

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0211-25 **Applicant:** Mr N Marshall
Proposal: Conversion of 2 existing flats to create 4 flats
Location: Bank House 1 Albert Street Holbeach
Terminal Date: 1st May 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
29 The Historic Environment

National Guidance

National Planning Policy Framework December 2024

Section 12 - Achieving well designed places
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	3

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks Listed Building Consent for works required to allow for the sub-division of two existing flats to create four flats. Currently, there is a single, one-bedroom flat per floor, measuring

77sqm on the ground floor, and 70sqm on the first floor.

It is proposed that two, single-bedroom flats per floor are created. On the ground floor these would measure 33.5sqm and 42.7sqm. On the first floor they would measure 32.5sqm and 37sqm. Internal walls are proposed to facilitate the change, in addition to the minor internal demolition of an internal entrance way.

A Full Planning Application accompanies this application, which amongst other matters, assesses the acceptability of the change of use.

Site Description

The site is within the settlement boundaries of Holbeach, as outlined within the South East Lincolnshire Local Plan, 2019. The site is within the historic core of Holbeach, although is outside of the town centre boundaries outlined in the inset maps. The site is within a residential area, located immediately south of the High Street. The area is characterised by older terraced and higher density houses. Several listed buildings are present within this section of the Conservation Area, including All Saints Church to the west.

Bank House is a Grade II listed building, listed as part of a group with 3 and 5 Albert Street. The Historic England entry reads as follows:

"Terrace of 3 houses. c.1800, c.1820, C20. Red brick, some stucco. Hipped concrete tiled roof with moulded wooden eaves and 3 ridge stacks. 2 and a half storeys, 6 bay front with shallow rendered plinth to No.1 which is slightly earlier than the other properties. The doorway to No.1 is to the left and has a pilastered doorcase with entablature and cornice, a large decorated overlight and a partially glazed, panelled door with margin lights. To the left double plank doors with an overlight are inserted into a former window opening. To the right is a single glazing bar sash with a single C20 casement beyond and the doorway to No.3 beyond that; the latter with a pilastered doorcase with entablature and cornice, overlight and panelled door. Single glazing bar sash beyond. 4 glazing bar sashes above, with single C20 casement in third bay from right. 5 smaller glazing bar sashes above. All the window openings have stucco, wedge lintels. Right return wall with doorway to No.5 with pilastered doorcase with entablature and cornice, overlight with glazing bars and panelled door."

Relevant History

H09-0687-90 - Listed Building Consent. Removal of chimney to rear extension of listed property. Approved 13/08/90.

H09-1150-16 - Listed Building Consent. Works to ceiling in bedroom of Flat 2. Approved 04/01/17.

H09-0210-25 - Full. Conversion of 2 existing flats to create 4 flats. Ongoing

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Cllr Carter

"Albert street has had nothing but issues with rubbish, fly tipping, early presentation, non collection etc. please ensure this is not added to, by ensuring the planning application has the appropriate refuse collection service in place including places for storage of rubbish for the tenants."

Historic England

"Thank you for your letter of 20 March 2025 regarding the above application for listed building consent. On the basis of the information available to date, in our view you do not need to notify us of this application under the relevant statutory provisions, details of which are enclosed.

If you consider that this application does fall within one of the relevant categories, or you have other reasons for seeking our advice, please contact us to discuss your request."

Holbeach Parish Council

"Fully Support"

Historic Environment Officer

"Thank you for consulting us on this application. Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request"

Historic Buildings and Places

"HB&P have reviewed the documentation available and while we understand the desire to adapt the building, this must be carried out in a manner that is sensitive to its historic and architectural interest. Although the listing suggests that the main element of significance is the dwelling's exterior and group value, it is important to remember that the internal areas are also covered by the designation of the building as a heritage asset.

The application lacks a suitable heritage statement/ impact assessment to understand the significance of the interiors and how the alterations will affect the historic building fabric and understanding of the historic use of the building. Do any original features remain, such as fireplaces, skirting, cornices, etc.? And will these be altered or lost with the insertion of kitchens, en-suites, etc. As such, the application does not satisfy Para. 207 of the NPPF (2024), which requires suitable information, justification and evidence to be submitted in support of any application involving alterations to a listed building. It has also failed to demonstrate that this heritage asset can be further adapted without causing further undue harm.

Any revised plans and justification should keep in mind Historic England's Advice Note 2 'Making Changes to Heritage Assets', which advises that: It is not appropriate to sacrifice old work simply to accommodate the new.

