposed dwellings is taken from agricultural buildings and small holdings. It is put forward that the proposed layout is one that is commonly seen in farmyards. The design of the proposed dwelling does reflect agricultural buildings to a certain extent and the existing barn which is to be incorporated retains its features including repointing of the existing brick work and the retention of T&P lettering on the gable end with a like for like profile sheeted replacement roof. Although the proposed dwelling is large in scale, it is not considered to be inappropriate for the size of the plot, utilising the existing space to provide suitable outdoor amenity areas. Consequently, it is considered that from a design perspective, the proposal would not adversely affect the character of the area and would potentially improve local visual amenity for what is currently an unsightly collection of buildings. The application detail proposes to retain the landscaping along the frontage of the site which would screen the development to a large extent from Moorside Road. Additional planting of trees along the southern boundary is also proposed, which would provide additional screening from the public footpath running along the southern boundary.

7.15 It is therefore accepted and considered that the proposed development would not result in an adverse impact on the character of the area and indeed, that there would be localised enhancement of visual amenity, given the existing site condition and design approach/detail proposed. This can be given some weight in the consideration of the proposal.

7.16 **Impact on residential amenity**

7.17 SP10 of the East Lindsey Local Plan sets out that development will be supported if it is designed to or unacceptably harm any nearby residential amenity.

7.18 There are no neighbouring properties bordering any of the boundaries of the site, the nearest being 'Sandy Bank Farm' positioned a sufficient distance north of the site and 'Meadow Farm' again positioned across the road a good distance south of the site. Given the separation distances and the residential aspect of the proposals it is not considered that there would be any adverse impacts on the amenities of either of those properties.

7.19 **Ecology and biodiversity**

7.20 Policy SP24 of the Council's Local Plan states that 'development

proposals should seek to protect and enhance the biodiversity and geodiversity value of land and buildings, and minimise fragmentation and maximise opportunities for connection between natural habitats'. The site is predominantly grassed with areas considered to be overgrown, especially surrounding the former dwelling. The hedgerow along the eastern and southern boundaries are considered to provide a verdant feature. There is no existing boundary treatment between the western boundary and the agricultural field beyond, however, a post and rail fence is proposed to be erected to separate the two. The plans indicate the hedging to the east and south is to be retained and an additional group of trees planted to the south along with individual native trees planted to the north providing foraging opportunities for various forms of wildlife.

7.21 An Ecology Survey was undertaken by CGC Ecology in October 2022. The survey noted that there is moderate potential for roosting bats within the existing barn and a further survey would be required before any works are undertaken to the barn. Barn Owls also have links to the site and mitigation measures such as bat boxes and bird boxes would be required as part of the development. It was also noted that the existing hedge mentioned above would need to have any gaps filled in to maximise biodiversity and any trees/hedging planted would need to be of a native species.

7.22 **Contamination**

7.23 Considering the predominantly agricultural use of the site, there is a potential for contaminated land especially given that the proposed use is a 'sensitive-end' use. Environmental Health were consulted and recommended a Phase 1 Report be undertaken to further investigate the potential for contamination on site. During the site visit it was noted, however that there were no immediate indications of contamination on the site.

7.24 **Highways Safety**

7.25 The existing access would be utilised in the development and made good with appropriate hardstanding and gravel with adequate parking and turning areas within the site enabling occupiers to vacate the site in a forward gear. LCC as Local Highway Authority have raised no objections to the proposals but recommend improvements to the access appropriate for the development.

8.0 CONCLUSION

8.1 In conclusion, the application seeks permission for the erection of a dwelling in an open countryside and unsustainable location. A former dwelling on site appears to have been abandoned and insufficient evidence has been provided to refute that assessment. The provision of a new dwelling in this location would therefore be contrary to policy at both local and national levels, wherein new housing development is directed to more sustainable locations.

- 8.2 The proposal would, not result in an adverse impact on the character of the area and, it is accepted, could be considered to provide a degree of enhancement. That benefit can be given some weight in considering the planning balance, but the benefits would be localised only and are not considered sufficient to outweigh the in principle policy position.
- 8.3 There would be no adverse impact on neighbour amenities and the policy criteria for biodiversity net gain would be satisfied. Contamination at this stage, equally does not appear to pose any obvious concern and there are no adverse highways safety implications. These matters therefore carry neutral weight in considering the planning merits of the proposal.
- 8.4 As noted at 6.1 of this report, legislation requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The adopted Local Plan policy position effectively presumes against this proposal and the benefits identified are not considered to outweigh that presumption of sustainable development.

9.0 OFFICER RECOMMENDATION - REFUSE

RECOMMENDATION: Refuse

for the following reasons:

- 1 The proposed development seeks permission for the erection of a dwelling in the open countryside, outside of a recognised settlement. The site therefore constitutes an unsustainable location for residential development and would not comply with the adopted policies of the East Lindsey Local Plan or the aims of the National Planning Policy Framework (NPPF). Furthermore, the proposal would not comply with any of the exceptions provided for in SP8 or as outlined in paragraph 80 of the NPPF. The proposal therefore constitutes unsustainable development contrary to SP1, SP2 and SP3 of the East Lindsey Local Plan and the National Planning Policy Framework.

Appeals Decided Between

22/08/2023 and 18/09/2023

	Total
Dismissed	2
Total	2

	Total
Written Representations	2
Total	2

Total Appeals Decided: 2

<u>CaseFullRef</u>	<u>LocAddress1</u>	<u>Proposal</u>	<u>DcnDate</u>	<u>DcnLvl</u>	<u>Decision</u>	<u>Appeal type</u>	<u>Apl Decision</u>	<u>AplDcnDate</u>	<u>Costs Awarded</u>	<u>Costs Against</u>
S/074/00986/22	LAND NORTH OF WEST LANE, HALTHAM, HORNCastle, LINCOLNSHIRE, LN9 6JG	Planning Permission - Erection of	17/8/22	DEL	Refused	Written Representations	Dismissed	8/9/23		
N/084/01807/22	THE STABLES, SLOOTHBY HIGH LANE, HOGSTHORPE, SKEGNESS, PE24 5PG	Planning Permission - Erection of a two storey house and erection of detached garages with gym over.	5/12/22	DEL	Refused	Written Representations	Dismissed	1/9/23		



Appeal Decision

Site visit made on 4 September 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2023

Appeal Ref: APP/D2510/W/23/3315706

Land North of West Lane, Haltham, Lincolnshire LN9 6JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Andrew Robinson against the decision of East Lindsey District Council.
- The application Ref S/074/00986/22, dated 20 May 2022, was refused by notice dated 17 August 2022.
- The development proposed is the erection of a bungalow for residential use.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the location of the proposed development would be acceptable having regard to the development plan policies.

