
Appeal Decision

Site visit made on 18 June 2019

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2019

Appeal Ref: APP/D2510/W/19/3223290

Grange and Links Hotel, Sea Lane, Sandilands, Sutton On Sea LN12 2RA

- 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 T Cross, 3XB Holdings Ltd against the decision of East Lindsey District Council.
 - The application Ref N/110/00681/18, dated 6 April 2018, was refused by notice dated 7 September 2018.
 - The development proposed is the demolition of existing hotel. Construction of new mixed use development, including 20 bed hotel with spa, restaurant & bar areas and holiday apartments. Separate apartment building with 12 apartments and commercial / retail space on ground floor. 20 houses with 4 detached, 4 semi-detached and 12 affordable terraced houses.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. I am aware that amendments were made during the application, including in relation to the siting of the dwellings, car parking, landscaping and drainage. The Council considered the application on this basis and, hence, so have I.

Main Issues

4. The main issues are (i) whether the proposal would be in a suitable location for housing with regard to the Coastal Zone; (ii) the effect on the character and appearance of the area concerning the proposed hotel building; and (iii) the effect of the proposed dwellings on the living conditions of the occupiers of the neighbouring dwellings by way of outlook and on its future occupiers in relation to noise and disturbance.

Reasons

Coastal Zone

5. The appeal site comprises a large hotel building and associated ancillary structures, tennis courts and large areas of unkempt grassland. The hotel is not in current use. It is found within the confines of Sandilands, which is one of a number of connected settlements along this part of the coastline.
6. The site lies within the Coastal Zone under the Council's East Lindsey Local Plan Core Strategy (2018) (CS). The supporting text to Policy SP18 of the CS states that because of the threat of flood risk, unconstrained housing growth with its associated increase in population cannot be justified. Policy SP18 sets out a number of criteria which open market housing, as proposed, would have to meet in order for it to be supported.
7. As regards whether the site has been actively marketed for either a community, economic or leisure use at an appropriate price for a period of 12 months, I have no substantive evidence before me to suggest this is the case. From the appeal submissions, it appears that the hotel only ceased trading after the Council refused the planning application.
8. Under the policy criteria, it must also be demonstrated that the site is not viable for development for either a community, economic or leisure use. The viability information that the appellant has submitted, though, sets out more to establish whether the proposal itself would be viable, including the housing, as opposed to whether or not it would be viable for the uses listed in the policy. I deal with the separate matters arising from the appellant's viability information later in my decision.
9. The site constitutes previously developed land as it comprises the hotel building and the associated land. It is also clearly now disused and empty. However, as the proposed open market housing element fails the policy criteria concerning marketing and viability, it would not accord with the policy. Nor would this be addressed by the findings of the appellant's Flood Risk Assessment and the associated mitigation measures because this does not lead to the proposal complying with the policy criteria, or by that parts of it do not concern open market housing. It is to be determined as a whole.
10. The appeal¹ which has been previously allowed on the site was for a mixed use development in outline form on the land to the rear of the hotel building. It concerned holiday apartments, not open market housing, and so was not the subject of Policy SP18. Hence, the circumstances as regards its application to the Coastal Zone are sufficiently different so as not to alter my conclusion.
11. The appellant has also referred to that the Council has permitted social housing in the Coastal Zone under the policy. That type of housing is, though, subject to a different part of the policy that does not concern the matters that I have set out above. The proposal is also a significantly different development from a single dwelling which I have been told has been granted permission² in the Coastal Zone and at a lower ground level than the hotel.

¹ Appeal Ref: APP/D2510/W/18/3199150

² Council ref: N/110/01308/18

12. As a consequence, I conclude that the proposal would not be in a suitable location for housing with regard to the Coastal Zone and it would not comply with Policy SP18. This policy provides a plan-led approach for managing development in the Coastal Zone which is in accordance with the National Planning Policy Framework (Framework) where it seeks to reduce the risk from coastal change and flood risk. Hence, Policy SP18 carries significant weight in my decision.

Character and Appearance

13. The part of Sea Lane where the site is found demonstrates attributes of the architectural style from the Arts and Craft era. This is most evident on a large property adjacent to the site and also on a number of other houses in its immediate vicinity. The design of the current hotel itself also demonstrates some of these qualities and it appears fairly discrete in the streetscene, despite of its size. Whilst there are occasional properties on this stretch of Sea Lane that do not conform to this style, they do not alter the prevailing character to a significant degree. Evidence of the influence of the Arts and Craft movement are also found on some of the properties on Grange Road that abut the site. The character of the properties which adjoin the site boundaries towards its rear are markedly different as they are modern designed bungalows.
14. With its location close to the Sea Lane frontage and the layout, the proposed hotel building would be sited where it is most appreciably informed by the Arts and Craft properties. The design response does not, though, reflect this context and whilst the appellant considers it would be a landmark building, the rationale for its somewhat striking architectural appearance would not be apparent, as it would be viewed from Sea Lane. With its fulsome style and scale, it would appear uncomfortable in these surroundings.
15. Even where the proposed hotel building seeks to incorporate features from the buildings in its vicinity, these would not be especially reflective. The form of the hipped roofs would be more modern in their style and the design of the dormers would not obviously relate to those found in the area. That the materials and colours would be intended to reflect the historic beach huts along the sea front, in my view, is at the expense of the qualities of its more immediate environs.
16. I conclude that the effect on the character and appearance of the area would be unacceptable concerning the proposed hotel building. As such, it would not comply with Policy SP10 of the CS which seeks for development to maintain and enhance the character of the District, including where the layout and scale reflect the character of the surrounding area.

