

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H16-0915-25      **Applicant:** L & S Smith

**Proposal:** Conversion of two storey semi-detached dwelling into two self contained flats including internal alterations with associated parking - Retrospective

**Location:** 37 Spring Gardens Spalding Lincolnshire

**Terminal Date:** 12th December 2025

### Planning Policies

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

01	Spatial Strategy
02	Development Management
03	Design of New Development
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
21	Houses in Multiple Occupation and the Sub-Division of Dwellings
29	The Historic Environment
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

#### National Guidance

#### National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development  
Section 4 - Decision-making  
Section 5 - Delivering a sufficient supply of homes  
Section 9 - Promoting sustainable transport  
Section 11 - Making effective use of land  
Section 12 - Achieving well-designed places  
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	0	0	0	1

CIVIC SOCIETY				
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	2	0	0	0

## **CASE OFFICER ASSESSMENT**

### **Proposal**

The application seeks full planning permission for the conversion of a two storey semi-detached Victorian dwelling into two flats, one on each floor.

The ground floor would comprise a one bedroom flat with a lounge, bedroom, hallway, kitchen/diner, bathroom and outbuilding for cycle storage.

The first floor flat would have two bedrooms with a reception area (including cycle storage), landing, lounge, bedrooms, passage, kitchen, bathroom and cupboard.

It is also proposed to provide a 1.8m high fence, 1m from the side of the property and about 2.5m from the outrigger to provide access and amenity space to the ground floor flat.

It is proposed to subdivide the existing residential planning unit into 2/3 areas; that occupied by the existing dwelling and to be converted to 2 flats; a parking area to the other side of the fence from the flats within which the bin areas would be provided; and separated from both, the land to the rear which is to be retained as garden area for the owners of the property who live elsewhere.

The car park would provide space for 2-3 cars and the intention is for it to serve both the two flats and the garden area to the rear.

Works to undertake the conversion were some way through at the time of the officer site visit.

The application was accompanied by a Heritage Impact Statement and a Design and Access Statement, both of which can be viewed on the South Holland Website.

A BNG exception statement submitted states that the existing hard surface drive/parking area will be replaced with new 20mm gravel off sub base therefore not resulting in the loss or reduction or disturbance of any natural or semi- natural habitat.

### **Site Description**

The existing dwelling is comprised of a typical family dwelling layout with lounge, dining room and kitchen on the ground floor with 4 bedrooms and a bathroom on the first floor. There is a spacious garden to the side and rear of the property, which from Google Map images 2023 are shown as being vegetated, although the garden areas have now been cleared.

The site lies within the settlement of Spalding as identified by the South East Lincolnshire Local Plan 2011-2036, and the accompanying policies map.

It is also in Spalding Conservation Area and adjacent to the site on the north-east is a Victorian Gothic, Grade II listed building, which appears to be empty despite having approval for conversion to flats.

The site is within Flood Zone 3 as shown on the Environment Agency's Flood Zone Map.

## **Relevant Planning History**

### Application site.

H16-0822-15. Residential Development - Erection of a detached bungalow. Refused for the following reason:

'The proposed development would result in a backland development which would be incongruous to the existing form and character of the surrounding area, which forms part of the Spalding Conservation Area. Moreover, by virtue of its backland location, it would result in an adverse impact on any future occupiers due to its poor outlook. As such, the proposal is considered contrary to Policies SG14 and SG17 of the South Holland Local Plan, 2006 and Section 12 of the National Planning Policy Framework, 2012. These policies indicate that new development should make a positive contribution to the character and appearance of the locality, not cause unacceptable harm to residential amenity and avoid harm to designated heritage assets. Policies SG14 and SG17 are in accordance with advice contained within Sections 6 and 7 of the National Planning Policy Framework, 2012.'

### Adjacent

#### **38 Spring Gardens**

H16-0469-18. Change of use of the existing building from use class D2 to use class C3, to include four 2-Bedroom apartments and two 1-bedroom apartments, proposed new four storey apartment building including twelve 1-Bedroom apartments, and associated external works and infrastructure. Refused and dismissed on appeal.

