

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Development Manager

**To:** Planning Committee - 11 January 2023

**(Author:** Polly Harris-Gorf - Principal Planning Officer)

**Purpose:** To consider Planning Application H17-1012-22

**Application Number:** H17-1012-22

**Date Received:** 17 October 2022

**Application Type:** LISTED BUILDING

**Description:** Proposed change of use of The Mermaid Inn to 5 apartments, the erection of a terrace of 3 two storey dwellings, 1 single storey dwelling and associated demolition and alteration to existing access off Stockhouse Lane

**Location:** MERMAID INN 2 GOSBERTON ROAD SURFLEET

**Applicant:** Mr G J R & Mrs K F Swindells **Agent:** Robert Doughty Consultancy Ltd

**Ward:** Pinchbeck and Surfleet **Ward Councillors:** Cllr S A Slade  
Cllr J Avery  
Cllr E J Sneath

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H17-1012-22>

### **1.0 REASON FOR COMMITTEE CONSIDERATION**

1.1 This listed building application raises various matters that warrant committee consideration and is to be read in conjunction with planning application reference H17-0898-21 elsewhere on this agenda.

1.2 The Mermaid Inn was listed as Grade II by Historic England on 13 May 2022.

### **2.0 PROPOSAL**

2.1 Listed building application for the works to the listed building and associated structures to facilitate the change of use of The Mermaid Inn to 5 apartments.

2.2 The conversion mix would be as follows:

Apartment 1 - a ground floor, one-bedroom unit on the ground floor of building 3, utilising the C20th addition to building 2.

Apartment 2 - a ground floor, two-bedroom unit on the ground floor of buildings 2 and 5.

Apartment 3 - a ground floor, one-bedroom unit on the ground floor of building 4.

Apartment 4 - a first floor, two-bedroom unit on the first floor of buildings 2 and 5.

Apartment 5 - a first floor, two-bedroom unit on the first floor of building 4.

- 2.3 Building 1 is to be retained for storage for residents, as are freestanding Garage and W.C building within the shared garden and circulation area. The cellars are to remain unaltered.
- 2.4 A shared parking area with allocated and visitor parking, with landscaped gardens and access to the riverside is proposed.
- 2.5 The wider development proposal consists of a change of use, alterations, extension, and conversion of the Mermaid Inn to form the apartments. This includes a small amount of external demolition of modern structures. Development proposals also include 3no. new, linked residential dwellings in the grounds of the Mermaid Inn, and 1no. new detached residential dwelling. Storage, and car parking spaces are also proposed.
- 2.6 The application is accompanied by detailed Assessment of Significance and a Heritage Impact Assessment which considers the impact of the proposals on the recently Listed building. A full schedule of the internal and external works proposed is set out within these documents.
- 2.7 The erection of a terrace of 3 two storey dwellings, 1 single storey dwelling and associated demolition and alteration to existing access off Stockhouse Lane are included as context of the wider development proposal, and are addressed in further detail on the accompanying planning application H17-0898-21 elsewhere on the agenda.

### 3.0 SITE DESCRIPTION

- 3.1 The Mermaid Inn is a Grade II Listed, two-storey detached, period property with timber sash windows, red and white painted brick to the main facades with a mix of slate and concrete pantiles to the roofs. The Inn occupies a prominent position close to the road bridge across the River Glen and the junction of Gosberton Road and Stockhouse Lane in the middle of Surfleet.
- 3.2 The Inn occupies the north-eastern corner of the application site on the junction of Stockhouse Lane and Gosberton Road. To the south of the principal Inn building there is the River Glen and the main car park together with a riverside beer garden with outside bar and seating. There is a small ancillary single storey building within the main body of the site and another single storey building on the Stockhouse Lane frontage.
- 3.3 Currently vehicular access is gained from both Gosberton Road and Stockhouse Lane.
- 3.4 The Church of St.Lawrence, to the east, on the opposite side of Gosberton Road is a Grade I listed building and the Surfleet War Memorial further north is Grade II listed. There is no conservation area within Surfleet.
- 3.5 The general character of the area to the west of the application site is predominantly residential with the iron girder road bridge (1884) over the River Glen dominating the views out of the site to the south-east.
- 3.6 Alongside the River Glen there is a floating landing stage/ mooring and a brick revetment wall with ornamental coping and railings plus an archway down to the staging.
- 3.7 The levels within the site fall approximately 900mm from east to west. There is manicured soft landscaping on site and two short sections of deciduous hedges lie adjacent to the single storey store in roughly the middle of the site. The majority of the proposed development site is shown to be within Flood Zone 1 'Low Probability' with the area alongside the riverbank in Flood Zone 3 'High probability' as detailed on the Environment Agency's Flood Zone Maps without defences.
- 3.8 The Historic England listing description is set out below:

*House now inn. Early C19. Coursed and squared gritstone rubble with ashlar quoins and dressings; clay tile roof with coped verges; ashlar ridge stacks. U-shaped plan. 2 storeys; 1:3:1 bays; gabled wings to left and right flanking deeply recessed central range; each gable has a first floor square shuttered opening, possibly pitching holes. Mullioned windows to central*

*range, all of 3-lights except first floor centre which has 2-lights; flat faced mullions containing plate glass sashes with horns; sill band to first floor windows continued on inner sides of wings; central porch with hipped roof and 2-light casement window.*

- 3.9 The Statement of Heritage Significance prepared and submitted to support this development proposal describes the Inn in greater detail, and a short precis is set out below. Built mostly of red brick, the Mermaid Inn is a multi-phase building with four distinct phases of construction, mainly of the mid-19th century, with a now attached (but formerly detached) small building dating from the early to mid-18th century. There are also two C20th additions.
- 3.10 Building 1:- Is the earliest surviving building is early - mid 18th century, originally completely detached (parapets are original and brick closers can be seen at both ends of the north and south elevations).
- As the earliest surviving structure on site, the building is of moderate to high significance, particularly if the building was a detached 18th C kitchen, and this would share group value with two other detached kitchens (both listed) in nearby Pinchbeck. A fashion for detached kitchens clearly existed into the C18th in this area.
- 3.11 Building 2:- The alignment of Building 2 is not in evidence on either the 1824 OS drawing or the 1828 map. This strongly suggests that Building 2 is post 1828.
- Of moderate architectural significance and some limited historic significance as a former Inn. The modern C20th extension has obscured plan form and the original pattern of fenestration.
- 3.12 Building 3:- is a small former stable, early 19th century, similar age and brick size and appearance to Building 2. This was a standalone building until Building 5 was added. Buildings 2 and 3 were merged with building 5 and covered with one contiguous roof covering of slate by c.1910.
- Of moderate architectural significance. The modern C20th extension is a detractor to historic plan form of both buildings 2 and 3.
- 3.13 Building 4:- consists of new principal range added to Building 2 circa 1854 and possibly as late as 1859. The brewery was in operation by 1838.
- A five bay very late classical style front, mid-19th C. Deep overhanging eaves with a modern soffit and replacement concrete tiles to the roof (slate originally). Windows are double glazed replacements. Stucco wedge rusticated window heads to the front, tuck-pointed cambered brick arches to the rear. The original doors to the east elevation appear to have been removed. Door to east elevation, six panel door, recessed with matching linings. Both doors latest classical Tuscan style.
- East elevation is of high architectural significance.
- West and south elevations are of moderate architectural significance.
- The loss of the original roof covering is a detractor to architectural significance.
- 3.14 Building 5:- a late Victorian extension linking buildings 2, 3 and 1, partly rebuilt in the early 20th century, partly rebuilt in stretcher bond.
- Little or no architectural interest. East elevation, some historic and evidential values.
- 3.15 Building 6:- A small lean-to structure with its north wall forming part of the main stable block as one build phase. OS map of 1887 shows an iron or timber structure. All of this structure now appears to be modern fabric in the same location.
- Not of any architectural or historic interest.
- 3.16 Garage and W.C:- Mid-late 19th century. Much altered. Roof partly replaced. Part of the original structure has been demolished and replaced with a timber framed shed. There is a small paned window on the east elevation that is original.

This structure holds some evidential value but is not of special architectural merit having been reduced in size and altered during the late 20th century.

- 3.17 Store:- Almost entirely constructed in the late 20th century over a portion of old brick wall. 1887 OS map shows this was a wall for a glass house.

The old brick wall facing Stockhouse Lane contains some evidential values and is of moderate significance. The remainder of the store is not of any architectural merit and is a detractor to historic buildings on the site.

