

**DECISION DELEGATED TO HEAD OF PLANNING**

**Application No:** H16-0881-25                      **Applicant:** Robert Doughty  
Consultancy Limited

**Proposal:** Change of use from a single dwelling to dental surgery including alterations, additional gravel parking, improvements to existing access and plant shed

**Location:** 65 Holbeach Road Spalding

**Terminal Date:** 20th November 2025

**Planning Policies**

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

- 01                      Spatial Strategy
- 02                      Development Management
- 03                      Design of New Development
- 04                      Approach to Flood Risk
- 07                      Improving South East Lincolnshire's Employment Land Portfolio
- 24                      The Retail Hierarchy
- 27                      Additional Retail Provision
- 28                      The Natural Environment
- 29                      The Historic Environment
- 32                      Community, Health and Well-being
- 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 6 - Building a strong, competitive economy
- 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

PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SPALDING & DISTRICT CIVIC SOCIETY	0	1	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	1	0	0	4
RESIDENTS	0	1	0	0

## **CASE OFFICER ASSESSMENT**

### **Description of Proposal**

This is a full planning application seeking the change of use of 65 Holbeach Road from a residential dwelling (Class C3) to a dental surgery (Class E), with alterations proposed to facilitate this. This full application has been accompanied by a Listed Building Consent application.

The existing access shall be widened to a width of 4.1m. New 1.2m high, five-bar gates would be installed, set back 5m from the highway. Additional parking places will be provided in the grounds. This will be done using a geocellular confinement system with a grass finish, intended to be reversible. 21 spaces total will be provided, with this representing a 16-space increase.

A detached, wooden plant room would be installed to the rear of the site, towards the boundary with St Paul's Church. This would measure 2.2m by 1.5m, with a height of 2m. The room would store the power equipment needed for the dental apparatus. Pipe work will run from the plant room across to a section of 40mm removable pipework mounted on the exterior of the building. Primarily this will then enter the building through the floors. Minor punctures into walls would be required to facilitate this.

Continuing with external alterations, an existing door within the north elevation would be replaced with a wooden painted door. No precise details of the door have been provided. An existing "up and over" metal garage door, contained within a later addition to the property, would be removed, and the space bricked up with materials to match the host. A removable access ramp would be added to the front access, joining from the north of the entryway. Brass plaques are proposed on either side of the entrance.

Internally, a stud wall is proposed within the existing kitchen to create a dental surgery and corridor. This stud wall would be removeable. An additional door to an existing downstairs WC would be re-hung so that it opens outwards. Studwork would be installed in the first-floor bathroom to provide better welfare facilities for staff.

The flooring for the dental surgeries (2 at ground floor and 2 at first floor) would be laid on top of the existing wooden floorboards. On the ground floor, these would be ventilated via existing air bricks. Only part of the floor boards would be covered as to retain some of the original character. This would be removeable.

## Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The site is located towards the north-east of the settlement, within the Fulney area. Holbeach Road bridge, over the Coronation Chancel, is located approximately 100m east of the site. The recreation ground lies opposite. Three protected trees stand within the south eastern corner.

65 Holbeach Road is a Grade II\* listed, former vicarage associated with the Grade I listed Church of St Paul to the immediate east. Both were designed by Sir George Gilbert Scott in 1877 and read as a trio alongside the schoolroom associated with the church. It is a red brick dwelling, with brick and stone dressing. It features a plain tile roof with coped gables and stone finials and ornamental brick stacks with linked and moulded octagonal flues. The building retains many original features, such as the banisters.

## Relevant History

H16-0402-11 - Full - Erection of boundary fence - Approved 19/08/11

H160919-12 - LB - Proposed boiler and flue within garage and new bathroom on second floor (retrospective) - Approved 11/01/13

H16-0882-25 - LB - Change of use from a single dwelling to dental surgery including alterations, additional gravel parking, improvements to existing access and plant shed - 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:

### SELCP Ecologist

Change of use from a single dwelling to dental surgery including alterations, additional gravel parking, improvements to existing access and plant shed

Documents reviewed:

- BNG Metric
- BNG habitat plans

Comments

Ecological Considerations:

-Due to vegetation being removed that could be a suitable habitat for nesting birds, we request a condition requiring that: "Works should not be carried out in the main nesting season (March 1st - August 1st). If not possible then a suitably qualified ecologist must perform a breeding bird survey of the site prior to any works beginning onsite. Any active nests discovered during inspections will be protected with a suitable exclusion buffer (of appropriate size to the species) to prevent disturbance and monitored until the nest is no longer active / all chicks have fledged, when the ecologist will provide a sign off for clearance work to continue."

