

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0217-25 **Applicant:** Mr A & Mr A Laxmidhar

Proposal: Conversion of first, second and third floors to residential flats together with alterations to shopfront and rear of building

Location: Spalding News 24 Market Place Spalding

Terminal Date: 25th July 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
04	Approach to Flood Risk

National Guidance

National Planning Policy Framework December 2024

Section 9: Promoting Sustainable Transport
 Section 12: Achieving Well-designed Places
 Section 14: Meeting the Challenge of Climate Change, Flooding, and Coastal Change.
 Section 15: Conserving and Enhancing the Natural Environment
 Section 16: Conserving and Enhancing the Historic Environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SPALDING & DISTRICT CIVIC SOCIETY	1	0	0	0
SHDC INTERNAL	0	0	1	2
OTHER STATUTORY				

BODIES	0	0	0	1
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CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought to convert the upper floors of the building to create three residential units, the ground floor will remain in retail use. A separate application seeking listed building consent for the works has been submitted under application reference H16-0218-25 and is being considered concurrently.

To create the residential units and provide access from Market Place the existing shop front is to be replaced. The existing entrance to the retail unit will be retained and provide a separate access to the upper floors, the central panel to the front bay window will be replaced with a doorway providing access to the newsagents. To the rear of the building, an existing flat roof addition will be demolished and replaced with a larger flat roofed structure. The existing external staircase will be removed. Internally, stud partition walls will be provided to create habitable living space.

A Design and Heritage Statement and Flood Risk Assessment have been submitted as part of the application.

Site Description

The application site relates to a four-storey terraced property located within Spalding town centre. The building is Grade II listed and situated within the Spalding Conservation Area.

The list description of the building reads:

C18 or early C19. 4 storeys in brick with Welsh slate roof. 1 window each to top 2 floors, in surrounds with cills on tabs, modern glazing, band at cills. Canted bay on ground floor. Modern shop front. Nos 24 to 26 (consec) form group.

The building is located to the east side of the Market Place, adjacent to the South Holland Centre, the structure fills the entire site and is enclosed by adjacent buildings to both sides and the rear. The ground floor of the building is occupied by a newsagents with a small storage area to the rear. The upper floors of the building are accessed via an external staircase at the rear of the building and are used in part for storage but are mainly disused.

History

H16-0102-15: Convert existing accommodation above shop to flat with alterations. Approved 01.04.2015

H16-0103-15: Listed building consent to convert existing accommodation above shop to flat with alterations. Approved 01.04.2015.

H16-0858-09: Listed building consent for repairs to front elevation, re-fenestration of upper storey windows and new shop front. Approved 16.02.2010.

H11-0806-09: New shop front, external and internal alterations. Approved 04.12.2009.

Consultation Responses

Responses received (consultation period 6th March 2025 to 27th March 2025)

Highway and Local Lead Flood Authority

No objection.

Spalding and District Civic Society

No response received.

Environmental Protection (Noise)

Ensure suitable and sufficient sound insulation in place to reduce noise transmission from adjacent commercial and leisure buildings.

Environmental Protection (Land Contamination)

No comments to make.

Conservation Officer

No objection in principle to the proposal, but concern that the proposed shop front alterations will drastically reduce the visible shop front character of the site.

BNG Ecologist

The building to be converted exhibits several features indicating increased probability of a bat roost being present, therefore a preliminary bat roost assessment should be requested and the results submitted prior to determination.

Public Representation

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.

Planning Considerations

The main issues and considerations in this case are:

Principle of Development and Sustainability

Heritage Considerations

Impact on Surrounding Land Users and the Level of Amenity Afforded to Future Occupants

Access and Parking

Flood Risk Considerations

Ecology and Biodiversity

Evaluation

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.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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 (updated December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990, concerns whether to grant planning permission for development which affects a listed building or its setting and requires special regard to be had to the desirability of preserving the building or its setting or any features of special or architectural interest which it possesses.

Within Conservation Areas, Section 72 of the Planning (Listed Buildings and Conservation Areas)

Act 1990, requires that special attention is paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Principle of Development and Sustainability

The National Planning Policy Framework (December 2024) sets out the Government's planning policies for England and how they should be applied. It advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives; an economic objective, a social objective, and an environmental objective, which are interdependent and should be pursued in mutually supportive ways.

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment.

