

**DECISION DELEGATED TO HEAD OF PLANNING**

**Application No:** H09-0378-25                      **Applicant:** Rutland Country Properties Ltd

**Proposal:** Change of use of first floor office to 2 bedroom apartment including alterations & extension

**Location:** No 1 West End Holbeach Spalding

**Terminal Date:** 16th June 2025

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
24	The Retail Hierarchy
26	Primary Shopping Frontages
29	The Historic Environment
30	Pollution
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

**National Guidance**

**National Planning Policy Framework December 2024**

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 5 - Delivering and sufficient supply of homes
- Section 6 - Building a strong, competitive economy
- Section 7 - Ensuring the vitality of town centres
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change

**National Guidance**

**Representations:**

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

## **CASE OFFICER ASSESSMENT**

### **Proposal**

The application seeks full planning permission to change the use of a first floor office to a two-bedroom apartment. An extension is proposed on top of the existing building to add an additional storey. Other external alterations include the installation of a stone balustrade on the top of the building and the replacement of a window with a doorway on the northern elevation of the building. No external alterations are proposed on the eastern or southern elevations at the ground floor level of the building.

### **Site Description**

The site comprises an existing two-storey building located at 1 West End, Holbeach. The building is attached to 3 and 3A West End which is located to the west of the site. The site is located on the corner of West End to the north, and Church Street to the east.

The site is located within the settlement limit of Holbeach, as identified by the South East Lincolnshire Local Plan 2011-2036, and the accompanying policies map.

There is a grade II listed building, 5 West End, located to the west of the site. The site is also located within Holbeach Conservation Area.

The site is within Flood Zone 1 as identified by the Environment Agency's flood risk maps.

### **Relevant Planning History**

H09-0592-91: (Full Application) Installation of one through-the-wall cashpoint' machine' - approved 08 August 1991

H09-0039-00: (Advertisement Consent) 3 additional sets of flat blue lettering - approved 09 March 2000

H09-0277-96: (Full Application) Installation of satellite antenna - approved 31 May 1996

H09-0941-98: (Advertisement Consent) Halo illuminated individual 3D letters and projecting sign - refused 19 January 1999

H09-0297-99: (Advertisement Consent) Fascia signage and projecting sign - approved 23 July 1999

### **Consultation Responses**

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

Lincolnshire County Council - Highways and SUDS: The site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development will not be reliant on the private car and therefore parking is not essential for this proposal. The proposal will not have an adverse impact on the public highway or surface water flood risk.

Environmental Protection: No comments regarding environmental protection or land contamination.

Conservation Officer: This is an extremely finely balanced case, representing a significant and readily visible alteration to a highly prominent, town centre non-designated heritage asset. On the one hand, were the above-ground-floor aspects of this proposal to be an entirely new structure/extension being proposed, there would be obvious reasons to object to the proposal given the relatively unattractive and obtrusive nature of the structure above the ground-floor level. The submitted Heritage Impact Assessment acknowledges the inappropriate nature of the extant roof extension. However, this is a proposal simply to alter and adapt an existing somewhat inappropriate flat-roofed rooftop extension by adding a metal standing seam roof, allowing for the use of the eaves space. Therefore, this can - as mentioned in the HIA - be considered to be an exercise in improving an existing feature by means of enhanced detailing and more sympathetic treatment. In this regard, proposals to add new stone balustrading can be considered a great enhancement to the character of the original structure, whilst also working to add a visual barrier to some of the rooftop structures. I therefore wish to raise no objection to the proposal. However, given the extreme prominence of this building and its value to the character of the conservation area, I recommend that should the application be approved, conditions requiring a materials schedule, as well as specific detailing of all windows and doors and the design of the additional balustrading shall be submitted to and approved in writing by the LPA. As acknowledged in the HIA, the acceptability of this proposal fundamentally pivots upon the quality of the fine detail and therefore, it shall be a basic expectation that the absolute highest possible quality of design and materials shall be employed to satisfy these conditions.

Holbeach Parish Council: No response received.

Cllr S E Hutchinson: No response received.

Cllr T Carter: No response received.

Cllr N J Chapman: No response received.

Holbeach and District Civic Society: No response received.

Ecology Officer: No response received.

### 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**

#### Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

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, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Visual and Heritage Impact;
- Impact on Amenity;
- Highway Safety and Parking; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

### Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the defined settlement of Holbeach which is a Main Service Centre. Policy 1 sets out that development in this type of settlement 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.

The building within the site currently features two storeys and the application form indicates that the building is used as office. As such, the current use class falls under Use Class E. There are no previous planning applications available to indicate an alternative use of the site. The proposed development seeks to retain the office use on the ground floor of the building and to change the use of the first floor to residential. An additional storey is proposed to form a two-bedroom flat over the first and second floors.

The site is within Holbeach town centre and a Primary Shopping Area, as defined by Policy 24 of the Local Plan. Whilst the site is within a Primary Shopping Area, the site does not feature a ground floor retail unit. The site has previously been used as offices, however, it has been vacant for years according to the submitted documents within the application. Policy 26 (Primary Shopping Frontages) of the Local Plan is therefore not relevant in this case as the proposed development does not seek to remove ground floor retail space. Furthermore, an active ground floor frontage would be retained.

The principle of providing residential development on the upper floors of the building is therefore acceptable, as the site is considered to be within a sustainable location within the district. It is however necessary to assess the proposals against other relevant material considerations such as the design and visual impact of the proposals.