BNG Comments

-Overall, the biodiversity assessment and metric calculations appear rigorous, and we can have confidence in their conclusions. In this case the metric indicates that 10% mandatory net gain can be achieved on-site with a predicted overall gain of 11.28% in Habitat units (0.0141 unit gain) and 93% gain in hedgerow units (0.0037 unit gain).

Conclusion: There has been sufficient evidence provided to determine this application, and we are confident that 10% net gain can be achieved for this site.

Spalding and District Civic Society

Support - "The property has been unoccupied for a considerable amount of time, (presumably the former Vicarage) and it is considered that the proposed use, which retains the external facade, apart from the building up of the garage door is a viable use and much needed in the town. Care should be taken when building up the garage door opening to make sure that reclaimed bricks are used of a similar size and colour to the existing. Perhaps a narrow hedge could be introduced to lessen the impact. Holbeach Road is very busy and it is felt that cars should leave the site in forward gear. Consideration should be given to remove the first parking spaces behind the gate to enable vehicles to maneuver".

#### South Holland Internal Drainage Board

Outline that consent from the Board may be required.

#### Historic Environment Officer

"Thank you for consulting us on this. 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. Finally, considering the proposal is for a Grade II\* Listed building, Historic England and the SHDC Conservation officer must be consulted before a decision is made (direct and setting impact)".

#### Lincolnshire Police

"Lincolnshire Police do not have any objections to this application."

#### Highway and Lead Local Flood Authority

Additional Information Required - "Parking space and driveway dimensions to be detailed. There should be 6m clearance for reversing vehicles this will also accommodate two-way traffic and needs to be detailed on the site plan. The note on the proposed site plan about upgrading the access needs to say it will be constructed to Lincolnshire County Council Specification."

#### Pedals

Objection - "Pedals objects to this application in its current form. The plans and supporting documents overlook the likelihood that some patients and staff may travel to the premises by bicycle. There is no cycle parking for patients nor cycle storage for staff. Consequently, the application fails to comply with Policy 36 and Appendix 6 of the Local Plan and the supplementary planning document "Think of Cycling". Please consult Pedals again if you receive amended plans which aim to overcome this objection. (NB the footway alongside the site boundary fronting the A151 shown on the proposed site plan is actually a footway and cycleway."

#### Environment Agency

"We have reviewed the submitted documents and have no objection to the proposed development. However, we would like to draw your Local Planning Authority's and the Applicant's attention to the following information."

#### Flood warning and emergency response

Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. We therefore do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out this type of role /responsibility during a flood.

Planning practice guidance (PPG) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 181 (inc. footnote 63) of the NPPF and the guiding principles of the PPG.

We have considered the findings of the flood risk assessment in relation to the likely duration, depths, velocities and flood hazard rating against the design flood for the proposal. We agree that this indicates that there will be a 'Danger for All' people (e.g. there will be danger of loss of life for the general public and the emergency services).

This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your emergency planners and the emergency services to confirm the adequacy of the evacuation proposals.

#### Flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities."

#### Conservation Officer

*Initial comments, dated 23/10/25*

"I write to confirm that I have no objections on built heritage conservation grounds to this proposal. The proposed conversion of this site to use as a dental surgery seeks only extremely minor internal alterations, inclusive of a small amount of additional subdivision of ground floor rooms and 1st floor bathroom using reversible stud walling, the routing of new utilities (namely air, drainage and hot water) from external plant to further rooms, which requires only minor incision into walls, and is proposed as fully reversible.