H16-1131-21. Change of use of existing building from dance/fitness studio (class E) to 2 x 1-bed flats and 5 x 2-bed flats (class C3) including the formation of a pitched roof to existing single-storey projection

#### **35B Spring Gardens.**

H16-0349-20. Change of Use from B1 Office to two flats. This was a prior approval application proposing a single bed flat on the ground floor and the same on the first floor.

## **Consultation Responses**

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

### Lincolnshire County Highway and Suds.

Would not want gravel abutting the highway as it will get dragged onto the highway creating a hazard. There should be a bound apron for at least 2m back from the highway boundary and this should be detailed on the proposed site plan.

What is the site in the blue outline used for?

Dimensions required on the proposed site plan for the parking, clearance for reversing and the width of the access. Will the existing gate be removed?

### Spalding & District Civic Society

No objection to proposal especially as it caters for off road parking. Concern that developer has begun work.

### Assistant Conservation Officer

No objections to this application.

The overall quality of the submission is poor. The Heritage Impact Statement is limited and does not adequately address how the proposal would affect the conservation area or the adjacent listed building.

However proposed works are relatively minor, involving alterations to existing uPVC windows and doors. The submitted drawings do not clearly illustrate the existing door and proposed replacement,

other than stating that it would be 'like for like'. Further clarification would normally be expected; Changes are to elements located away from the public realm. As the existing doors and windows are already uPVC, the proposed alterations are unlikely to result in any additional harm to the setting of the nearby heritage asset beyond the current situation. The existing front elevation is to be retained. The reinstatement of the ground floor timber sash window mechanism, bringing the window back into use, is a positive aspect of the proposal.

### County Archaeologist

The proposal is unlikely to have an impact on significant archaeological remains. Finally, considering the proposal is within the Spalding Conservation Area and adjacent to a Grade II Listed building, the SHDC Conservation officer must be consulted before a decision is made (setting impact).

### **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, 2 letters of representation have been received. The following summarises the matters raised within the responses:

1. Noise, disturbance and potential use:- As the current internal building layout is being modified to a proposed two flat layout there is considerable concern as to the potential for enhanced noise and disturbance.
2. Privacy and Overshadowing:- No details of future use of land marked in blue. It borders the garden and recreation area immediately next to No 36 Spring Gardens. Where children play their well-being and security is of concern. Will it remain a garden for the property or is change of use part of this application?
3. Heritage: Abandonment of area in blue and erection of fencing and boundaries could have impact on the conservation area. The heritage impact assessment does not detail the listed building next to the property, or the others in the area to portray any of the potential impact. character of the area.
4. Highways: The driveway opens out onto a T junction, increasing the number of households from one to two, or potentially applying for more households in future in the blue lined area, and exiting that driveway is a concern.

### **Key Planning Considerations**

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

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

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

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

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

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

These matters are assessed in turn below.

### Principle of Development

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

Policy 1 expresses the 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 boundary of Spalding which is a Main Service Centre. Policy 1 sets out that within this type of settlement, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

Policy 21 of the Local Plan is also relevant in this case as the policy relates to the sub-division of dwellings.

#### *Principle of Development - Policy 21 Context*

The policy sets out that proposals for the sub-division of dwellings will be permitted provided that:

1. it would not result in the loss of family-sized dwellings in high density residential streets of predominantly terraced and/or semi-detached properties;
2. it would not significantly harm the amenities of the occupiers of adjoining or neighbouring properties by way of noise, overlooking, general disturbance or impact on visual amenity;
3. it would not have a significant adverse impact on the character and appearance of the area, including the historic and natural environment;
4. adequate provision is made for the storage and disposal of refuse and recycling;
5. it would not have a significant adverse impact on the surrounding area by way of increased on street parking, impaired highway safety or by impeding proper access to the area;
6. the site has good access - by walking and cycling - to community facilities, services, public transport and local employment;
7. an adequate standard of residential accommodation and residential amenity is provided for future occupiers; and
8. adequate provision is made for the communal gardens and amenity areas.

Where all of the above criteria are satisfied, the Nationally Described Space Standards 10 (or any successor) will be applied to ensure that the occupiers have adequate floor space."