Reasons

3. The appeal site is a grassed parcel of land lying on the fringes of Haltham. It is located adjacent to the side elevation of a recently completed bungalow, beyond which are open fields. The bungalow is accessed from West Lane via a lengthy gravel driveway between two residential properties that front the road.
4. Consistent with the approach in paragraph 105 of the National Planning Policy Framework (the Framework), Policy SP1 of the East Lindsey Local Plan (adopted July 2018) (the Local Plan) seeks to inform the distribution, scale and nature of development within the district by classifying settlements based on their level of access to services and employment. These categories comprise towns, large villages, medium villages and small villages. Any settlement not named within this list of settlements is considered to be located within the 'open countryside' for the purposes of the policy. The policy sets out that this includes hamlets and isolated groups of houses which may have very limited facilities such as a church or public house.
5. Policy SP9 of the Local Plan supports single plot development for affordable housing within the defined towns, and large, medium and small villages listed as part of Policy SP1. This is subject to a number of criteria including the applicant being able to demonstrate that they are unable to afford a suitable home currently available in the parish; evidence of a local connection; and a limitation of the internal floor area to 100 square metres. The resale value of such dwellings is required to be restricted in perpetuity to '80% of market value'. The limitation to the defined settlements is reiterated within the accompanying SPD.

6. Haltham is a small settlement with limited services and facilities. It is not listed as a town, or a large, medium or small village within Policy SP1. The appeal site therefore lies within open countryside for the purposes of the policy. Consequently, the proposal is contrary to Policy SP9 of the Local Plan and the housing strategy.
7. The appellant has questioned the methodology used by the Council to formulate the settlement hierarchy and considers that Haltham should now be considered to be a medium village, based on changes that have occurred since the evidence was collected. The appellant has provided their own scoring system based on that used in the Council's Rural Facilities Survey 2015. However, the Rural Facilities Survey was just one of a number of different sources of evidence that were used to inform the policy. Furthermore, it is not my role to re-examine the evidence base of the Local Plan or to second guess the reasons why a particular settlement has been placed in a particular category. Both Policy SP1 and Policy SP9 were assessed at the time of examination of the Local Plan and were found to be sound.
8. In accordance with the requirements of s38(6) of the Planning and Compulsory Purchase Act (2004), I am required to determine the appeal in accordance with the development plan unless material considerations indicate otherwise. I have found the appeal proposal to be contrary to the development plan. For the above reasons, I am not convinced that the appellant's argument with regard to the categorisation of the settlement constitutes a material consideration that indicates taking a decision contrary to the development plan.
9. As set out in the Planning Practice Guidance (PPG)¹, a plan does not become out-of-date automatically after five years. Due weight should be given to relevant policies in existing plans according to their consistency with the Framework. I have found Policy SP1 to be consistent with the Framework, as set out above. Neither party has referred to housing supply and there is no evidence before me that indicates that the Council cannot demonstrate a five year supply of deliverable housing sites. I am therefore not convinced that Policy SP1 is out-of-date.
10. The appellant has referred to a previous appeal decision, but has not provided any information other than a reference number. I note that the reference number appears to relate to a different Council area, and likely, a different policy. As such, in the absence of any further information, this carries little weight in my decision.
11. For the above reasons, the location of the proposed development would not be acceptable having regard to the development plan policies. The proposal would conflict with Policy SP9 of the Local Plan and the housing strategy.

Other Matters

12. I have had regard to the letters of support submitted during the application process. However, the evidence of local support does not outweigh the conflict with the development plan set out above.
13. The appellant has referred to the grant of planning permission² at the adjacent bungalow. However, it is understood that this was determined prior to the

¹ Paragraph: 064 Reference ID: 61-064-20190315.

² Ref S/074/426/17.

adoption of the Local Plan and as part of its decision, the Council took into account the status of Haltham in the adopted Local Plan at that time. That Local Plan has now been superseded by the current (2018) Local Plan. This therefore carries little weight in my decision.

14. I sympathise with the appellant and their search for a new home, and I acknowledge the evidence supplied in relation to affordable housing, including the unilateral undertaking. The Council considers that this evidence is insufficient to demonstrate that the appellant is unable to afford a suitable home in the locality. However, even if the appellant were able to demonstrate that they were unable to afford a suitable home in the locality, the proposal would not be acceptable in this location. I therefore need not consider this information any further.

Conclusion

15. There are no material considerations that, in this instance, justify taking an approach contrary to the adopted development plan and housing strategy having regard to the requirements of s38(6). I have considered all other matters raised, including the approach in the Framework, but none outweigh the conclusions I have reached. For the reasons set out above, I dismiss the appeal.

Paul Martinson

INSPECTOR



Appeal Decision

Site visit made on 1 August 2023 by Andreea Spataru BA(Hons) MA MRTPI

Decision by S. Ashworth BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2023

Appeal Ref: APP/D2510/W/23/3315025

The Stables, Sloothby High Lane, Hogsthorpe, Lincolnshire PE24 5PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Bartle against the decision of East Lindsey District Council.
- The application Ref N/084/01807/22, dated 16 September 2022, was refused by notice dated 5 December 2022.
- The development proposed is for the erection of a two storey house including a detached garage.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary matter

3. An application for costs was made by Mr and Mrs Bartle against East Lindsey District Council. This application is subject of a separate decision.

Main Issue

4. The main issue is whether the proposal is in an appropriate location for residential development in respect of flood risk.

Reasons for the Recommendation

5. The appeal site is located in the village of Hogsthorpe, which is a large village under the settlement hierarchy as outlined within Policy SP1 of the East Lindsey Local Plan Core Strategy 2018 (LPCS). Hogsthorpe is not listed as a coastal settlement in Policy SP17 of the LPCS. However, it is undisputed by the main parties that the site is located within the East Lindsey Coastal Hazard Zone and flood zone 3 on the Environment Agency's map, where there is a high probability of flooding. Therefore, I consider that Policy SP18(2) of the LPCS is relevant to the appeal scheme, as it sets out the criteria that must be met for new open market housing in these areas.
6. The justification for Policy SP18 explains that because of the threat of flood risk, unconstrained housing growth with its associated increase in population