Exterior alterations include the bricking up of existing garage door opening, the erection of a small plant room lean-to in timber on the rear elevation, as well as the reformatting of the driveway and a portion of the front garden for use as a car park for customers.

None of the proposed alterations risk undue or unjustified harm to the special interest in the listed building. The proposed new subdivisions internally should not remove readability of the original layout and are quite minor in scale, as well as being easily reversible. The proposed utility works bear a negligible impact upon the asset.

Regarding external works; the most major shall be the bricking up of the garage door. There is no value inherent to this portion of the building being used as a garage, and the extant doors appear to be a mid-late C20th affectation. The proposed lean-to is quite modest and features only to rear and lesser elevations. Alterations to the driveway are relatively minor, and do not strip character from the garden setting of the site.

Less than Substantial Harm could be said to be identified in the subdivision of the internal layout and in the erection of the modern timber lean-to. However, I would suggest that the applicants justification for this is clear and convincing in claiming that these works are important to the use of this site as a dental surgery, which would be securing an optimum use for this site, presently unused.

I am therefore satisfied that this application may be approved subject to conditions which require brickwork and mortar to match the existing, and which requires the removal of the proposed timber lean-to and making-good of associated surfaces should the site cease operation as a dental surgery, unless otherwise agreed in writing by the LPA."

*Further comments, dated 18/11/25*

"The latest amendment does not alter my views, and lack of objections to this proposal. The

proposed amendments to the front garden space, providing more planting and greenspace should be seen as a betterment to the scheme. Historic England is correct in identifying that there would be some less than substantial harm, in particular associated with the internal alterations and the parking in the front yard. However, I hold that the minimal quantity of less than substantial harm is indeed outweighed by the proposed viable use of this site. ""

#### Environmental Protection

"No comments regarding land contamination."

#### Historic England

##### *Initial Comments - Dated 22/10/25*

##### Impact:

As part of the proposed conversion to use as a dental practice, the application seeks to build a new car parking area including the creation of ten spaces within the vicarage front (south) garden. We note the requirement for additional parking spaces to facilitate the change of use, however as outlined above, this is highly significant location and therefore any proposed development would need to be highly sensitive.

The proposed car parking spaces and associated alterations to the vicarage garden at the south would cause harm to the former vicarage and the Church of St Paul through eroding their historic setting. The car parking spaces would introduce hard landscaping to the setting of the vicarage and church and would create an incongruous visual intrusion to the historic character of this important group of George Gilbert Scott buildings.

The Heritage Statement notes that; 'the proposed parking will be largely hidden from the adjacent Grade I Listed Building because of the mature landscaping within both curtilages' however our concerns raised in this letter relate to views towards the designated heritage assets as a group. The Church of St Paul is appreciated within the context of the associated vicarage and its garden, to which the proposal would cause harm.

Furthermore, the Heritage Statement provided does not include a Statement of Significance, indicating that plans have been developed without a thorough understanding of the significance of heritage assets to be affected. Without an understanding of the significance of the heritage assets, the impact of proposed work cannot be adequately assessed, nor appropriate mitigation designed in as necessary. The importance of the grouping, relationship and setting of the buildings does not appear to have been considered proportionately to their significance.

##### Recommendation:

Historic England has concerns regarding the applications on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 207, 208, 213, 215 of the NPPF.

We recommend that plans are amended to omit the proposed car parking spaces to the south of the vicarage. Historical research should be undertaken to understand the significance and historical evolution of the proposed development area, to then inform design. An options assessment outlining all options considered would also be useful"

##### *Revised Comments - Dated 11/11/25*

Historic England thanks the applicant for their engagement with our previous comments. We are appreciative of the additional information and views provided, along with the amended scheme.

We consider that the proposed scheme would still cause some harm to the significance of the assets identified in our previous comments, although this would be less harmful than the original scheme.

We refer you to the expertise of your Conservation Officer going forward.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us."

## 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, two letters of representation have been received, both from the same party.

These can be summarised as:

Support:

- The proposal would celebrate the original features.
- Change of use is essential.
- Broad economic, cultural and architectural benefits.
- Highlights error in Historic England's comments - clarifying that there is a boundary treatment between the church and former vicarage.