The supporting text for Policy 21 references the importance of retaining family-sized dwellings (dwellings with 3 or more bedrooms) as the Strategic Housing Market Assessments found that the greatest demand in the future will be for three bedroom homes.

The supporting text further sets out that "high density residential streets" should be taken as meaning streets of predominantly terraced and/or semi-detached properties (Paragraph 5.13.4).

#### *Principle of Development - Policy 21 Assessment*

Spring Gardens does feature a mix of housing, but it is predominantly semi-detached and terraces. The existing dwelling is an ordinary family sized dwelling of 4 bedrooms, and as such, comprises the type of residential unit that it is intended to be retained.

As detailed above, the supporting text for Policy 21 references the importance of retaining family-sized dwellings (dwellings with 3 or more bedrooms) as the Strategic Housing Market Assessments found that the greatest demand in the future will be for three bedroom homes, with "high density residential streets" being taken as meaning streets of predominantly terraced and/or semi-detached properties (Paragraph 5.13.4).

The loss of such a dwelling does not accord with part 1. The application has not been supported by any evidence to the contrary, nor has it provided any reasoned justification for the loss of the

dwelling. In addition, no information has been provided as to why circumstances may have changed which demonstrates there is no need for such housing.

In terms of part 2, whether the proposal would significantly harm the amenities of the occupiers of adjoining or neighbouring properties; it can be viewed that there is concern, particularly from residents regarding the future use of the land to the rear, which is to be separated from the planning unit. This would give rise to questions as to how it will be used, looked after and whether antisocial activity could occur. This somewhat counts against the proposal. Notwithstanding this, it is also noted that access can be obtained to this site and the land could otherwise be altered in respect of ownership (albeit its use would be subject to assessment), outside of the scope of planning.

Furthermore, the creation of a car park to be used by future occupants and those using the land to the rear would be detrimental to visual amenities. Assessed in isolation, the proposal as it stands could be said to fail to comply with part 2 of Policy 21. However, it is also noted that fencing and segregation, in respect of installing a boundary treatment, could take place under permitted development. Whilst this would have limitations as to the extent, such as height, of the fencing, this could occur subject to the use of the land remaining residential and in association with the host residential units in respect of providing a parking area to serve the units.

When viewing this matter as a whole, it is not considered that such harm or impact would amount to 'significant' as required by criteria .

In terms of part 3, this requires an assessment as to whether the proposal would have a significant adverse impact on the character and appearance of the area, including the historic and natural environment. While no external changes are proposed to the building within the site, the introduction of fencing around the building separated from the parking area effectively creates a new semi-public car park to the area in visual terms.

However, as raised above, the installation of boundary treatment could take place under permitted development. This would have limitations; however, would allow for a 2m high fence that does not front a highway. As such, a large extent of this fencing could occur without the need for a formal planning application, subject to the use of the land remaining residential and in providing a parking area to serve the units.

Notwithstanding this, this matter coupled with the segregation of the of the area to the rear, would somewhat undermine the existing appearance of the site and the residential character and appearance of the conservation area.

The SHDC Conservation officer has been consulted and expressed that whilst the overall quality of the submission is poor, with the Heritage Impact Statement being limited and not adequately addressing how the proposal would affect the conservation area or the adjacent listed building, "the proposed works are relatively minor, involving alterations to existing uPVC windows and doors". In this regard, no objections were raised.

It is therefore considered that, when viewing this matter as a whole, that such impact identified to the character of the area would not amount to 'significant' as required by criteria .

In terms of part 4; adequate provision has been made for the storage and disposal of refuse and recycling.

For parts 5 and 6; parking, and access to amenities, whilst appendix 6 of the Local Plan requires 2 spaces per flat, it also indicates that in certain locations standards can be reduced particularly for one bedroom flats. The proposal does include provision for cycles and access to local amenities is good in this location.

Part 7. The flats appear to be of an adequate size and provide necessary facilities.

In terms of part 8, whilst some space has been provided for flat one, no external space has been provided for flat no 2, the two bed flat. The rearmost amenity space, as referred to above, is to be segregated as to be used by individuals other than the occupants of the flats, and as such does not contribute as an amenity space for the potential future occupants. As such, the proposal fails to meet this criterion.