- cannot be justified. However, the LPCS acknowledges that there are identified circumstances where housing development may be considered appropriate. Policy SP18(2) sets out support for open market housing on sites in towns, large and medium villages which satisfy a number of criteria, including that the site is brownfield; it has become disused or empty and is causing harm; it has been actively marketed for a community, economic or leisure use for a period of 12 months and shown that the site is not viable for one of these uses.
7. The application form informs that the appeal site is currently used as a garden. Therefore, as the site cannot be considered brownfield, it does not meet the first criterion of Policy SP18(2). The appearance of the appeal site reflects its use as a garden. There is currently green open space that hosts several trees; a hedge and other vegetation wraps around part of the site. As such, the appeal site does not appear disused or empty and is not causing harm. It has not been demonstrated that the site has been actively marketed for community, economic or leisure use or that it would not be viable for a development of such uses. Criteria 2, 3 and 4 of Policy SP18(2) of the LPCS are therefore also not met.
 8. The National Planning Policy Framework (the Framework) also requires that inappropriate development should be avoided in areas at risk of flooding by directing development away from areas at highest risk. It sets out a sequential test to steer new development to areas with the lowest risk of flooding. Where it is not possible for development to be located in areas with the lowest risk of flooding, the Framework sets out an exception test.
 9. The planning application was accompanied by a site-specific flood risk assessment (FRA), which includes a sequential test and an exception test. The sequential test sets out the parameters of the search and the information sources used. I note that the search radius for equivalent sites was limited to 5 km, as the appellants found this to be a reasonable distance having regard to the connection of the proposed dwelling to the existing business on the appeal site. The sequential test concludes that there are no other sites within the local area that could offer a similar development opportunity in a zone of lower flood risk, as the main source of flooding is the North Sea from the East.
 10. Whilst the Council found that the proposal does not pass the sequential test, it has not presented any substantive evidence of suitable or available alternatives to gainsay the findings in the report. The report is clear about what the search parameters were and there were no sites identified that fell within these. I am therefore satisfied that the sequential test has been passed.
 11. As the sequential test is passed, the Framework requires consideration of the exception test. The first part of the exception test requires that the development demonstrates that it would provide wider sustainability benefits to the community that outweigh the flood risk. Section 6.2.1 'Exceptions Test Part 1' of the FRA refers to a 'Sustainability Appraisal Form' (Appendix D) and indicate that this form concludes that the appeal development would provide wider sustainability benefits that outweigh the flood risk. However, whilst mentioned within the FRA, I have not been provided with a copy of the Sustainability Appraisal Form.
 12. The proposal would contribute to the housing supply, albeit to a limited degree given the size of the scheme, support existing local facilities, and create a

- number of jobs, particularly during the construction process. Notwithstanding these benefits, the proposal for a single dwelling in this location would not provide any wider sustainability benefits to the community that would outweigh the flood risk issue, such as an overall reduction in flood risk to the wider community through the provision of, or contribution to, flood risk management infrastructure. The first part of the exception test therefore fails.
13. The second part of the exception test requires that the development demonstrates that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, reducing flood risk overall. The FRA indicates that the primary risk of flooding at the appeal site is in the event of a breach in the coastal flood defences; the risk of flooding from all the other sources is considered to be low. The FRA states that flood resilient construction and flood protection measures should be employed as recommended within the FRA and in accordance with the government guidance if ground floors are finished less than 1.6m above the existing ground level, which appears to be the case for the appeal development. Other recommendations include a suitable surface water drainage system designed in accordance with the SuDS hierarchy, a Flood and Warning and Evacuation Plan (FWEP) to be created for the development, and for the site owner to sign up for the government Flood Warning Service.
14. Given the evidence before me, I consider that the development passes the second part of the exception test, subject to it following the recommendations outlined within the FRA. Although the proposal would satisfy the second part of the exception test, the Framework is clear that both elements should be satisfied for development to be permitted. Accordingly, the proposal does not pass the exception test.
15. I have had regard to the appellants' evidence that the Environment Agency has not objected to the proposal. However, this is a neutral matter, rather than one that carries positive weight for the development. Moreover, it does not negate the need for the development to be assessed against the relevant policies of the LPCS and the Framework.
16. Accordingly, I conclude that the appeal site is not a suitable location for the proposed development, having regard to the risk of flooding. Therefore, the proposal would be contrary to Policy SP18(2) of the LPCS and the requirements of the Framework.

Other matter

17. My attention has been drawn to other developments approved by the Council in Hogsthorpe: a residential scheme¹, one holiday lodge², and 3 holiday cottages³. I note that the Council adopted a different approach, particularly in terms of policies, for each of these developments, depending on their circumstances.
18. Having considered the evidence submitted regarding the above approved developments, given the nature of the holiday lodge and the holiday cottages, they are assessed against different policies than residential developments. I acknowledge the similarities in terms of type of development and proximity of

¹ LPA ref: N/084/00681/22

² LPA ref: N/084/01708/22

³ LPA ref: N/084/01083/22

the appeal development to the approved residential scheme. However, I do not have all the relevant details of the approved case, such as the land levels, which according to the information outlined within the Planning Officer's report for that case was a deciding factor in applying certain policies. Nevertheless, I have considered the appeal proposal based on its own site-specific circumstances and the evidence submitted.

Recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and my representative's recommendation and, on that basis, the appeal is dismissed.

S Ashworth

INSPECTOR

List Of Applications Determined Under Delegated Powers

Between 22/08/2023 and 18/09/2023

For the Northern Area Team

Application Number: N/105/01055/22 Charterpoint (Louth) Limited,
Stone Planning Services Ltd,

Application Type: Outline Planning Permission

Decision: Approved decided on 30/08/2023

Grid Reference: 532084 387888

Proposal: Outline erection of up to 90no. dwellings with garages with means of access to be considered.

Location: LAND WEST OFF, GRIMSBY ROAD, LOUTH

Application Number: N/149/02233/22 Mr. I. Bainbridge,

Application Type: Full Planning Permission

Decision: Approved decided on 07/09/2023

Grid Reference: 528628 377516

Proposal: Planning Permission - Change of use of land to provide a mixed use of wildflower meadow, gun dog training field, gun dog training pen and pheasant pen. Erection of a detached building to provide kennels, equipment store and utility room. Erection of boundary fences to the maximum height of 2 metres.

Location: LAND AT, INGS LANE, SCAMBLESBY

Application Number: N/179/02267/22 Mr. P. Smith,
Richard Jones Associates Ltd.,

Application Type: Full Planning Permission

Decision: Approved decided on 11/09/2023

Grid Reference: 546416 388287

Proposal: Planning Permission - Erection of a building to be used as a vintage car centre.

Location: THE HALL, LOUTH ROAD, THEDDLETHORPE, MABLETHORPE, LN12 1PE

Application Number: N/003/00271/23 Mr. K. Enderby,
Neil Dowlman Architecture,

Application Type: Remove or Vary a condition

Decision: Approved decided on 01/09/2023

Grid Reference: 544603 376220

Proposal: Section 73 application in relation to condition no.2 (approved plans) as imposed on planning permission reference N/003/00166/20 (erection of 4no. detached houses with an integral double garage, 1 no. pair of semi detached houses with attached single garages and 1 no. block of 4 no. flats. Construction of vehicular accesses and vehicular parking areas) - minor amendments to plots 3 and 4.

Location: LAND OFF, TOTHBY LANE, ALFORD

Application Number: N/062/00552/23

Mr. C. Burkitt,
Lincs Design Consultancy Ltd,

Application Type: Reserved Matters

Decision: Approved decided on 11/09/2023

Grid Reference: 538357 397352

Proposal: Reserved Matters application relating to the erection of 12no. bungalows with garages and construction of a vehicular access and internal access roads (outline planning permission ref N/062/2304/21 for the erection of 12no. dwellings, granted 9th August 2022).