## **Key Planning 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.

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.

### Principle of Development

#### *Policy Context - Spatial Strategy*

Policy 1 of the SELLP 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 settlement of Spalding which is classed as sub-regional centre within Policy 1. As such development will be permitted that supports Spalding's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

The SELLP was adopted prior to the amendments to The Town and Country Planning (Use Classes) Order 1987, as brought forward by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

As such, the SELLP is without a policy explicitly relating to Class E uses, and uses within this class instead fall to be assessed against policies relevant to any former use class, which would now fall within Class E. Under the legislation at the time of the SELLP's publication and adoption, the proposed dental surgery would be considered to be a D.1 use. On the basis of this, the proposal would be assessed against Policies 5, 7, 24, 27, with the relevant caveats applied to each.

#### *Policy Context - Employment Space*

Where a proposal would involve the creation of additional employment space, Policy 1 is supported by Policy 7. Chiefly, this policy concerns Class B uses, including those which were previously of a class B.1 use, which are now considered to be Class E. The site is outside of any of the employment spaces identified within Policy 7 and would therefore fall to be assessed as an "other employment site". In this context, Policy 7 states:

"New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings."

The proposal involves the conversion of a building, although the building cannot necessarily be said to be redundant.

#### Policy Context - Town Centre Uses

Policy 24, whilst referring primarily to retail uses, covers broad "town centre uses" such as retail, food and drink outlets, financial and professional services. As a class E use, the proposal could be considered as a "town centre use", and therefore, the provisions of Policy 24 are applicable here.

Policy 24 outlines a retail hierarchy, focussing on sub-regional centres, before cascading to district and local centres (as outlined in Policy 1) and finally developments outside of the retail hierarchy. As the site is within the Countryside, the proposal falls to be assessed against Part C. Part C states:

"Outside the retail hierarchy, individual local shops and small neighbourhood clusters of them within a settlement boundary, which meet the day-to-day needs of nearby residents, will be promoted. Wherever possible such new uses should be located in close proximity to each other, unless serving very local catchments e.g. corner shop (...). The vitality and viability of centres in the retail hierarchy will be maintained and enhanced. Proposals for retail use outside the Primary Shopping Areas as identified on the Policies Map, or for other main town centre uses, outside the town centre boundaries and where not provided for under Policy 27, will be required to demonstrate their suitability through a sequential test in line with the National Planning Policy Framework"

The provisions of Policy 27 Part C, as necessitated by Policy 24, must be applied here. This Policy states:

"Individual local shops, leisure uses and services and small neighbourhood clusters of them which meet the day-to-day needs of nearby residents, without the need to use a car, will be protected. Proposed new shops in such circumstances, will be limited to a maximum 100 sqm (net) floor space, unless a qualitative need to remedy a geographical deficiency in the distribution of food shopping can be demonstrated, in which case units up to 500 sqm (net) floor space will be permitted."

Policy 27 is explicit in dividing uses between services and leisure uses and shops. The wording of Policy 27 is such that the floor space allowances refer to shops only. While the Use Class Order and General Permitted Development Order, 2015, has been altered in the interim, to enable conversions between within class E without the need for a formal planning application, it is not considered to be representative of the thrust of Policy to provide additional restrictions which were not intended.

To this end, whilst the floor space allowances under Policy 27 may not be applicable, the broader principle of the development of town centre uses outside of the retail hierarchy being required to demonstrate that they will meet the day to day needs of nearby residents can be applied.

Where a proposal is not catered for under Policy 27, Policy 24 requires proposals to be supported by a sequential test in line with the provisions of the NPPF. This sequential test is outlined in Paragraph 91 of the NPPF, which states:

"Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered."

## Policy Context - Healthcare Infrastructure

As outlined previously, the reclassification of dental surgeries within the broad class E use class took place after the publication and adoption of the SELLP. Previously, the proposal would have fallen into the D.1 use class, which included clinics, health centres, nurseries and several other key infrastructure facilities. On this basis, it is still considered appropriate to apply policies concerning the expansion of health care facilities more broadly to this proposal.