The principle of development, which results in the loss of a family sized dwelling in this location, is

unacceptable and would be contrary to criteria 1 and 8 of Policy 21 of the South East Lincolnshire Local Plan (2019).

### Visual and Heritage Impact

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

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

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

The site is within Spalding Conservation Area. The NPPF 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.

Paragraph 212 of the NPPF sets out the following:

"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".

Policy 29 sets out that proposals within a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting.

No external changes are proposed to the building within the site except the reinstatement of the ground floor timber sash window mechanism, bringing the window back into use which offers a positive element.

However, it is not only the buildings but the spaces around them and their uses that contribute to the character and appearance of the area. As stated above the associated works do not positively impact the conservation area. However, as raised by the Conservation Officer, no harm is considered to be caused.

Matters that may raise concern as referenced within the report, such as the introduction of fencing and the somewhat segregation of the parking area from the residential units, could be achieved, subject to their use, under permitted development.

### Impact on Amenity

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

Policy 3 of the SELLP Local Plan states that the design of development 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. Development proposals should, inter alia, create a sense of place by complementing and enhancing designated and non designated heritage assets; consider crime prevention and community safety; and residential amenity.

The development would result in insufficient external amenity space for occupants of the first floor flat and as such fails to accord with Policy 3 of the South East Lincolnshire Local Plan, and Sections 12 of the National Planning Policy Framework (December 2024).

## Highway Safety and Parking

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

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 sets out 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 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

It is recognised that concerns have been raised regarding the access being located near to a junction, but given the low levels of traffic movement expected, the location of the site in the centre of Spalding and that cars would be able to leave the site in a forward direction, it is not considered that the proposal would give rise to undue highway safety and parking concerns.

The applicants have indicated that they would be happy to provide a bound surface as requested by Highways, but when indicated that application was to be refused decided not to submit amended plans at this stage.

## Flooding

The site is within Flood Zone 3 as shown on the Environment Agency's Flood Zone Map. These maps do not take into account existing flood defences.

The Planning Application requires a Flood Risk Assessment to be carried out as specified in the Practice Guidance to the National Planning Policy Framework Development and Flood Risk.

The site is shown within the defended area of the South Holland District Council's Strategic Flood Risk Assessment (SHDC SFRA) map and is located in the South Holland Internal Drainage Board district.

The sequential test is met because the building already exists within the urban area of Spalding virtually all of which is in Flood Zone 3.

The risk of the site flooding from any Environment Agency watercourse is extremely low. The SFRA indicates that no actual or residual flooding is predicted to the area for the 0.1% event possibility in 2015, as shown on the map reproduced above taken from the SHDC SFRA.

There is no predicted risk of flooding from IDB watercourses. In a flood risk area there is always a risk of an event occurring of greater magnitude than has been considered in this flood risk assessment.

Notwithstanding the above, the application does increase vulnerability to a certain extent with the creation of a bedroom on the ground floor when one doesn't exist at the moment. It is not clear whether all the recommendations in the submitted FRA can be complied with as it states that all electrical services should be placed at first floor level and cables dropped down to the sockets.

Nevertheless the level of concern for this development is no greater than for the wider area and the proposal is considered acceptable in this regard.

## **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 standardised 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.

In this instance the applicant has argued the development falls under the de minimis exemption, as the car parking area is a sealed area with a zero biodiversity score.

## **Planning Balance**

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

The proposed change of use from a dwelling into 2 flats would result in the loss of a family sized residential dwelling contrary to Policy 21 of the SELLP. The proposal would also fail to comply with criteria 8 of Policy 21 of the South East Lincolnshire Local Plan (2019), in addition to the aforementioned criteria 1, in that it would not provide adequate external amenity space for the first floor flat. In this regard, the proposal also fails to accord with Policy 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2024).

The proposal, to offer two flats, would not offer sufficient benefit as to outweigh this clear policy conflict and material harm identified. The balance is therefore not in favour of the development.

## **Other Matters**

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 contrary to Policy 3 and 21 of the South East Lincolnshire Local Plan (2019), and Section 12 of the National Planning Policy Framework (December 2024).

There are no significant factors in this case that indicate in favour of the proposal and outweigh the harm that would result from departing from the Local Plan.

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