SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 01 September 2021**

(Author: **David Grant - Planning Officer)**

Purpose: **To consider Planning Application H17-0566-20**

Application Number:	H17-0566-20	**Date Received:**	15 July 2020
Application Type:	FULL		
Description:	Conversion of existing hotel into 6 self contained residential flats		
Location:	THE RIVERSIDE HOTEL 123 STATION ROAD SURFLEET		
Applicant:	Mr N Bond	**Agent:**	Remway Design Ltd
Ward:	Pinchbeck and Surfleet	**Ward Councillors:**	Cllr S A Slade Cllr J Avery Cllr E J Sneath

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H17-0566-20

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application was deferred at 10 February 2021 Planning Committee for officers to reconsider flood risk on the site from all sources and to furthermore look into the management situation in respect of the shared areas and waste collection.

1.2 A copy of the previous report is included as Appendix B.

2.0 PROPOSAL

2.1 Following the deferment a Flood Risk Assessment was submitted. This concluded that the flat at basement level was not acceptable as it was below the 1 in 1000 year flood level in 2115. The application was subsequently amended to remove this flat, thus the application now seeks the conversion of the existing public house into 6 self contained residential flats. The basement level is now for storage purposes only. At ground floor level three flats would be provided with three further flats on the first floor.

2.2 The applicant's agent has also confirmed that all communal areas would be controlled by a Management Company as is usually the case with any residential flat development.

3.0 SITE DESCRIPTION

3.1 As previous application.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

1 - Spatial Strategy
2 - Development Management
3 - Design of New Development
4 - Approach to Flood Risk
7 - Improving S E Lincolnshire's Employment Land Portfolio
10 - Meeting Assessed Housing Requirements
11 - Distribution of New Housing
17 - Providing a Mix of Housing
32 - Community, Health & Well-being
36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 As previous report.

6.0 REPRESENTATIONS

6.1 As previous report, plus the following responses have been received following the consultation on the amended plans.

6.2 LCC - County Highways & SUDS Officer

No objections.

6.3 Environment Agency

Have reviewed the amended details and consider that they satisfactorily address earlier concerns. Subject to conditions removing permitted development rights and that the basement is used for storage purposes only, withdraw the previous objection, dated 11 August 2020. The 1 in 1000 year event with 20% allowance for climate change (4.830 metres ODN). The proposed finished floor levels on the proposed ground floor layout drawing (ref:2854-10 Rev B) show that the finished floor levels on this level are above the flood level.

6.4 SHDC Environmental Protection

No objection.

6.5 Public

4 representations summarised as follows:

Object to the plans to convert this hotel to flats. Would like to emphasise that this property is

referred to as a hotel but is is most definitely also a pub and as such a valued community facility. The community will be poorer if this pub is lost.
To my knowledge before the covid restrictions this was a profitable business and we never heard a complaint from the landlord that the combined business was struggling. Covid restrictions are coming to an end and therefore business should recover to that level once opened again. There are other pubs in the area but they cannot offer the same community facility, The Mermaid is up for sale so may also be lost. The Crown only offers very limited weekend opening and is more of a restaurant, The Ship at Seas End is most definitely mainly a restaurant so none will offer the same service. There have been offers made by other hospitality business people so it is feasible that the pub/hotel could be sold to someone that wants to continue the business as is and is therefore seen as viable.
Has a Public House Viability Test been carried out ?
Once lost the situation is irreversible and the community will be a poorer place if the pub is lost. There is no alternative that offers a replacement.

It would be tragic to lose yet another public house on the River Glen now that the Mermaid remains closed for development. With all the new development going on in that location, it is so convenient for local drinkers, not having to use their cars to go for a drink and a meal, and of course boaters, not being able to moor up and call in. The 'Great Northern' as it used to be called will be sadly missed.

As a village we already have one pub closed and on the market plus there's been lots of houses built over the last 12 months. The need for a community pub has therefore only increased. We don't need flats. We need somewhere to go as a community. To meet new people, make friends and celebrate family occasions as well as a national ones.

The landscape surrounding this application has altered and wish to bring these points to your attention.
1. The Riverside has been sold to new owners as a going concern, The bar has remained open, the rooms are busy and the owners plan to reopen the restaurant in a few weeks, improving the rooms and the decking area over the next 6 months I would suggest this goes someway to proving viability.
2. It is still the only Public house in the village that's open.
3. It's great news that financial concerns or hardship and the possibility of another boarded up public house caused by covid and lack of trade no longer exist.
4. Would suggest a storage area that may flood can't be an acceptable flood resilient design

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 The main issues in determining this application are the principle of development, the loss of a community facility, the impact upon the character of the building, the impact upon neighbouring amenity, highway and parking considerations and flood risk.

7.3 Principle of development

7.4 There has been a fundamental change in circumstances since the application was reported to the 10 February Planning Committee with a positive recommendation. Whilst the issue of flood risk has been addressed through the submission of a Flood Risk Assessment, the loss of the basement flat and the Environment Agency removing its objection, the premises has now been sold as a going concern and the public house is open and trading again.