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The application site is located within Spalding, defined under Policy 1 as a 'Sub-Regional Centre'. The Policy advises within the settlement boundary of Spalding development will be permitted that supports its role as a Sub-Regional Centre. The application site is located within Spalding town centre, the ground floor retail unit will be retained with the upper floors converted to three residential units. The retention of the commercial premises along with the utilisation of unused floor space for residential use will contribute to the vitality and viability of the centre, providing social and economic benefit to the local and wider communities.

The principle of the proposal therefore accords with the requirements of Policy 1 of the South East Lincolnshire Local Plan, 2019, subject to the considerations of all other material factors which are assessed in the sections below.

Heritage Considerations

The effect of the proposal on the special interest including the setting of the listed building.

The Framework, at paragraph 202, advises heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Further stating, at paragraph 212, "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."

Policy 29 of the South East Lincolnshire Local Plan (2019) advises that to respect the historic legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals are required to conserve and enhance the character and appearance of designated and non-designated heritage assets.

Policy 29(A1) states:

Proposals to change the use of a listed building or alter or extend such a building will be granted where the Local Planning Authority is satisfied that the proposal is in the interests of the buildings preservation and does not involve activities or alterations prejudicial to the special architectural interest or its setting.

The existing four storey Grade II listed building is prominently located with Spalding town centre and contributes to the historic character and appearance of the Conservation Area. The proposal seeks to utilise the upper floors of the building through conversion, partial demolition and extension to create three apartments.

The upper floors of the building are currently accessed via an external staircase to the rear of the building, the application seeks to alter the existing shop front, retaining the entrance door to serve the apartments and remove the central panel to the bay window and replace this with a door to serve the retail unit.

A Heritage Impact Assessment forming part of the application, provides photographic evidence of the building as it developed over the decades. There was little change to the shop front until it was replaced in 1974, with the bay window replaced with a large flat roof structure, this survived until after 2010 when planning permission and listed building consent were granted to replace the shop front and reconfigure the window frames, seeking to replicate the original design and fenestration detail.

As submitted, concern was raised at the design of the resulting shop front. The central panel to the bay window was to be replaced with a single door, of solid construction other than two glazed side panels, significantly reducing the visible shop front character of the site. Whilst it is acknowledged that the shop front as exists is not original and dates from 2010, it nonetheless reflects the historic character of the original structure and in this respect has a degree of value. Moreover, this in itself is not a reason to replace the shop front with a design that creates visual harm to the listed building.

Discussions subsequently took place with the applicant's agent along with the conservation officer. The agent was requested to consider retaining a single door with an internal porch providing separate access to the retail unit and apartments. However, it was advised that this was not feasible, given the limited floor area of the commercial premises any reduction in this would affect its viability. A revised design was submitted, replacing the central bay panel with a glazed door, central solid panel and increasing the level of glazing to the sides. It is considered that the amended scheme serves to retain the visibility of the shop front bay and the design would preserve the architectural and historic interest of the listed building.

To the rear it is intended to partially demolish an existing flat roof structure, remove an external staircase and construct a larger flat roof addition. With reference to the rear elevation, the Heritage Impact Assessment states: "*The 1887 map clearly indicates that the rear of the site comprised a cluster of blocks around two enclosed yards. Full development of the space was clearly not extant at the time. It can therefore reasonably be concluded that the rear of the site was infilled, likely during the 20th Century...The mineral felt roof covering would suggest that building work also took place possibly in the 1970s or later*". The rear elevation of the building has been significantly altered with little historic value remaining, whilst flat roofs are not encouraged on listed buildings, given the presence of the existing flat roof it is not considered that the proposal would cause further detriment to the appearance of the building, moreover, the removal of the external staircase will result in a degree of visual enhancement.

Internal alterations are proposed to facilitate the conversion of the upper floors. The original plan form of the building has been significantly altered with little historic features remaining. To create habitable rooms new internal walls are proposed, however, these are stud walls that could be removed in the future and therefore will not cause detriment to the historic fabric of the building, in addition, no alteration or removal of any of the remaining original walls is proposed.

The proposal would preserve the architectural and historic interest of the listed buildings, nor would the development cause detriment to their setting. The proposal would therefore satisfy the requirements of section 66 (1) of the Act and the provisions within the Framework which seeks to conserve and enhance the historic environment. The proposal would also accord with Policy 29 of the South East Lincolnshire Local Plan (2019) which requires development proposals to conserve and enhance the character and appearance of designated heritage assets.