Policy 5 of the SELLP concerns "Meeting Physical Infrastructure and Service Needs". It does not explicitly refer to the need for further dentist's, instead referencing health care more generally. Policy 5 directly provides weight in favour of proposal which would improve the infrastructure capacity of the District.

## Assessment

As outlined above, the proposal would be assessed against Policies 1, 5, 7, 24, and 27 of the SELLP in order to determine whether the principle of development is acceptable.

The site is within the settlement boundaries of Spalding, and would involve the reuse of an existing building. Whilst this building may not necessarily be redundant as a dwelling more broadly, it is redundant in its original intended purpose as a vicarage. To this end, the proposal would be broadly in keeping with the aims of Policies 1 and 7; in any case, the proposal is considered suitable and appropriate in broad principle, and serves the predominant aims of the aforementioned policies.

The proposal would involve the creation of a new health care facility. Given the context surrounding a lack of dental surgeries within the UK and the District, it is considered that weight can be transferred in favour of the development under Policy 5.

As outlined above, as a broad Class E use, the proposal would constitute a town centre use. To this end, the proposal would need to be assessed under Policy 24 and, by extension, Policy 27.

However, Policy 27 is explicit in dividing uses between services and leisure uses and retail uses. The wording of Policy 27 is such that the floor space allowances refer to retail uses only. While the Use Class Order and General Permitted Development Order, 2015, has been altered in the interim, to enable conversions between Class E without the need for a formal planning application, it is not considered to be representative of the thrust of Policy to provide additional restrictions which were not intended. As such, the floor space restrictions placed by Policy 27 are not considered to be applicable here. Again, in any case, when considered on balance, the provision of a valuable health care provision is considered to be such that the proposal would be considered favourably in this regard.

Turning to Policy 24, the proposal has not been supported by a sequential test, as required under the policy. Justification has been put forward outlining that a large scale unit would be required to facilitate the dental surgery, limiting the potential options available for the development. Moreover, as a health care facility, the development should be located close to the community it would serve, and therefore, greater allowances for a non-town centre location can be given in these circumstances, with it being reasonable for a provision to be offered within closer proximity to the specific area that it would seek to serve.

The applicant has indicated that they would be willing to accept a condition limiting the use of the building to Use Class E(e) (uses for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner).

Therefore, whilst no sequential test has been provided, there is still reasonable justification for the location of development. The proposal would still be consistent with the thrust of Policy 24, in that facilities should be located in their optimum position, despite the lack of sequential test.

The proposal would be consistent with the aims of Policies 1 and 5 of the SELLP, as well as the overarching principles of locating developments in their optimum position, which is outlined in Policies 7, 24 and 27. As such, the principle of development can be considered acceptable.

## Layout, Design, Scale and Consideration of the Character of the Area and Heritage and Conservation Considerations

### Policy Context - Character and Design

Section 12 of the NPPF, "Achieving well-designed places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments 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, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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 undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

### Policy Context - Heritage and Conservation

The application site, 65 Holbeach Road, is a Grade II\* listed building and forms a former vicarage, associated with the Grade I listed Church of St Paul, which lies to the immediate east.

Both assets were designed by Sir George Gilbert Scott in 1877 and read as a trio alongside the schoolroom, which itself is also associated with the church. The application site is a red brick dwelling, with brick and stone dressing. It features a plain tile roof with coped gables and stone finials and ornamental brick stacks with linked and moulded octagonal flues. The building retains many original features, such as the banisters.

The former vicarage is considered by Historic England as being "a finely detailed red brick Victorian building of high architectural quality". It should be noted that Grade II\* listed buildings are particularly important buildings of 'more than special historic and architectural interest', and the category of grade II\* listings, equates to just 5.8% of all listed buildings.

In assessing proposals of this nature, the Local Planning Authority must ensure special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

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.

The National Planning Policy Framework (NPPF) (December 2024) expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

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 214 expands upon this, relating to substantial harm, detailing that "where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss". Paragraph 215 states 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."

#### Assessment - Character & Heritage

The historic connection between the former vicarage and church, designed and built as part of the same project, is integral to their character and significance. It is also considered that the "setting of this group of buildings contributes considerably to their significance".