7.5 The site is located within the settlement boundary for Surfleet as set out in the South East Lincolnshire Local Plan, 2019 (SELLP). Surfleet sits within the 'Minor Service Centres' tier of the Spatial Strategy (Policy 1). Policy 1 states that: "Within the settlement boundaries of the Minor Service Centres (as shown on the Inset Maps) development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Allocated and Committed sites and infill." Clearly the loss of a public house would not 'help sustain existing facilities' and would not support its 'role as a service centre for the settlement itself'. It would result in the loss of one of the few community facilities present in the village. The proposal is therefore considered to be contrary to Policy 1 of the SELLP.

7.6 Furthermore, the loss of a community facility such as a public house is normally resisted by Policy 32 of the SELLP unless certain criteria are met. This policy sets out that:
"The redevelopment or change of use of an existing community facility will be permitted only if:
1. an assessment has been undertaken which has clearly shown that the facility is:
a. surplus to requirements; or
b. not economically viable; or
c. unfit for purpose"

7.7 Assessing the proposal against the above:
a. Given the level of objection from the local community, it is clear that it is a valued facility in the village.
b. Whilst financial evidence has been submitted to demonstrate that the public house is not economically viable and the previous report gave significant weight to this aspect, it has since been sold as a going concern and is open and trading. Thus officers now consider there has been shift in the weight to be given to this matter.
c. The building is not unfit for purpose, it is open and trading again.

7.8 Support for the retention of community facilities is also provided at a national level in the National Planning Policy Framework (2021) (NPPF). Paragraph 84 of the NPPF sets out that planning policies and decisions should enable the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship. Paragraph 92 sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Lastly, paragraph 93 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; and ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community. The proposal would be at odds with these provisions.

7.9 Taking the above assessment into account, the principle of the proposed conversion to flats is not considered to be acceptable.

7.10 Preservation of existing building

7.11 Whilst the building is historic, it is not in a conservation area, not subject to an Article 4 direction and is not a listed building.. This proposal would retain the historic building and provides ample parking for future occupants, without materially altering the built character of the surrounding area. The proposed layout and room space is considered to provide an acceptable level of amenity for each potential occupant. However, since the public house has been sold it is considered to be a viable business and therefore worthy of retention as a community hub.

7.12 Flood Risk

7.13 The issue of flood risk has been addressed through the submission of a Flood Risk Assessment and amending the scheme to remove the basement flat. This has satisfied the Environment Agency who has removed its objection subject to conditions.

7.14 Parking provision on site

7.15 The proposal site has car park space for 19 vehicles as well as additional on-street parking along Station Road. Appendix 6 of the SELLP requires that new dwellings with a maximum of 3 buildings have a minimum of 2 parking spaces. The proposal will provide a total of 10 bedrooms, therefore the seven flats require a minimum of 14 spaces. The proposed number of parking spaces is therefore in accordance with Appendix 6 of the SELLP. However, since the public house has been sold it is considered to be a viable business and therefore worthy of retention as a community hub.

7.16 Residential amenity

7.17 The proposed conversion is not considered to impact the character and appearance of the surrounding area as the vast majority of the existing building is to be retained as is, save for the introduction of a new window and a replacement roof. The proposed use would generate residential development in a predominately residential area and therefore the relationship of the proposed flats to existing properties will be considered to be improved by a reduction in noise and general disturbance that can be created by patrons of the public house. However, since the public house has been sold it is considered to be a viable business and therefore worthy of retention as a community hub.

7.18 **Planning Balance**

7.19 Whilst this proposal would represent the loss of public house, it is clear that prior to the Covid 19 outbreak there was a national trend, of a number of public houses closing due to shifts to chain pubs and other recreational activities. This application presents the opportunity to retain the external built character of what could be viewed as a non designated heritage asset, as well as provide much needed housing for the district. However, since the application was considered at the February Planning Committee the public house has been sold as a going concern and as such it may be considered to be a viable business and therefore worthy of retention as a community hub.

7.20 There is evident conflict with Policies 1 and 32 of the Local Plan given that the proposal would result in the loss of a seemingly valued community facility.

7.21 The proposal is considered to be acceptable on highway, amenity and flood risk grounds, however it is the view of officers that the previously identified conflict significantly outweighs these factors and therefore the planning balance is considered to be against the proposal.

7.22 **Conclusion**

7.23 The proposal is considered to be unacceptable in principle and contrary to Policies 1 and 32 of the South East Lincolnshire Local Plan, 2019. It is also contrary to the provisions of the National Planning Policy Framework, 2021.