Whether the proposal would preserve or enhance the character or appearance of the Spalding Conservation Area.

Policy 29(B) of the South East Lincolnshire Local Plan, 2019, states:

Proposals within, affecting the setting of, or affecting views into or out of a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to an areas character, appearance and setting.

The application building is prominently located within the Conservation Area and contributes to its historic character. The proposed external alterations and palette of materials will preserve the appearance of the Conservation Area and the residential use of the upper floors will serve to positively enhance the character of the Conservation Area.

Overall the proposal will safeguard the character and appearance of the Conservation Area and in this regard accord with the requirements of Section 72 of the Act and Policy 29 of the South East

Lincolnshire Local Plan, 2019.

Archaeology.

The Framework advises, at paragraph 207, where a site on which development is proposed includes, or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.

Policy 29(C) of the South East Lincolnshire Local Plan (2019) states:

wherever possible and appropriate, mitigation strategies should ensure the preservation of archaeological remains in-situ. Where this is either not possible or not desirable, provision must be made for preservation by record according to an agreed mitigation scheme for investigation submitted by the developer, undertaken by a suitably qualified person and approval by the local planning authority.

The Historic Environment Officer advises the submitted Heritage Impact Assessment confirms the significance of the Grade II listed building, detailing its historical and architectural value, along with the impact of the proposal on the remaining historic fabric.

The Historic Environment Officer considers the proposed conversion will have a significant impact on any surviving original elements of the listed building and recommends a condition requiring a mitigation strategy is attached to any permission granted. This would comprise a phased programme of mitigation work including, but not limited to, a level 3 historic building recording, which will enable the building to be recorded prior to conversion. A pre-commencement condition is recommended in this regard to which the applicant has confirmed their written agreement.

The proposal provides appropriate mitigation to ensure any archaeological remains are recorded prior to commencement of development and therefore accords with Policy 29 of the South East Lincolnshire Local Plan, 2019, and the Framework which require an appropriate assessment of the potential impact of development proposals on archaeology.

Impact on Surrounding Land Users and the Level of Amenity Afforded to Future Occupants

The Framework advises, at paragraph 135, development should create places with a high standard of amenity for existing and future users.

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposal seeks to convert the upper floors of the building to create 3 one-bedroomed apartments. It is acknowledged that the site is located in the town centre where noise levels are expected to be higher later into the evening and earlier in the morning, however, occupants of town centre dwellings should, nonetheless, be afforded a reasonable level of amenity. Given that the site adjoins the South Holland Centre, which hosts several entertainment venues, the applicant was asked whether it would be possible to provide soundproofing without this causing detriment to the historic fabric of the listed building.

In response the agent advised, regarding improving sound resistance, this would have to take the form of an applied lining, because if it is applied it would simply require fixings into the original fabric. It could however be removed in future if required (i.e. it would be reversible). There are not any original features or fixtures on the two side walls, so there would be no historic details to be lost or damaged. To design the linings however would require the input of an acoustic engineer. The intermediate floors would need to be improved in terms of sound transmittance because there is a requirement for minimum performance under the building regulations. Again introducing this would not cause detriment to valuable historic building fabric. This assessment is agreed and on this basis it is reasonable to attach a condition requiring the provision of soundproofing prior to the occupation of the residential units.

Although adequate ventilation and light have been afforded to each residential unit, as initially submitted two of the apartments did not meet the government's nationally described space standard. Apartment 1 had a floor area of 30 square metres. This would not meet the space

standard which require a 1 bedroom 1 person apartment to have a gross internal area of 39 square metres which can be reduced to 37 square metres if a shower room is proposed, as the floor plans indicated. Furthermore, Apartment 2 met the space standard for a 1 bedroom 1 person accommodation but not if it were to be presented as a 2-person unit, which requires a gross internal area of 50 square metres and a double bedroom size of 11.5 square metres. The applicant was advised that the floor plan should be amended to indicate this. Amended floor plans have been subsequently received ensuring all three residential units accord with the nationally described space standard, providing an acceptable level of living space for the future occupants.

The proposal therefore accords with the provisions of the Framework and Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Access and Parking

Paragraph 116 of the Framework advises that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, considering all reasonable future scenarios.

Policy 2 of the South East Lincolnshire Local Plan (2019) states that proposals requiring planning permission will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 of the South East Lincolnshire Local Plan (2019) 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.