The proposed change from a dwelling to a dentist surgery would, to some extent, alter the character of the property. It would consolidate a severance of any functional relationship to the Church of St Paul, in respect of the use of the site. However, said severance has occurred previously, to some degree, through the change in ownership from vicarage to private domicile; albeit, the proposed change of use to a dental surgery would increase the sense of severance in this regard and would introduce a level of harm. However, broadly dentists are not uncommon in primarily residential areas, and would not fundamentally clash with the character of this section of Holbeach Road.

In terms of the impact that these works would have to the significance of the building from a heritage perspective, it is considered that the impact when taken as a whole, would amount to less than substantial harm.

It is intended that all works would be reversible, and within the less integral aspects of the asset,

such as comprising works to more modern elements of the asset. The alterations would not create undue harm to the historic or architectural interest of the asset. That being said, fundamentally there would be a degree of harm generated due to the introduction of non-traditional features.

The interior alterations, again are intended as to ensure that all works would be reversible. As expressed by SHDC's Conservation Officer, "the proposed conversion of this site to use as a dental surgery seeks only extremely minor internal alterations". This would reduce the long term impact upon the character or significance of the building. Where floor boards are intended to be entirely covered, air bricks would be installed to reduce the potential to damage these features. On the first floor, floors are already carpeted, so there has already been a degree of loss of original features which would not be exacerbated by this proposal.

SHDC's Conservation Officer has highlighted that "None of the proposed alterations risk undue or unjustified harm to the special interest in the listed building. The proposed new subdivisions internally should not remove readability of the original layout and are quite minor in scale, as well as being easily reversible. The proposed utility works bear a negligible impact upon the asset".

The proposed exterior alterations would have only a minor character impact upon the wider area. Alterations are primarily located away from the public realm, reducing their impact. The shed, piping and parking would not fundamentally alter the character of the area or building itself.

SHDC's Conservation Officer has expressed that "the most major shall be the bricking up of the garage door", with it being viewed that there is no value inherent to this portion of the building being used as a garage, and the extant doors appear to be a mid-late C20th affectation. It was also commented that "the proposed lean-to is quite modest and features only to rear and lesser elevations. Alterations to the driveway are relatively minor, and do not strip character from the garden setting of the site".

In regard to the parking aspects of the scheme, the proposal also introduces more formalised parking areas, to aid the use of the site as a dental surgery and for appropriate use of its potential customers. The parking areas would be formed, to the front of the site, by using a grass geoweb feature. It is noted that, as per Historic England's initial comments, "the vicarage garden forms a vital part of the setting of the vicarage and church and contributes to the significance of both heritage assets"; notwithstanding this, the use of grass geoweb, as opposed to a more formal or permanent fixture, which was proposed at the time of the initial comments raised by Historic England, would ensure that the perception of the original garden is largely unchanged physically, and maintains the existing character in this regard.

Furthermore, in its current form, residents or visitors could utilise these areas for the parking of vehicles and, taken based upon these points, it is considered that the additional parking facilities would have no detrimental impact upon the character of the area or property that would not be reversible.

On balance, it is considered that the proposal would create less than substantial harm to the listed building, when the works are taken as a whole, considering the further severance of the two units in respect of their use, the subdivision of the internal layout and in the erection of the modern timber lean-to. As outlined previously, Paragraph 215 of the NPPF states that where less than substantial harm is identified, "this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

The benefits of the proposal are discussed at greater length throughout this report. However, in short, the proposal offers a notable benefit through its introduction of a purposeful use, offering an optimum viable use for the building. Furthermore, the resultant use would offer a public health care service, through introducing a dental surgery to the area. As such, when considering the notable public benefits of the scheme, on balance, it is considered that the benefits outweigh this less than substantial harm.

Moreover, as briefly referred to above, the proposal can be considered as the optimum viable use for the property. The dwelling has been unoccupied for a relatively significant period of time, and so the proposal represents an opportunity for the continued use of the property, resulting in appropriate maintenance etc occurring.