Location: LAND OFF POORS END, GRAINTHORPE,

Application Number: N/003/00650/23

Mr. R. Farrey,
Mr. M. Upton,

Application Type: Remove or Vary a condition

Decision: Approved decided on 07/09/2023

Grid Reference: 544603 376220

Proposal: Section 73 application in relation to condition no. 2 (approved plans) as imposed on planning permission ref no. N/003/0166/20 (erection of 4no. detached houses with an integral double garage, 1 no. pair of semi detached houses with attached single garages and 1 no. block of 4 no. flats. Construction of vehicular accesses and vehicular parking areas) - minor amendments to Plot 1.

Location: LAND OFF, TOTHBY LANE, ALFORD

Application Number: N/033/00729/23

Mrs J. Epton,
Richard Jones Associates Ltd.

Application Type: Full Planning Permission

Decision: Approved decided on 08/09/2023

Grid Reference: 543997 370857

Proposal: Planning Permission - Change of use, conversion of, first floor extension and alterations to the existing agricultural building to provide 2no. holiday lets.

Location: FORMER TX BUILDING, CHL RADAR STATION ADJ CROWN BUILDINGS, CANDLESBY ROAD, CLAXBY ST ANDREW

Application Number: N/145/00913/23

Mr. D. Bromwich,
Build Design

Application Type: Full Planning Permission

Decision: Approved decided on 08/09/2023

Grid Reference: 546392 392344

Proposal: Planning Permission - Change of use of existing farmhouse into 2 no. flats. for occupation by reserve staff and change of use, conversion of and extension of existing stable and barn into offices with reception for use by reserve staff.

Location: SEA VIEW FARM, SEA VIEW ROAD, SALTFLEETBY, LOUTH, LN11 7TR

Application Number: N/105/00943/23 Ms. A. Brown,
Aldrock Surveys Ltd,
Application Type: Advertisement Consent
Decision: Approved decided on 22/08/2023
Grid Reference: 532994 387396
Proposal: Consent to Display 1no. non-illuminated fascia signs and 1no. non-illuminated double sided projecting sign.
Location: 23 QUEEN STREET, LOUTH, LN11 9BJ

Application Number: N/105/01052/23 Mr. J. McDonald,
Shop Displays Limited,
Application Type: Advertisement Consent
Decision: Approved decided on 22/08/2023
Grid Reference: 533074 387494
Proposal: Consent to Display 1no. non-illuminated fascia sign.
Location: 113-115 EASTGATE, LOUTH, LN11 9QE

Application Number: N/105/01084/23 Mr. J. Birtles,
Turley,
Application Type: Full Planning Permission
Decision: Approved decided on 15/09/2023
Grid Reference: 532876 387400
Proposal: Planning Permission - Alterations to existing retail premises which is a listed building to include the installation of plant and extract equipment and alterations to the shop front
Location: 1 MARKET PLACE, LOUTH, LN11 9NT

Application Number: N/105/01085/23 Mr. J. Birtles,
Turley,
Application Type: Listed Building Consent - Alterations
Decision: Approved decided on 14/09/2023
Grid Reference: 532876 387400
Proposal: Listed Building Consent – Internal and external alterations to existing retail premises
Location: 1 MARKET PLACE, LOUTH, LN11 9NT

Application Number: N/113/01224/23 Mr. & Mrs. Sanderson,
RJ Design Architecture Ltd.,
Application Type: Full Planning Permission
Decision: Approved decided on 24/08/2023
Grid Reference: 539737 386916
Proposal: Planning Permission - Extension to existing dwelling to provide a carport.

Location: 2 VALIANT ROAD, MANBY, LOUTH, LN11 8UD

Application Number: N/003/01226/23
Application Type: Listed Building Consent - Alterations
Decision: Approved decided on 25/08/2023
Grid Reference: 545744 376508
Proposal: Listed Building Consent - Repairs to existing windmill including reinstating the cap, fan and sails, renewal of the curb and redecoration of the exterior.
Location: ALFORD WINDMILL, EAST STREET, ALFORD, LN13 9EH

Application Number: N/105/01271/23
Application Type: Full Planning Permission
Decision: Approved decided on 18/09/2023
Grid Reference: 533829 387578
Proposal: Planning Permission - Installation of 2no. air source heat pumps enclosed with a secure compound at existing school.
Location: LACEY GARDENS JUNIOR SCHOOL, LACEY GARDENS, LOUTH, LN11 8DH

Application Number: N/105/01279/23
Application Type: Full Planning Permission
Decision: Approved decided on 22/08/2023
Grid Reference: 532370 387576
Proposal: Planning Permission - Installation of balcony to rear of existing dwelling and replacement of window with double doors.
Location: THE LIMES, 1 ST MARYS PARK, LOUTH, LN11 0EF

Application Number: N/001/01300/23
Application Type: Full Planning Permission
Decision: Approved decided on 22/08/2023
Grid Reference: 541132 378497
Proposal: Planning Permission - Extension to existing dwelling to provide additional living accommodation.
Location: WAYSIDE COTTAGE, NEW STREET, ABY, ALFORD, LN13 0DH

Application Number: N/004/01305/23

Mr. L. Bacon,
Lincs Design Consultancy Ltd,

Application Type: Full Planning Permission

Decision: Approved decided on 23/08/2023

Grid Reference: 536390 391524

Proposal: Planning Permission - Change of use of land to form additional garden area for the existing dwelling and extensions and alterations to existing dwelling and detached garage to provide an annexe and additional living accommodation and the erection of a detached double garage.

Location: WOOD GATE, HIGHBRIDGE ROAD, ALVINGHAM, LOUTH, LN11 0QF

Application Number: N/162/01317/23

Mrs. P. Harrison,
Andrew Clover Planning and Design,

Application Type: Prior Approval-Ag to Dwelling House

Decision: Approved decided on 23/08/2023

Grid Reference: 541832 394242

Proposal: Determination of whether or not prior approval is required as to
a) transport and highways impacts of the development,
b) noise impacts of the development,
c) contamination risks on the site,
d) flooding risks on the site,
e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to 1no. dwelling which is a use falling within use Class C3 (dwellinghouses) of the Schedule to the Use Classes Order,
f) the design or external appearance of the building and
g) the provision of adequate natural light in all habitable rooms of the dwellinghouse.