Policy: Chapter 16 of the NPPF (2024), particularly paragraph 212, states: 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant listed building consent for any works the local planning authority shall 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.

Recommendation: Submission of amended plans and/or additional justification to address the above heritage and conservation issues. We would be happy to review the amended scheme."

Conservation Officer

"I wish to write to agree with the comments submitted by my counterpart at AMS. This is a listed site and the submitted HIA is very basic and fails to make a full account of the impact of the proposal upon this significant listed property. I would suggest that with a significant re-ordering of the interior of a listed building, a full HIA should be carried out by a suitably qualified individual and provided with photographic evidence of any internally significant aspects of the property (if any remain). Without such satisfactory provision of necessary information, I cannot at this time recommend approval".

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Evaluation

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which they possess.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess as well as the desirability of preserving or enhancing the character or appearance of conservation areas. Any adverse effect on a heritage asset, even if slight or minor, would not preserve the asset or its setting.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Heritage and Conservation

Policy 29 of the SELLP, alongside Section 16 of the NPPF, relates to the preservation of the historic environment. Both outline that all applications within the Conservation Area or which effect heritage assets, such as listed buildings, should preserve or enhance these assets.

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

Paragraph 213 of the NPPF outlines that "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification." In other words, should a proposal result in harm to an asset, this should be weighed against the public benefits arising from the proposal. Paragraph 215 expands upon this, stating that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

The above assessment of harm should be informed by the submission of an appropriate Heritage Impact Assessment (HIA). On this point, paragraph 207 of the NPPF outlines that in "determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary".

Policy 29 of the SELLP outlines that all proposals shall conserve and enhance the character and appearance of designated heritage assets. Section A of Policy 29 outlines criteria which applications relating to listed buildings should conform to. These are as follows:

- "1. Proposals to change the use of a Listed Building or to alter or extend such a building will be granted where the Local Planning Authority is satisfied that the proposal is in the interest of the building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting.
2. Proposals involving the demolition of Listed Buildings will not be permitted, unless in an exceptional case, or wholly exceptional case (depending on their grade) where a clear and convincing justification is made in line with national policy
3. Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building."

The comments of Historic Buildings & Places, a statutory body for Listed Building Consent application and one of the "six societies", have highlighted that the HIA submitted as part of this application is insufficient to meet the requirements of Paragraph 207 of the NPPF. This opinion is

agreed with by the Local Planning Authority. As such, the proposal has failed to meet the requirements of Paragraph 207 of the NPPF.

Without sufficient evidence to support the application, a comprehensive assessment of harm cannot be made. As such, in accordance with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Authority should err on the side of caution on this aspect.

Consequently, as no evidence to the contrary has been provided, and given the extent of alterations proposed, it is considered that the proposal would cause less than substantial harm to the asset. Accordingly, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The public benefits arising from two additional single bedroom flats is considered to be minor. The contribution to the housing supply is negligible. In any event, the Council can display a housing land supply in excess of 5 years, and therefore, the weight attributed to the housing contribution is reduced further.

Two of the proposed units fall below the requirements of the Nationally Described Space Standards (NDSS), falling 3.5 and 4.5sqm short of the requirements. Accordingly, as discussed in further detail within the report for H09-0210-25 which accompanies this application, an adequate standard of residential amenity cannot be provided for by the proposal; therefore, further reducing the public benefits of the proposal.

As such, the level of public benefit identified is not considered to outweigh the less than substantial harm to the heritage asset. Consequently, the proposal is considered contrary to the provisions of Section 16 of the NPPF and Policy 29 of the SELLP.

Planning Balance

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which they possess.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess as well as the desirability of preserving or enhancing the character or appearance of conservation areas. Any adverse effect on a heritage asset, even if slight or minor, would not preserve the asset or its setting.

The submitted HIA is considered to fail to meet the requirements of Paragraph 207 of the NPPF. Nevertheless, less than substantial harm to the asset has been identified. It is not considered that the proposal would have sufficient public benefits to outweigh the identified harm.

Additional Considerations

Public Sector Equality Duty

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

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

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

The PSED must be considered as a relevant factor in making this decision but does not impose a

duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

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

Human Rights

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

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

Conclusion

Taking these factors into consideration, the proposal is considered to conflict with Policies 2, 3 and 29 of the SELLP, as well as Sections 12 and 16 of the NPPF. There are no significant factors in this case that would outweigh the harm identified; therefore, the planning balance is against the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.