Living Conditions

17. The bungalows that are found on Sandilands Close, immediately to the south west boundary, have fairly modest sized rear gardens and windows which face towards the site. Due to considerations related to flood risk, the nearest proposed dwellings would be 3 storeys and the land would also be raised in level to accommodate these dwellings. When their resultant scale and massing is considered with the distance they would be from the boundaries with these neighbouring properties, under the proposed layout, this would have a significant detrimental effect on their outlook.

18. This concern would not be satisfactorily addressed by planting along side this boundary. It would be at a lower land level than the proposed dwellings and there is not the assurance over time that it would be effective in lessening this impact and without causing further detrimental effects on living conditions.
19. In relation to the other boundaries of the site with neighbouring properties, the proposed dwellings would be located more of a distance away and, in the case of the properties on Grange Road, the associated dwellings themselves are located a considerable distance further back from this boundary. Hence, the effect on their outlook would not be unacceptable.
20. The nearest gardens of the proposed dwellings would be at a higher land level than the proposed gardens area at the rear of the hotel and there would also be a 2 metre fence on the boundary. The potential levels of noise and disturbance arising from the use of the hotel gardens would not, thus, have an unacceptable effect on the future occupiers of the proposed dwellings, even though their own gardens would be fairly modest in size.
21. However, where the proposal would not be unsatisfactory as regards living conditions, this would not address or overcome the adverse effect on the occupiers of the properties on Sandilands Close. In relation to the appeal decision on the site, where the appellant has drawn my attention to a 3 storey building that would be closer to the rear boundary, this is not where my concerns over the effect on living conditions arise.
22. I conclude that the proposed dwellings would have an unacceptable effect on the living conditions on the occupiers of the neighbouring dwellings on Sandilands Close by way of outlook. Accordingly, the proposal would not comply with Policy SP10 of the CS as far as it concerns the protection of living conditions.

Viability

23. The appellant considers that viability in relation to providing the proposed hotel justifies a departure from the development plan policies. The Framework sets out that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case. All viability assessments, should reflect the recommended approach in national planning guidance, including standardised inputs. These inputs are set out through the Planning Practice Guidance (PPG) section on viability.
24. The viability information sets out that the costs would exceed the sales income from the proposed housing, holiday accommodation and retail/office. This would leave a requirement for an investment of £3 million to cover the costs of the hotel. Once operational, the profit per year is estimated to be approximately £500,000.
25. In appraising the costs, a significant proportion relate to the land itself. The PPG is clear though that under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan. The costs also do not include, or consider, all relevant policy requirements. In this case, this would include prospective contributions towards education and health care facilities, and, according to the appellant's appeal submissions, the terraced units potentially being affordable homes.

26. In relation to the income generated, the reliance on a level of occupancy and usage of the hotel and the apartments is not insignificant, in particular when the largely seasonal nature of the holiday attraction of this area is considered. The fortunes of the existing hotel suggest that it would be no means certain that such income could be readily generated at these levels.
27. I am mindful of the ambitions that the appellant has in relation to providing an all year round destination hotel and I also have no doubt over the commitment. However, with these uncertainties and how the viability information differs from the approach in the PPG, I am not persuaded that this justifies a departure from the development plan policies.

Planning Balance

28. The proposal would bring economic benefits through supporting the local economy and employment, and it would also support tourism and activity in the area. There would also be additional social benefits, including the community use of the facilities associated with the hotel and the retail provision. The proposal would also provide a range of housing and, as I have set out above, it would involve previously developed land that would be brought back into use. It would also be located where it is accessible to local services and it is intended that the proposed housing would be energy efficient.
29. The appellant's indication that affordable homes would be provided is, though, tempered by a lack of an appropriate mechanism before me to deliver this benefit. The same applies as regards potential contributions to education and healthcare facilities. When these benefits are all taken together, they attract moderate weight in support of the proposal.
30. Set against this would be the harm that would arise by the proposal not being in a suitable location for housing with regard to the Coastal Zone, and the effect on the character and appearance of the area and the living conditions on the occupiers of the neighbouring dwellings on Sandilands Close. The harm would be significant and the proposal would conflict with the development plan in these respects. In addition, the viability evidence does not favour the proposal.
31. During the appeal a number of letters of support were received, as were a similar number of letters of objection. I have to base my decision, though, on the merits of the proposal before me. Matters have also been raised in relation to anti-social behaviour on the site, although in the absence of substantive evidence this attracts only limited weight. Whilst the development plan changed during the course of the planning application, I am bound to base my decision on the policies as they are now adopted.
32. Finally, whilst parts of the CS are in principle supportive of the proposal, in particular its economic and tourism objectives, what is required is a judgment against the development plan as a whole, as well as the relevant material considerations. In the balance, this does not lend support to the proposal and the benefits that would arise would not outweigh the harm.

Conclusion

33. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm caused by the proposal. The proposal conflicts with the development plan and there are no material considerations to outweigh this conflict. Accordingly, the appeal should be dismissed.

Darren Hendley

INSPECTOR