- 3.18 A full internal evaluation is set out within the Statement of Heritage Significance. The document can be viewed in full at this link.  
<https://planning.sholland.gov.uk/OcellaWeb/showDocuments?reference=H17-1012-22&module=pl>

- 3.19 It is on the basis of the Statement of Heritage Significance, the design and access statement, Historic England Listing and the suite of plans and documents submitted to support this application that officers have utilised to consider this proposal, in the light of local and national planning policies and guidance. The responses of statutory and non-statutory bodies and individuals have also been taken into account.

## **4.0 RELEVANT PLANNING POLICIES**

### **4.1 The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policies:

- 1 Spatial Strategy
- 2 Development Management
- 3 Design of New Development
- 4 Approach to Flood Risk
- 9 Promoting a Stronger Visitor Economy
- 10 Meeting Assessed Housing Requirements
- 11 Distribution of New Housing
- 17 Providing a Mix of Housing
- 28 The Natural Environment
- 29 The Historic Environment
- 30 Pollution
- 31 Climate Change and Renewable and Low Carbon Energy
- 32 Community, Health and Well-being
- 36 Vehicle and Cycle Parking
- Appendix 6 Parking Standards

### **National Guidance**

National Planning Policy Framework (NPPF), 2021

Sections:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 11. Making effective use of land
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

## 5.0 RELEVANT PLANNING HISTORY

### 5.1 Planning decisions on site

**H17-0898-21. PLANNING APPLICATION. Proposed Change of Use of The Mermaid Inn to five apartments, associated demolition and erection of three attached dwellings, one detached dwelling, erection of refuse collection point, retention of wc/garage and alteration to existing access off Stockhouse Lane. UNDETERMINED and elsewhere on this agenda.**

H17-0033-06. FULL. Erection of orangery, change of use to bedroom and re-building of boundary wall. Approved 13-02-06

H17-0941-03. FULL. Construction of landing stage/mooring. Approved 02-09-03

H17-0610-02. FULL. External Bar. Approved 15-07-02

H17-0369-95. FULL. Erection of porch. Approved 31-05-95

H17-0097-95. FULL. Improvements to kitchen facilities and reslate roofs. Approved 09-03-95

### 5.2 Tree decisions on site

H17-0150-19 TPO Tree Works. Works to Surfleet TPO No. 9, 1994. Approved 15-02-19

H17-0093-15 TPO Tree Works. Works to reduce a holm oak tree which is located in the grounds of the Mermaid Inn, Surfleet and which overhangs the garage of 6 Stock House Lane. The tree is identified as T1 of Surfleet Tree Preservation Order No.9 1994. Approved 17-03-15

### 5.3 Planning decision on adjacent site, as cited by objector to planning application

H17-0165-18. 14 STOCKHOUSE LANE, SURFLEET, SPALDING, PE11 4AR. Residential development (re-submission of H17-1050-17) Refused 10-04-18. Dismissed at appeal 29-05-2019

## 6.0 REPRESENTATIONS

### 6.1 Surfleet Parish Council

No response received

### 6.2 SHDC Conservation Officer

Following the recent submission of comments from Historic England, I offer the following in both consultation to the application and also in response to the comments of Historic England.

Historic England's advice dated 11 November 2022 correctly identifies that much of the history of the Mermaid Inn is associated with its past as a public house and in its association to local breweries. Historic England therefore emphasise that in their opinion, change of use to residential, as well as due to the proposed partition is harmful to the value and significance of the Heritage Asset and therefore, in line with the requirements of S16 of the NPPF (2021) the applicant must sufficiently justify such proposals. Historic England then urges the LPA to critically assess this proposed change of use and subdivision in accordance with Paras 199, 200 & 202 of the NPPF.

The Historic England Listing Description itself concedes that the internal elements of the property have been heavily modernised. Having now visited the site on numerous occasions, including a lengthy, in-depth inspection of the entire interior, I can confirm that the interior has been almost entirely modernised, save for the extant central staircase, some features in the upstairs gallery including stained glass windows and the layout of the bar and tap room on the ground floor of the Southern wing of the building. Barely any original features exist outside of those listed above. In my opinion, given the condition of the site, what little subdivision that is

actually proposed within this application does not propose a substantial enough harmful effect to detract from the importance or value of the property. Furthermore, features such as the staircase and door architraves in the tap room are explicitly proposed to be preserved by this application. It is also pleasing to note that the subdivision that is proposed is very minor in scale and where new material is proposed, it is reversible in nature.