Further, Policy 36, to be read in conjunction with Appendix 6, of the South East Lincolnshire Local Plan (2019), sets out minimum vehicle parking standards required for development proposals.

There are no parking facilities proposed to serve the development. The highway authority advise the site is located in a central urban area where services and facilities are located within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future occupants of the development will not be reliant on the private car and therefore parking is not essential for this proposal.

The development accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 9 of the National Planning Policy Framework, December 2024.

Flood Risk Considerations

Paragraph 170 of the Framework advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Further stating, where development is necessary in such areas the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 176 states that applications for some minor development and changes of use should not be subject to the sequential test nor the exceptions test. Footnote 62 clarifies that minor development includes changes of use.

As the proposal seeks the conversion of existing floor space a sequential and exceptions test are not required, however, as the site is located within Flood Zone 3, as paragraph 176 advises, the proposal should still meet the requirements for site specific flood risk assessments set out in Footnote 63.

Policy 4 of the South East Lincolnshire Local Plan (2019) is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

A Flood Risk Assessment has been submitted as part of the application which states that habitable accommodation is confined to the upper floors of the building. The living space is between 3150mm and 6150mm above ground level ensuring that the proposal will be made safe for the lifetime of the development and not increase the risk of flooding elsewhere.

The proposal accords with Policies 2,3 and 4 of the South East Lincolnshire Local Plan, 2019 and the Framework in this regard.

Ecology and Biodiversity

The effect on ecology and protected species.

The Framework advises, at paragraph 193, when determining planning applications, if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy 28 of the South East Lincolnshire Local Plan (2019) seeks to promote biodiversity net gain by maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserve or enhance habitat to adapt to climate change.

The Council's Ecologist has advised the building to be converted exhibits several features indicating increased probability of a bat roost being present and no features indicating decreased probability. The Council's Ecologist advised an assessment should be undertaken which should include a detailed search for bat field signs.

In response, the applicants' agent has carried out an inspection of the condition of the fabric of the upper floors of the building and submitted a report which includes a series of photographs. This concludes: *"the inspection indicates that the walls and external roof coverings are, where visible, intact and that the various junctions (eaves etc) appear to be adequately sealed. There are however some gaps around openings. The upper floors of the buildings are used for storage by the shop below and its weather-tightness appears still to be reasonable, which is to be expected. Having undertaken a visual inspection of the property it is concluded that despite the apparent openings the external envelope is generally sound and free from significant voids or holes. There is no visible evidence of the presence of bats and no droppings were identified.*

As it is almost the end of the bat season, if the upper floors of the building were in use as a bat roost it is highly likely there would be evidence of this. Given that the report found no evidence of the presence of bats along with the overall assessment of the condition of the upper floors it is reasonable to conclude that the proposal will safeguard protected species.

The proposal therefore accords with Policy 28 of the South East Lincolnshire Local Plan, 2019, along with advice contained within Section 15 of the National Planning Policy Guidance, December 2024.

Biodiversity Net Gain.

Biodiversity Net Gain (BNG) is required under a statutory framework introduced under Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) and 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.

The effect of Paragraph 13 of Schedule 7A of 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.

A Biodiversity Net Gain Statement has been submitted. This considers the development is exempt

on the basis that it is development below the threshold and is subject to the 'de minimis exemption' as the development:

- a) does not impact a priority habitat and
- b) impacts less than 25square metres (5m by 5m) of on-site habitat that has a biodiversity value greater than zero, and less than 5m of on-site linear habitat.

In justifying the exemption the applicant states "*the site is completely developed and there is no existing habitat. The partial demolition works will make way for a rebuild to different configuration at the rear of the site but no habitat will be impacted upon.*"

It is considered the development meets the requirements of exempt development and is not required to provide Biodiversity Net Gain.

Planning Balance

As detailed above, Section 38(6) of the Planning and Compulsory Purchase Act 2024, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal seeks to convert the upper floors of an existing building to create three apartments. The creation of residential units in a sustainable location within Spalding town centre along with the re-use of under used floor space is afforded substantial weight.

The proposal will not cause detriment to the setting, historic value or architectural integrity of the listed building and will preserve the character and appearance of the Spalding Conservation Area. Adequate levels of residential amenity will be afforded to future occupants and the proposal will not increase the risk of flooding elsewhere.

The proposal accords with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole. 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 be in accordance with policies 1, 2, 3, 4, 28 and 29 of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (December 2024). 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 powers.