Location: BARN AT CASA MIA, BILLINGSGATE, SOUTH SOMERCOTES, LN11 7BQ

Application Number: N/105/01349/23

Mr. J. Birtles,
Richard Pedlar Architects,

Application Type: Advertisement Consent

Decision: Approved decided on 31/08/2023

Grid Reference: 532876 387400

Proposal: Consent to Display 2no. non-illuminated fascia signs and 1no. internally illuminated menu board

Location: 1 MARKET PLACE, LOUTH, LN11 9NT

Application Number: N/105/01352/23

Mr. J. Birtles,
Richard Pedlar Architects,

Application Type: Listed Building Consent - Alterations

Decision: Approved decided on 14/09/2023

Grid Reference: 532876 387400

Proposal: Listed Building Consent - Installation of new signage on existing premises and the re-painting of the existing shopfront, fascia and windows.

Location: 1 MARKET PLACE, LOUTH, LN11 9NT

Application Number: N/006/01355/23 Mr. N. Balderston,
Andrew Clover Planning and Design,
Application Type: Full Planning Permission
Decision: Approved decided on 01/09/2023
Grid Reference: 542692 366614
Proposal: Planning Permission - External alterations to existing premises.
Location: WOLDSWAY MEAT & GAME LTD, SCREMBY ROAD, ASHBY BY PARTNEY, SPILSBY, PE23 5RG

Application Number: N/191/01358/23 Mr. & Mrs. G. Russell,
A. E. Culley,
Application Type: Full Planning Permission
Decision: Approved decided on 11/09/2023
Grid Reference: 541737 371539
Proposal: Planning Permission - Extension to existing detached double garage to form annexe accommodation.
Location: VALHALLA, SYCAMORE ROAD, FORDINGTON, ALFORD, LN13 0HQ

Application Number: N/155/01373/23 Mrs. Metcalf,
David Hickinson Architecture,
Application Type: LDC - Section 192
Decision: Approved decided on 04/09/2023
Grid Reference: 543901 392662
Proposal: Section 192 application to determine the lawfulness of the proposed extension and alterations to existing dwelling to provide a pitched roof dormer, removal of existing extension and replacement with a patio door, replacement of existing single door with a patio door and the installation of 2no. roof lights.
Location: HOLLY HOUSE, SOMERCOTES ROAD, SKIDBROOKE, LOUTH, LN11 7DQ

Application Number: N/105/01376/23 Mr. D. & Mrs. N. Haxby,
Andrew Clover Planning and Design,
Application Type: Full Planning Permission
Decision: Approved decided on 01/09/2023
Grid Reference: 532516 387439
Proposal: Planning Permission - Extensions and alterations to existing bungalow to provide additional living accommodation including first floor bedroom, dressing room and bathroom, existing attached garage and detached garage to be demolished.
Location: EVERSLEY, BRIDGE STREET, LOUTH, LN11 0DR

Application Number: N/052/01382/23 Mr. G. Wilson,
Richard Jones Associates Ltd.
Application Type: Remove or Vary a condition
Decision: Refused decided on 04/09/2023
Grid Reference: 532201 391708

Proposal: Section 73 application for removal of condition no. 2 (holiday occupancy) and condition no. 3 (a daily record of occupants be maintained) as imposed on planning permission reference no. N/052/1424/00 which was for the change of use, conversion of, extension and alterations to existing garden store to form holiday accommodation.

Location: PRIMROSE COTTAGE, PEPPIN LANE, FOTHERBY, LOUTH, LN11 0UW

Application Number: N/107/01384/23

Mr. S. Dennis,
K D Design (Lincolnshire) Ltd,

Application Type: Full Planning Permission

Decision: Approved decided on 07/09/2023

Grid Reference: 529540 395628

Proposal: Planning Permission - Alteration to external front boundary wall to create raised pillars and infill iron railings and install auto gates to an overall height of 1.8 metres.

Location: ASH TREE HOUSE, LIVESEY ROAD, LUDBOROUGH, GRIMSBY, DN36 5SF

Application Number: N/031/01394/23

Mrs. J. Harrison,

Application Type: Prior Approval - Home Extensions

Decision: Refused decided on 06/09/2023

Grid Reference: 555849 371912

Proposal: Determination of prior approval for proposed single storey extension to provide additional living accommodation which extends 5.0 metres beyond the rear wall of the original dwellinghouse. The maximum height of the enlarged part of the dwellinghouse is 3.0 metres and the height of the eaves of the enlarged part of the dwellinghouse is 2.6 metres.

Location: 14 SIDNEY CLOSE, CHAPEL ST LEONARDS, SKEGNESS, PE24 5WB

Application Number: N/042/01395/23

D. Field,
Lincs Design Consultancy Ltd,

Application Type: Full Planning Permission

Decision: Approved decided on 18/09/2023

Grid Reference: 523571 382920

Proposal: Planning Permission - Erection of 2no. two storey dwellings and construction of a vehicular access.

Location: CHURCH VIEW, MAIN ROAD, DONINGTON ON BAIN, LOUTH, LN11 9TJ

Application Number: N/105/01398/23

Mrs. L. Mitchell,
DesignQube By Steven Brown,

Application Type: Full Planning Permission

Decision: Approved decided on 11/09/2023

Grid Reference: 532871 388398

Proposal: Planning Permission - Change of use and alterations to existing building formerly used as a climbing gym into a car valeting and tyre fitting centre, erection of spray screening panels and fencing and construction of a vehicular access (works commenced).

Location: LOUTH CAR WASH, NORTH HOLME ROAD, LOUTH, LN11 0HQ

Application Number: N/105/01407/23 Mrs. A. Southwood,
RJ Design Architecture Ltd,
Application Type: Full Planning Permission
Decision: Approved decided on 06/09/2023
Grid Reference: 533359 387513
Proposal: Planning Permission - Rear first floor extension and alterations to existing dwelling to provide additional living accommodation.
Location: 8 PRIORY ROAD, LOUTH, LN11 9AL

Application Number: N/110/01437/23 UPP Ltd,
Murray Planning,
Application Type: Full Planning Permission
Decision: Approved decided on 07/09/2023
Grid Reference: 550047 385784
Proposal: Planning Permission - Erection and siting of fibre exchange telecommunications infrastructure to provide a full fibre (gigabit) to the premises service.
Location: EASY CAMPERS CONVERSIONS, ENTERPRISE ROAD, MABLETHORPE, LN12 1NB

Application Number: N/171/01438/23 Mr. J. Ashe,
Application Type: Full Planning Permission
Decision: Approved decided on 12/09/2023
Grid Reference: 545336 381841
Proposal: Planning Permission - Erection of detached garage which is an amendment to that previously approved under planning permission ref no. N/171/02042/16.
Location: SCHOOL HOUSE, THE GREEN, STRUBBY, ALFORD, LN13 0LW

Application Number: N/105/01439/23 Mr. T. Nicholson,
Application Type: Full Planning Permission
Decision: Refused decided on 13/09/2023
Grid Reference: 533265 387232
Proposal: Planning Permission - Replace existing roof pantiles on existing dwelling with terracota red concrete pantiles.
Location: 16 LITTLE LANE, LOUTH, LN11 9DU

Application Number: N/133/01466/23 Mr. W. O'Keeffe,

Application Type: Full Planning Permission

Decision: Approved decided on 13/09/2023

Grid Reference: 528571 398547

Proposal: Planning Permission - Creation of vehicular access (works completed).