Moreover, whilst Historic England is correct to highlight that the site has a broad history as an Inn, the site was (as highlighted in Liz Mayle's "Statement of Heritage Significance" report) originally constructed as a private residence and therefore, conversion over to residential use also alludes to the site's established history of also being a site of residence and accommodation. Subsequently, I do not consider the proposed use to be illegitimate or inauthentic to the historic purpose of the site and therefore do not consider the change of use to represent a harmful factor substantial enough upon which to base a recommendation to refuse consent. I therefore, reiterate my previous advice in stating that I wish to raise no objection to the proposal to convert the Mermaid Inn to residential use. In consideration of the above, paragraph 202 of the NPPF suggests that 'less than substantial harm' must be balanced against either the public benefit or the finding of an optimal use for a site. I am aware that the current owners have struggled to keep the site commercially viable and have struggled, following genuine efforts to find interest in passing on the commercial use as a public house to new landlords. Consequently, resorting to the only remaining historically established use is considered to be a suitably optimal use and therefore, the 'less than substantial harm' perceived in this application is deemed to be outweighed by the circumstances surrounding this application and the proposed conversion to a use which can reasonably be considered as close to optimal as possible.

With regards to the proposed residential development to the rear of the site. I have already provided substantial advice on this portion of the development and whilst I find the most recent proposal to be mostly acceptable, I would suggest that it would be best to see the Grey windows and doors replaced instead with White or cream painted timber windows and doors, as the proposed grey colour scheme seems somewhat inauthentic to the nature of the site and a white or cream scheme would more closely and appropriately match with the historic building to the front of the site.

### 6.3 Historic England

The Mermaid Inn, Surfleet was designated as a Grade II listed building on the 13 May 2022. The standing buildings date from the eighteenth century onwards and their significance in explored in detail in the submitted Heritage Statement which compliments the list entry.

The significance of historic fabric and the phasing of the standing buildings are well explored in Elizabeth Mayle's report, however the change of use (planning) and subdivision (planning and listed building consent) present harm to significance in addition to the direct physical impacts proposed. Significance lies in the historic uses of the buildings as a riverside inn, with the elements of social space, food & drink, accommodation and brewing across its long history.

The articulation of these internal and external spaces in its functions as a pub is an important part of significance, through subdivision and redevelopment some of that significance will be lost. We note also the potential for archaeological remains (of importance in their own right and as setting to the listed building) as explored in the County Council heritage team advice. We refer you to their advice in respect of archaeological investigations to support an informed determination (further to National Planning Policy Framework paragraphs 194 and 195).

As set out in the NPPF all harm to designated heritage assets requires clear and convincing justification and to be set against public benefits with great weight afforded to the conservation of the listed building's significance (see NPPF paragraphs 199, 200 & 202). We urge your authority to critically assess the case for change of use and the associated subdivision and new works proposed further to paragraph 202 of the NPPF in terms of optimum viable use, and the justification of less than substantial harm against public benefits (paragraphs 199, 200 & 202).

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 194, 195, 199, 200, 202 of the NPPF.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special

regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

6.4 Officer note - The Historic England officer was invited to a site meeting to discuss the site and the Historic England response; this offer has been declined.

6.5 The Rt Hon Sir John Hayes CBE MP

Loss of public house would have a detrimental impact on Surfleet's economy and vitality. The opening of the South Lincolnshire Crematorium boosted trade. If marketed at a price more reflective of current sale prices for public houses, a suitable buyer could be found and the business would be viable. Following listing the scale and design is imperative to ensure original fabric and heritage of the building is maintained and enhanced. Proposed dwellings must not impact on the original building and could be of a more sympathetic design.