Taking the above into account, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area that would warrant refusal in

this instance and, whilst less than substantial harm is identified to the significance of the assets, it is considered that there is an outweighing public benefit and as such, the proposal would therefore be in accordance with Policies 2, 3 and 29 of the SELLP and Section 12 and 16 of the NPPF, in addition to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Impacts Upon Resident 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.

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

No new openings or significant structures near to residential dwellings are proposed, so no additional overshadowing or overlooking would occur.

The additional traffic and footfall would not create a significant disturbance to residential amenity. These impacts would primarily be restricted to sociable hours, reducing the impact. Likewise, the level of noise generated from the development as a whole would not be overly significant, and is within the realms of what could also be generated by a dwellinghouse.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

### Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 advises 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details 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 SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards. No figures are provided for dental surgeries. However, given the scale of the business proposed, 21 spaces would appear to be adequate. When measurements are taken from the scaled drawings, all spaces meet required standards.

The proposed gates are well set back from the highway, ensuring a vehicle can manoeuvre in without blocking the movement of traffic before opening the gates. The access is sufficiently wide, in line with highway's standard. The road is of sufficient scale and capacity to accommodate the increased movement of vehicles the proposed use would generate.

The objection from PEDALS is noted; however, the site is of ample size to provide cycle storage and the details of this can be secured via condition.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

### Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future

impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate. The process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South-East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan, including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the SELLP 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.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is classed as danger for all, with a hazard depth of over 2m.

Paragraph 176 of the NPPF states: "Applications for some minor development and changes of use should also not be subject to the sequential test, nor the exception test". Footnote 62 clarifies what would classify as a minor development. It is considered that the proposal, as a change of use to a use within the same flood risk vulnerability classification, would fall into these exemptions and there is no need to apply the sequential or exceptions test.

In any event, the proposed use would be no more vulnerable to the impacts of flooding than the existing residential use. Due to the Grade II\* listed nature of the building, it would be inappropriate to request additional design measures to better mitigate flood risk.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

#### 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.

The proposal would not conform to any of the exemptions listed in The Biodiversity Gain Requirements (Exemptions) Regulations 2024, and therefore, the statutory biodiversity gain condition is required.

The submitted metric has demonstrated that the required 10% net gain could be provided on the site. The SELCP ecologist has ratified this claim.

### Biodiversity & Ecology

Section 15 of the NPPF seeks to protect sites of biodiversity value, and minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures, including the need to incorporate features which support priority or threatened species such as swifts, bats and hedgehogs.

Paragraph 193 of the NPPF details that Local Planning Authorities should apply the following principles:

- "a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate".

The site contains three trees which benefit from Tree Protection Orders (TPO). Works would occur within their root protection areas. However, a geocellular confinement system with a grass finish has been used for the parking in this area to ensure no harm would occur to the roots. The finish is permeable, allowing for adequate water to reach the roots. As such, the proposal would not harm the protected trees.

### Economic Sustainability

Paragraph 85 of the NPPF states "Significant weight should be placed on the need to support economic growth and productivity". The proposal, as the creation of a new business, would naturally support economic growth, particularly through the creation of several higher-skilled roles. As such, significant weight is given in favour of the proposal.

### **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 proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

It is considered that the proposal would create less than substantial harm to the listed building, when the works are taken as a whole, considering the further severance of the two units in respect of their use, the subdivision of the internal layout and in the erection of the modern timber lean-to.

In this regard, as outlined previously, Paragraph 215 of the NPPF states that where less than substantial harm is identified, "this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

The proposal offers a notable benefit through its introduction of a purposeful use, offering an optimum viable use for the building. Furthermore, the resultant use would offer a public health care service, through introducing a dental surgery to the area. As such, when considering the notable public benefits of the scheme, on balance, it is considered that the benefits outweigh this less than substantial harm.

Notwithstanding the less than substantial harm identified, the benefits of the proposal, namely securing the viable use of the property and the provision of health care facility, are considered to provide an outweighing public benefit.

As such, the 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 these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 7, 24, 27, 28, 29, 33 and 36 of the SELLP, as well as Sections 6, 9, 12, 14, 15 and 16 of the NPPF.

### **Recommendation**

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