Location: THE BUNGALOW, MAIN ROAD, NORTH THORESBY, GRIMSBY, DN36 5PP

Application Number: N/133/01473/23 Mr. K. Keyworth,

Application Type: Listed Building Consent - Alterations

Decision: Approved decided on 18/09/2023

Grid Reference: 529954 398602

Proposal: Listed Building Consent - Internal alterations to first floor stairwell balustrade to provide additional guarding and enclose existing stair spindles at existing children's care home.

Location: WESTBROOK FARM, STATION ROAD, NORTH THORESBY, GRIMSBY, DN36 5QS

List Of Applications Approved Under Delegated Powers

Between 22/08/2023 and 18/09/2023

For the Southern Area Team

Application Number: S/153/01983/21 Marine Boathouse,
Mr. C. Mager,

Application Type: Full Planning Permission

Decision: Approved decided on 11/09/2023

Grid Reference: 556793 363080

Proposal: Planning Permission - Extension and alterations to existing flat to provide a balcony.

Location: MARINE BOATHOUSE, DRUMMOND ROAD, SKEGNESS, PE25 3NA

Application Number: S/086/01293/22 Mr. Devlin,
Ashleigh Signs

Application Type: Advertisement Consent

Decision: Approved decided on 30/08/2023

Grid Reference: 526035 369699

Proposal: Consent to Display - 1no. double sided externally illuminated hanging sign (sign 1), 1no. double sided externally illuminated post sign (sign 2), refurbishment of 1no. non illuminated fascia sign (sign 3), 2no. non illuminated fascia signs (sign 4), 1no. illuminated fascia sign (sign 5), 2no. non illuminated menu cases (sign 6), 1no. non illuminated door plaque (sign 7), 10no. non illuminated amenity signs (sign 8, 10, 11 and 12) total of 19no. signs.

Location: ADMIRAL RODNEY HOTEL, NORTH STREET, HORNCastle, LN9 5DX

Application Number: S/086/01295/22 Mr. Devlin,
Ashleigh Signs

Application Type: Listed Building Consent - Alterations

Decision: Approved decided on 30/08/2023

Grid Reference: 526035 369699

Proposal: Listed Building Consent - External alterations to existing building to include the installation of replacement illuminated and non illuminated signage and the provision of lanterns and floodlights

Location: ADMIRAL RODNEY HOTEL, NORTH STREET, HORNCastle, LN9 5DX

Application Number: S/169/00087/23 R.K. Hobson & Sons Ltd.
Guy Forman Architect Ltd

Application Type: Outline Planning Permission

Decision: Approved decided on 24/08/2023

Grid Reference: 534566 355957

Proposal: Outline erection of 2 no. dwellings.

Location: LAND REAR OF LONGFIELDS, MAIN ROAD, STICKNEY

Application Number: S/047/00547/23 Mr. A. Scott,
R. Cartwright,
Application Type: Full Planning Permission
Decision: Approved decided on 01/09/2023
Grid Reference: 541052 356870
Proposal: Planning Permission - Change of land to provide an extension to the domestic garden area and siting of a residential annexe.
Location: SLATES FARM, STATION ROAD, EASTVILLE, BOSTON, PE22 8LT

Application Number: S/023/00695/23 Mr S. Rutter,
Mr N. Cooper,
Application Type: Remove or Vary a condition
Decision: Approved decided on 04/09/2023
Grid Reference: 547992 366380
Proposal: Section 73 application in relation to condition no. 8 (opening hours) as imposed on planning permission reference no. S/023/01653/20 which was for change of use, conversion and extension to existing agricultural buildings to be used under Class B8 (Storage or Distribution) of The Town Country (Use Classes) (Amendment) (England) Regulations 2020 and provision of associated car parking and servicing area, and alterations to vehicular access.
Location: FIELD FARM, STATION ROAD, BURGH LE MARSH, SKEGNESS, PE24 5ES

Application Number: S/123/00709/23 The Roaming Dough,
Robert Doughty Consultancy Ltd,
Application Type: Full Planning Permission
Decision: Approved decided on 04/09/2023
Grid Reference: 529693 364099
Proposal: Planning Permission - Change of use of part of the existing building from medical training facility to outdoor catering storage and preparation place and medical training facility (works completed).
Location: MANOR FARM YARD, HIGHGATE LANE, MOORBY, BOSTON.

Application Number: S/186/00735/23 Miss. L. Morris,
Application Type: Full Planning Permission
Decision: Approved decided on 01/09/2023
Grid Reference: 539898 363156
Proposal: Planning Permission - Change of use of land to provide an extension to the domestic garden (works completed).
Location: LAVENDER HOUSE, EASTVILLE ROAD, TOYNTON ST PETER, SPILSBY, PE23 5AJ

Application Number: S/046/00844/23 Mr.J. Thandi,
Lambert Smith Hampton.

Application Type: Full Planning Permission

Decision: Approved decided on 29/08/2023

Grid Reference: 534245 362353

Proposal: Planning Permission - Development of a Cylinder Distribution Centre for the storage and distribution of Liquefied Petroleum Gas (LPG) cylinders, together with an office and welfare portable building, 2no. storage containers and canopy, erection of a fencing and gates 2.4 metres in height, provision of parking and associated access.

Location: LAND SOUTH EAST OF POWER STATION, LANCASTER BUSINESS PARK, MAIN ROAD, EAST KIRKBY

Application Number: S/153/00904/23 Mr. M. Yeadon,
Kay Elliott Architects,

Application Type: Full Planning Permission

Decision: Approved decided on 01/09/2023

Grid Reference: 557034 363855

Proposal: Planning Permission - Excavation of a new penguin pool with access into the existing building and erection of a plant storage area. Existing pool to be demolished.

Location: SKEGNESS NATURELAND MARINE ZOO, NORTH PARADE, SKEGNESS, PE25 1DB

Application Number: S/023/00950/23 Ryland Design,

Application Type: Full Planning Permission

Decision: Approved decided on 18/09/2023

Grid Reference: 549852 364745

Proposal: Planning Permission - Erection of 5no. houses with integral double garages and construction of internal access roads.

Location: BURGH HALL, HALL LANE, BURGH LE MARSH, PE24 5AQ

Application Number: S/086/00956/23 Mr. R. Dear,
Brown & Co-J H Walter,

Application Type: Full Planning Permission

Decision: Approved decided on 24/08/2023

Grid Reference: 525852 369438

Proposal: Planning Permission - Change of use, conversion of and extension and alterations to existing community centre to form 2no. dwellings with associated workshops/storage areas.