6.6 Public

6.7 7 objections received (precised):

Noise and disturbance during construction and subsequently;  
Construction traffic, logistics, noise;  
Potential structural damage during construction to nearby dwelling;  
Traffic noise;  
Heavy farm vehicles using Stockhouse Lane;  
Highway safety on Gosberton Road and Stockhouse Lane;  
Impacts of construction works on health;  
Should remain a public house, garden & restaurant;  
Other 3 pubs in village are doing well and the Mermaid is only up the road from the crematorium;  
Last beer garden that can hold marquee for larger functions;  
Loss of an amenity whilst more housing is being built in Surfleet;  
Flooding;  
Not in keeping with developments in the village over the past 100 years;  
No terrace properties have been built along the river in the last 100 years;  
Developers failure to address long term viability and sustainability issues;  
Not aesthetically in keeping with the character of the area; would prefer two houses;  
No objection to conversion and plot on Stockhouse Lane but object to Town House development is not in keeping with property's along the river Glen; should be bungalows;  
Longer term management of site;  
Ongoing maintenance of the main fabric of the property; managed through agents or a trust;  
Request that there are safeguards that the flats are solely for over 55's who require a level of care or support;  
Request yellow lines at the junction of Stockhouse Lane;  
Limited parking for scheme;  
Refuse collection point could become an eyesore;  
Vermin/rats;  
Maintenance of road within site;  
Access for emergency vehicles.

6.8 4 Representations of support (precised):

The current closed business would be restored to its former prominent position as dwelling accommodation. Currently the premises looks tired and neglected;  
Shame for the building to continue standing there unused and uninhabited;  
In the current economic climate cannot see anyone willing to take on the challenge of making it a paying business;  
Site will be used and maintained;  
The plans for accommodation in the garden are a well thought out nod to the past Surfleet

Brewery that the original Mermaid Inn was part of prior to demolition in 1923;  
Pleasant development of residential buildings trumps the alternatives - empty buildings becoming a miserable looking landmark;  
Empty and unkempt, the buildings could become a target for vandals - noise, shouting, swearing, litter, vehicles being driven in an anti social manner and other unpleasant effects to the area, including the river and wildlife;  
Could turn the inn into a residence for Home Office Immigration residents, pending their process into the UK, as we have already seen this happen in other local hostelrys in the quite immediate areas;  
Would bring new families to the area.

- 6.9 Officer Note - The objections that are outside the remit of this listed building application are covered in the planning application report elsewhere on this agenda.

## **7.0 CONSIDERATIONS**

### **7.1 Planning Considerations**

- 7.2 The main issues in this case are:

Commercial future of the Public House;  
Heritage and Listed Building considerations;  
Layout and Design.

- 7.3 The Principle of Development, Matters of Refuse Collection arrangements, Highway safety and parking, Impact of neighbouring Residents/land users, Flooding considerations, Foul and Surface Water Drainage, Use of the landing stage on to the River Glen, Impact on trees, Contaminated Land and Archaeology are addressed by the planning application elsewhere on this agenda.

- 7.4 If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### **7.5 Commercial future of the Public House**

- 7.6 The Planning, Design and Access Statement sets out that the applicant purchased the property in 2010 and invested over £200,000 into the overall refurbishment and improvement both inside and out. There are 6 double rooms, an office and sitting room on the first floor with restaurant and kitchen facilities on the ground floor.

The Statement goes on to state that: "The Mermaid Inn has, like all rural pubs, businesses and restaurants, seen a lower footfall in the last 10 years since the introduction of the smoking ban in 2007, the increased sales of alcohol from supermarkets at cheap prices and vigorous hikes in business rates that are set for 10-year periods. The ramifications of the COVID pandemic saw the business close and all the staff found new jobs in less demanding roles outside the hospitality industry. The Mermaid Inn is a limited company, and the accounts are available for scrutiny. We have submitted the accounts for the last 4 years of trading which indicate that the Mermaid was essentially being run at a loss and was subsidised by the owners through their farming business. Current energy price rises would compound the expenses that would need to be added to the overall cost of keeping the business operating."

"The huge beer garden, which although beautiful, costs £150 a week on average to maintain and yet it was used on average for only 45-50 days a year due to British weather. Since 2014, the Inn could no longer hold functions in marquees as the Council served a noise abatement order which it has confirmed will not be lifted due to constant complaints from adjacent neighbours about noise from music and people chatting and laughing too loudly. "

"The Mermaid has always been run as a restaurant and Bed & Breakfast, there has never been the clientele around to justify a reliance on wet sales as that was provided by the nearby Crown Inn. During the week, the restaurant doors were always shut by 10pm and 11pm on Friday and Saturday and 3pm on a Sunday."

"Following the closure of the Mermaid, the Crown Inn, the Riverside Hotel and the Fraiser Room will remain to serve the people of Surfleet, which, with recent developments is approximately 350 households."