7.24 **Additional Considerations**

7.25 Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

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

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

7.26 Human Rights

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

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

8.0 RECOMMENDATIONS

8.1 **Refuse permission for the reason listed in Section 9.0 of this report.**

9.0 REASONS FOR REFUSAL

1. The proposal is considered to be unacceptable in principle when considered in the context of Policies 1 and 32 of the South East Lincolnshire Local Plan, 2019. The loss of the public house would not help 'sustain existing facilities' and would not support the village's 'role as a service centre for the settlement itself'. It is therefore contrary to Policy 1 in this regard. Furthermore, the business has recently been sold as a going concern, thus despite the submitted financial records, it is considered that the business is financially viable and it has not been satisfactorily demonstrated that the premises is unfit for purpose or surplus to requirements. For these reasons it is also considered to be contrary to Policy 32. The proposal is also at odds with the provisions of the National Planning Policy Framework, 2021, which seeks to protect valued community facilities such as public houses (Paragraphs 84, 92 and 93).

2. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that approval has not been possible.

   This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

3. The determined plans are:
   2854-01
   2854-02
   2854-03
   2854-04
   2854-05
   2854-06
   2854-11
   Flood Risk Assessment (Prepared by S M Hemmings Dated 6 April 2021)
   2854-07 Rev A
   2854-08 Rev A
   2854-09 Rev A
   2854-10 Rev B

Background papers:- Planning Application Working File

Lead Contact Officer

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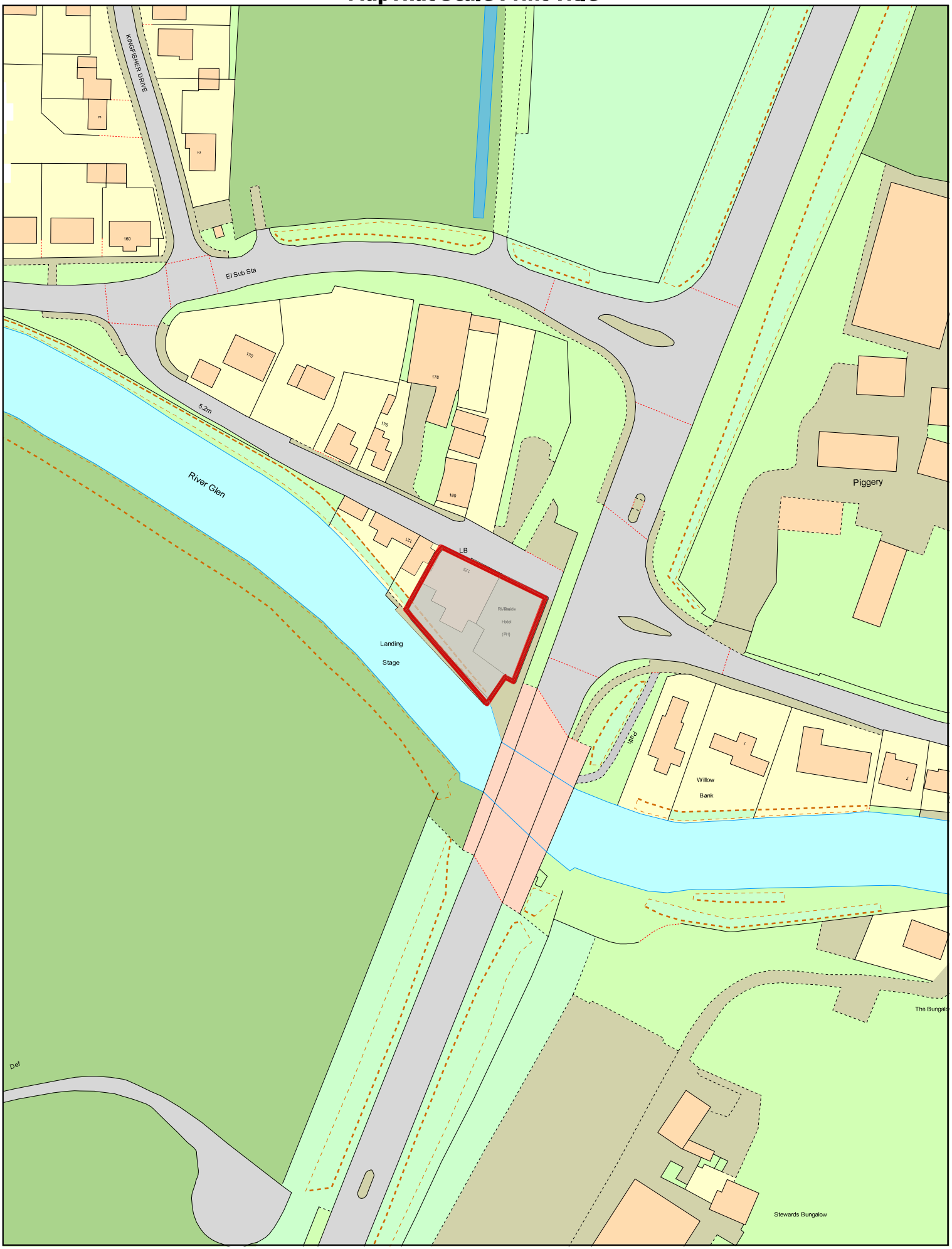
Appendices attached to this report:

Appendix A Plan A

Appendx B Committee Report 10 February 2021

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

MAP SCALE 1:1250
CREATED DATE: 27/01/2021
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