

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0218-25 **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	
29	The Historic Environment

National Guidance

National Planning Policy Framework December 2024

Section 16: Conserving and Enhancing the Historic Environment.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SPALDING & DISTRICT CIVIC SOCIETY	1	0	0	0
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

Route for determination of application	Delegated	X	Committee	
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<u>CASE OFFICER ASSESSMENT</u>

Reason for Referral to Chairmans Panel

The application site is located within Spalding town centre.

Proposal

Listed building consent 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 planning permission for the works has been submitted under application reference H16-0217-25 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 has 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

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

H16-0102-15: 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.

H16-0806-09: New shop front, external and internal alterations. Approved 04.12.2009.

Consultation Responses

Responses Received (consultation period between 6th March 2025 - 27th March 2025)

Conservation Officer

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

Historic England

Recommends advice is sought from the Council's conservation and archaeological advisors.

Joint Committee of the National Amenities Societies

No response received.

Historic Environment Officer Lincolnshire County Council

Recommends a condition requiring the submission of a mitigation strategy comprising a phased programme of mitigation work including a level 3 historic building recording of the building.

Public Representation

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

Planning Considerations

The main issues and considerations in this instance are:

Heritage Considerations.

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 16(2) of the Planning (Listed Buildings and Conservation Areas Act) 1990 concerns whether to grant listed building consent 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.

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 16(2) 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 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.

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.

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 policy 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.