Location: HORNCastle YOUTH CENTRE, CAGTHORPE, HORNCastle, LN9 6DZ

Application Number: S/090/01188/23 Mr. Gray,
Ettridge Architecture,
Application Type: Full Planning Permission
Decision: Approved decided on 25/08/2023
Grid Reference: 557099 369658
Proposal: Planning Permission - Siting of 2no. container buildings to be used as a bar/cafe & WC/Shop and relocation of existing storage containers and children's play equipment.
Location: LAND ADJACENT TO GRAYS AMUSEMENTS,, ROMAN BANK, INGOLDMELLS, SKEGNESS, PE25 1JU

Application Number: S/070/01240/23 Mr. D. Martin,
Mr. R. Cartwright,
Application Type: Full Planning Permission
Decision: Approved decided on 31/08/2023
Grid Reference: 534047 369646
Proposal: Planning Permission - Erection of a house and construction of a vehicular access.
Location: WEST END HOUSE, MAIN ROAD, HAGWORTHINGHAM, SPILSBY, PE23 4LT

Application Number: S/168/01254/23 Mr. A. Atkinson,
Application Type: Full Planning Permission
Decision: Refused decided on 25/08/2023
Grid Reference: 535052 360631
Proposal: Planning Permission - To site 2 no. static caravans to be let out for holiday lets.
Location: THE CROFT, BACK LANE, STICKFORD, BOSTON, PE22 8EW

Application Number: S/123/01258/23 Mr. L. Smith,
Robert Doughty Consultancy Ltd,
Application Type: Full Planning Permission
Decision: Approved decided on 01/09/2023
Grid Reference: 529693 364099
Proposal: Planning Permission - Change of use of from household goods and cosmetics (ground floor) (Use Class B8) and medical training facility (first floor) (Use Class F1) to use as a heating, ventilation and air conditioning sales and servicing place (Use Class E) (use already commenced).
Location: MANOR FARM YARD, HIGHGATE LANE, MOORBY, BOSTON, PE22 7PN

Application Number: S/213/01259/23 Mr. & Mrs. Blencowe,
LPC Architectural Design
Application Type: Full Planning Permission
Decision: Approved decided on 06/09/2023
Grid Reference: 527418 364056
Proposal: Planning Permission - Erection of a double garage on site of existing garage which is to be removed.

Location: DUNBAR, MAIN ROAD, WOOD ENDERBY, BOSTON, PE22 7PQ

Application Number: S/086/01266/23
Application Type: Full Planning Permission
Decision: Approved decided on 22/08/2023
Grid Reference: 525795 369534
Proposal: Planning Permission - Construction of new stairs and new gateway to access existing community centre.
Location: HORNCastle AND DISTRICT COMMUNITY CENTRE, MANOR HOUSE STREET, HORNCastle, LN9 5HF

Application Number: S/020/01273/23
Application Type: Full Planning Permission
Decision: Approved decided on 11/09/2023
Grid Reference: 547740 364846
Proposal: Planning Permission - Extension and alterations to existing dwelling to provide additional living accommodation, extension and alterations to existing annex, erection of an indoor swimming pool, change of use of existing detached garage into an office, erection of a detached garage.
Location: BRATOFT MANOR, SUMMERGATES LANE, BRATOFT, SKEGNESS, PE24 5BZ

Application Number: S/066/01276/23
Application Type: Listed Building Consent - Alterations
Decision: Approved decided on 15/09/2023
Grid Reference: 534717 372099
Proposal: Listed Building Consent - Extension and alterations to existing dwelling to provide additional living accommodation.
Location: IVY HOUSE FARMHOUSE, CHURCH LANE, BAG ENDERBY, SPILSBY, PE23 4NP

Application Number: S/066/01283/23
Application Type: Full Planning Permission
Decision: Approved decided on 15/09/2023
Grid Reference: 534717 372099
Proposal: Planning Permission - Extension and alterations to existing dwelling which is a listed building to provide additional living accommodation.
Location: IVY HOUSE FARMHOUSE, CHURCH LANE, BAG ENDERBY, SPILSBY, PE23 4NP

Application Number: S/023/01307/23 C. Yeadon,
Lincs Design Consultancy Ltd,
Application Type: Full Planning Permission
Decision: Approved decided on 15/09/2023
Grid Reference: 550005 365075
Proposal: Planning Permission - Erection of 1 no. bungalow.
Location: LAND TO THE REAR OF BURGH HOUSE, HIGH STREET, BURGH LE MARSH

Application Number: S/215/01320/23 Miss. M. Askham,
Planning & Design Practice Ltd,
Application Type: Full Planning Permission
Decision: Approved decided on 31/08/2023
Grid Reference: 519923 363267
Proposal: Planning Permission - Single storey rear extension to existing residential home.
Location: WESTERLEY, THE BROADWAY, WOODHALL SPA, LN10 6SQ

Application Number: S/165/01323/23 Mr. & Mrs. Davis,
Old School Architects LLP,
Application Type: Full Planning Permission
Decision: Approved decided on 22/08/2023
Grid Reference: 539853 365409
Proposal: Planning Permission - Extensions to existing dwelling to create additional living accommodation including the erection of a sunroom. Existing conservatory to be demolished.
Location: 81 BOSTON ROAD, SPILSBY, PE23 5HH

Application Number: S/086/01332/23 Mr. S. Dunn,
Steven Dunn Architects,
Application Type: Full Planning Permission
Decision: Approved decided on 08/09/2023
Grid Reference: 525627 369657
Proposal: Planning Permission - Change of use, conversion of and alterations to existing barn which is a listed building into 2no. dwellings.
Location: THE CROWN INN, 28 WEST STREET, HORNCastle, LN9 5JF

Application Number: S/177/01348/23 Mr. I. Cronin,
Neil Dowlman Architecture Ltd,
Application Type: Full Planning Permission
Decision: Approved decided on 13/09/2023
Grid Reference: 532854 374551
Proposal: Planning Permission - Extension to existing outbuilding to form a domestic workshop and construction of a vehicular access.

Location: ROSEDALE, WEST ROAD, TETFORD, HORNCastle, LN9 6QP

Application Number: S/106/01350/23
Application Type: Full Planning Permission
Decision: Approved decided on 29/08/2023
Grid Reference: 528268 372004
Proposal: Planning Permission - Extension to existing dwelling to provide an annexe.
Location: GLEBE FARM, FULLETTY ROAD, LOW TOYNTON, HORNCastle, LN9 6JU

Application Number: S/215/01366/23
Application Type: Full Planning Permission
Decision: Approved decided on 30/08/2023
Grid Reference: 517791 362509
Proposal: Planning Permission - Change of use of existing domestic outbuilding to form a self contained holiday unit.
Location: THE WHITE HOUSE, 62 MILL LANE, WOODHALL SPA, LN10 6QZ

Application Number: S/086/01374/23
Application Type: Prior Approval Comm to dwelling
Decision: Approved decided on 07/09/2023
Grid Reference: 525738 369655
Proposal: Determination of whether or not prior approval is required for the
(a) transport and impacts of the development, particularly to ensure safe site access;
(b) contamination risks in relation to the building;
(c) flooding risks in relation to the building;
(d) impacts of noise from commercial premises on the intended occupiers of the development;
(e) where- (i) the building is located in a conservation area and (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
(f) the provision of adequate natural light in all habitable rooms of the 2no. dwellinghouses;
(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and
(h) where the development involves the loss of services provided by- (i) a registered nursery, or (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2002(a), the impact on the location provision of the type of services lost for the change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.
Location: 19 - 23 BRIDGE STREET, HORNCastle, LN9 5HZ

Application Number: S/035/01383/23

Ms. N. Holt,
Old School Architects LLP

Application Type: Full Planning Permission

Decision: Approved decided on 11/09/2023

Grid Reference: 522273 357941

Proposal: Planning Permission - Change of use and conversion of part of existing day nursery to provide residential accommodation for a staff member.