### Visual and Heritage Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or

undesigned townscape or landscape surroundings.

The site is also located within Holbeach Conservation Area. The site does not feature a listed building, however, there is a grade II listed building, 5 West End, located to the west of the site. Policy 29 of the Local Plan sets out that proposals should conserve and enhance the character and appearance of designated and non-designated heritage assets. Part A.3 of the policy sets out that proposals that affect the setting of a listed building will be supported where they preserve or better reveal the significance of the listed building. Part B of the policy sets out that proposals within a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting

Section 16 of the NPPF is also relevant in the determination of applications which affect designated heritage assets.

The site comprises a two-storey building located on the corner of Church Street and West End within Holbeach. Consent is sought to construct a roof extension to provide floorspace for the proposed flat. The first floor would continue to be set behind the parapet of the building. It is proposed to raise the parapet with a natural stone balustrade. The roof extension is approximately 2m in height and is proposed to feature four dormer windows. The roof extension is proposed to feature a grey standing seam. The existing red brickwork first floor extension is proposed to be replaced with off-white render.

At the ground floor level, no changes are proposed on the southern or eastern elevations, however, on the northern elevation a new doorway is proposed to allow access to the proposed flat. The doorway is proposed to replace an existing window.

The application is accompanied by a Heritage Assessment, prepared by Auston Heritage Consultants. The statement sets out the historical context of the site and assesses the impact of the proposals on designated and non-designated heritage assets. The requirements of Paragraph 207 of the NPPF have therefore been addressed through the submission of this statement.

The Heritage Statement sets out that the previous building on the site featured three storeys, comprising two main floors with a high-pitched gabled roof. There were two gable windows on the eastern roof slope. Photographs of the previous building within the site are shown within Figures 5, 7 and 9 of the Heritage Statement. These photographs were taken in the late 19th century and the early 20th century. The site has been significantly altered since these photographs were taken. For example, it is unclear when the first floor extension of the building was constructed, however, it is presumed that this was built around the mid-20th century.

The council's conservation officer has set out that the existing first floor structure comprises an inappropriate structure, that does not respond positively to the character of the Conservation Area. The current application seeks to alter and adapt the flat-roofed extension by adding a metal standing seam roof, allowing for the use of the eaves space. The officer acknowledges that the application represents an opportunity to improve the existing structure through the provision of enhanced detailing and a more sympathetic treatment of the building. The officer considers that the proposed stone balustrading can be considered as a positive enhancement to the character of the original structure, whilst also working to add a visual barrier to some of the rooftop structures. The officer therefore has not raised objections to the proposed development. However, given the extreme prominence of the building within the street scene and its value to the character of the Conservation Area, the officer has recommended that conditions are included requiring a materials schedule, as well as specific detailing of all windows and doors and the design of the additional balustrading. Such conditions are considered appropriate and necessary to ensure that high quality materials are provided.

It is therefore considered that the proposed development would have an acceptable impact on the character and appearance of the Conservation Area and the setting of nearby listed buildings. The proposed development would therefore accord with Policies 2, 3 and 29 of the Local Plan and Sections 12 and 16 of the NPPF.

#### Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine

the quality of life or community cohesion and resilience.

Policies 2 and 3 of Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed dwelling features approximately 83sqm of internal floorspace over the first and second floors. Some of the floorspace on the second floor would be lower than 2m and as such some of the floorspace would not be as useable as desired. The nationally described space standard sets out that two-bedroom dwellings spread over two floors should provide between 70sqm and 79sqm of internal floorspace. It is therefore considered that sufficient internal living space would be provided for future occupants.

Some external amenity space is proposed within the first-floor external area which could be accessed via patio doors. The first floor amenity area would not result in an adverse degree of overlooking or a loss of privacy as the space would not look directly onto any neighbouring habitable rooms. It is unclear if there are first-floor flats within the buildings on the opposite side of West End to the north of the site, however, if the first-floor is occupied there would be a suitable separation distance between the first-floor amenity space and the nearest elevation.

No windows are proposed on the western elevation of the building. The other windows for the proposed flat would not result in an unacceptable degree of overlooking as there are suitable separation distances between the proposed flat and the nearest dwellings. For example, the proposed flat would look out onto the existing roads next to the site and there are no first floor windows on the building to the south of the site.

The proposed roof extension is not expected to result in an unacceptable degree of overshadowing due to its scale and positioning.

Lastly, the retention of office use on the ground floor would not result in an unacceptable impact on the amenity of future occupants.

Therefore, the impact of the proposed development on the amenity of neighbouring properties and future occupants would be acceptable. As such, the proposed development accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

### Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

No parking provision is currently available within the curtilage of the site. Lincolnshire County Council's highways team have set out that they have no objections to the lack of parking provision as the site is within an area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development are not expected to not be reliant on private cars and therefore parking is not essential for the proposed development. The highways team therefore considers that the proposed development would not have an adverse impact on the public highway.

The proposed development would therefore have an acceptable impact in terms of highway safety

and as such would accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

### Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

For applications that are submitted prior to the introduction of this requirement, the development would be exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set. When taking the above into account, the development in this instance the application is exempt from the statutory 10% Biodiversity Net Gain requirements.

### **Planning Balance**

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The proposed development represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents. The proposed development therefore accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

### **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 the above considerations into account, the proposal is considered to accord with Policies 1, 2, 3, 17, 29 and 36 of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

### **Recommendation**

Based on the assessment detailed above, it is recommended that the proposal should be approved under delegated authority.