Location: CONINGSBY COMMUNITY HUB, 22 SCHOOL LANE, CONINGSBY, LINCOLN, LN4 4SJ

Application Number: S/153/01386/23

Mr. & Mrs. Brough,
Ryland Design,

Application Type: Prior Approval Comm to dwelling

Decision: Approved decided on 13/09/2023

Grid Reference: 556650 363480

Proposal: Determination of whether or not prior approval is required for the transport and impacts of the development, particularly to ensure safe site access; contamination risks in relation to the building; flooding risks in relation to the building; impacts of noise from commercial premises on the intended occupiers of the development; where- (i) the building is located in a conservation area and (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area; the provision of adequate natural light in all habitable rooms of the dwellinghouse; the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and
(h) where the development involves the loss of services provided by – (i) a registered nursery, or (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2002(a), the impact on the location provision of the type of services lost for the change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

Location: 28 LUMLEY AVENUE, SKEGNESS, PE25 2AT

Application Number: S/114/01397/23

Mr. & Mrs, Sewell,

Application Type: Full Planning Permission

Decision: Approved decided on 18/09/2023

Grid Reference: 528020 360764

Proposal: Planning Permission - Erection of a dormer bungalow and construction of a vehicular access.

Location: LAND ADJACENT THE COTTAGE, BEGGARS LANE, MAREHAM LE FEN

Application Number: S/195/01401/23

Mr. S. Loxley,
Mr. N. Cooper,

Application Type: Full Planning Permission

Decision: Approved decided on 18/09/2023

Grid Reference: 546832 359081

Proposal: Planning Permission - Siting of 2no. static caravans (works completed).

Location: BARKHAM ARMS CARAVAN PARK, BARKHAM ARMS, WAINFLEET BANK, WAINFLEET ST MARY, SKEGNESS, PE24 4JR

Application Number: S/054/01405/23
Application Type: Remove or Vary a condition
Decision: Approved decided on 01/09/2023
Grid Reference: 532812 348017
Proposal: Section 73 application to vary condition no. 2 (approved plans) imposed on S/054/2485/21 for the erection of 1 no. block of 8 no. industrial units and change of use of agricultural land to create an area of hardstanding for the storage of containers and caravans.
Location: COWBRIDGE BUSINESS PARK, BOSTON ROAD, COWBRIDGE

Application Number: S/023/01429/23
Application Type: Full Planning Permission
Decision: Approved decided on 14/09/2023
Grid Reference: 551272 363860
Proposal: Planning Permission - Change of use of private fishing lake to commercial fishing lake.
Location: LLOYDS FARM, BILLGATE LANE, BURGH LE MARSH, SKEGNESS, PE24 5AF

Application Number: S/215/01461/23
Application Type: Full Planning Permission
Decision: Approved decided on 07/09/2023
Grid Reference: 519669 363045
Proposal: Planning Permission - Extension and alterations to existing dwelling to provide additional living accommodation.
Location: DERWENT, IDDESLEIGH ROAD, WOODHALL SPA, LN10 6SR

Application Number: S/035/01471/23
Application Type: Advertisement Consent
Decision: Approved decided on 12/09/2023
Grid Reference: 522394 357945
Proposal: Consent to Display 1no. internally illuminated fascia sign and 1no. internally illuminated menu box.
Location: 39 SILVER STREET, CONINGSBY, LINCOLN, LN4 4SG

Application Number: S/176/01476/23 Mrs. J. Pullen,
Architectural Design Services,
Application Type: Full Planning Permission
Decision: Approved decided on 15/09/2023
Grid Reference: 520813 360347
Proposal: Planning Permission - Change of use of land to provide an extension to the existing garden and erection of a detached outbuilding to use as a double garage, garden room with w.c. and first floor hobbies room and alterations to existing vehicular access.
Location: SPRINGADE, WOODHALL ROAD, TATTERSHALL THORPE

Application Number: S/086/01487/23 Mr. & Mrs. C. Freeman,
Saxby Design,
Application Type: Full Planning Permission
Decision: Approved decided on 07/09/2023
Grid Reference: 526770 369131
Proposal: Planning Permission - Extension to existing dwelling to provide additional living accommodation.
Location: 4 FAIRFAX CLOSE, HORNCastle, LN9 6RD

Application Number: S/215/01489/23 Mr. & Mrs. Brass,
Andrew M Wright Ltd,
Application Type: Remove or Vary a condition
Decision: Approved decided on 12/09/2023
Grid Reference: 520938 363806
Proposal: Section 73 application to vary condition no. 2 (approved plans) and to remove condition 3 (materials) as previously imposed on S/215/02353/22 which was for extensions and alterations to existing dwellinghouse and detached garage.
Location: 35 HORNCastle ROAD, WOODHALL SPA, LN10 6UY

Application Number: S/072/01576/23 Lattimergrange Ltd,
AB Architectural Design,
Application Type: Full Planning Permission
Decision: Approved decided on 18/09/2023
Grid Reference: 541625 364548
Proposal: Planning Permission - Erection of 2 no. bungalows and construction of pedestrian and vehicular accesses.
Location: LAND ADJACENT TO 54, STATION ROAD, HALTON HOLEGATE, SPILSBY, PE23 5PB

Application Number: S/195/01583/23 Mr. P. Greco,
Application Type: Form B - Overhead/Electricity
Decision: No Objection decided on 12/09/2023
Grid Reference: 546706 358509

Proposal: Form B application - Notification of proposed works to replace existing 132kv pylon.

Location: OH POWER LINE, BURGH ROAD, WAINFLEET ST MARY

Application Number: S/195/01730/23

Mr P. Greco,

Application Type: Form B - Overhead/Electricity

Decision: No Objectiondecided on 12/09/2023

Grid Reference: 546706 358509

Proposal: Form B application - Notification of proposed works to install a temporary mast on an existing 132kv overhead line.

Location: OH POWER LINE, BURGH ROAD, WAINFLEET ST MARY