- 7.7 The applicant states that in June 2020 the business was put up for sale with Everard Cole as "offers invited" and so far there has only been interest from builders wishing to redevelop the site with the highest tentative offer received being £500K, which is well below the asking price and which was never made in writing. There was one offer to rent the Mermaid, but this was rejected because as with all rental properties, no matter how many clauses are in the agreement, the property would end up needing a complete overhaul after the tenancy finished. The property remains on the market with no new interest having been received since Christmas 2020.
- 7.8 Evidence has been provided, setting out that the marketing of this site was commenced by Everard Cole in July 2020, with offers invited in the region of £725,000. This is comparable to other recent guide prices for similar properties in Spalding, Swineshead, Dunston and Leasingham.
- 7.9 Everard Cole undertook mail shots and advertised on specialist commercial property websites and business media. During the course of the marketing period they have received freehold offers from 2 parties, both of which were well below the asking price at £500,000, received in November and December 2020. Also, a leasing offer was made.
- 7.10 The property remains on the market and continues to attract costs.
- 7.11 Interest in the Mermaid has been limited during the marketing period, resulting in few viewings from other parties who did not wish to pursue the property further. Several of these parties expressed interest in converting the building to residential accommodation.
- 7.12 The additional information submitted at the request of the Planning Committee on 9 February is in the public realm as background papers and can be viewed on line at this link.  
<https://planning.sholland.gov.uk/OcellaWeb/showDocuments?reference=H17-0898-21&module=pl>
- 7.13 In brief, The Mermaid was bought in 2011 for £415K. The business was valued at a token £1.
- 7.14 In 2017 there was a profit of £3038  
In 2018 there was a loss of £145  
In 2019 there was a loss of £9,900  
In 2020 there was a profit of £51
- 7.15 In the light of the above it is considered that it would not be reasonable to refuse planning consent on the basis of Policy 32 of the SELLP.
- 7.16 Heritage and Listed Building considerations including Layout and Design
- 7.17 Paragraph 7.3.8 of the South East Lincolnshire Local Plan 2019 (SELLP) sets out that "A proposal to demolish a listed building, or to alter or extend it in a way that would affect its special character, requires Listed Building Consent. If the proposal also involves 'development', planning permission is required and, in that case, the Local Planning Authority will wish to consider applications for Listed Building Consent and planning applications concurrently."
- 7.18 Paragraphs 7.3.9 and 7.3.10 of the SELLP go on to say that:  
  
*"Proposals to alter or extend any Listed Building will be assessed against the need to preserve the special architectural or historic interest which led to the building being listed. There is a general presumption in favour of the preservation of Listed Buildings, and consent to demolish or partly demolish such buildings will only be granted in exceptional circumstances."*

*The setting of a Listed Building may be affected by development. It is important that applications for planning permission for development affecting Listed Buildings, or their settings, include full details of the proposal so that an informed decision can be reached."*

7.19 It is to be noted that this application is to be considered in conjunction with the Listed Building application H17-1012-22 elsewhere on this agenda.

7.20 The policy relevant to the heritage and listed building considerations of this proposal is, inter alia, Policy 29: The Historic Environment of the SELLP, that states:

*Distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced. Opportunities to identify a heritage asset's contribution to the economy, tourism, education and the local community will be utilised including:*

- *The historic archaeological and drainage landscape of the Fens;*
- *The distinctive character of South East Lincolnshire market towns and villages;*
- *The dominance within the landscape of church towers, spires and historic windmills;*

*To respect the historical legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets, such as important known archaeology or that found during development, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.*

#### **A. Listed Buildings**

*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.*

#### **B. Conservation Areas**

Officer note, this section of the policy is not set out in full as Surfleet does not have a conservation area.

#### **C. Archaeology and Scheduled Monuments**

*1. Proposals that affect archaeological remains, whether known or potential, designated or non-designated, should take every reasonable step to protect and, where possible, enhance their significance.*

*2. Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.*

*3. If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site.*

*4. Wherever possible and appropriate, mitigation strategies should ensure the preservation of archaeological remains in-situ. Where this is either not possible or not desirable, provision must be made for preservation by record according to an agreed written scheme of investigation submitted by the developer, undertaken by a suitably qualified person, and approved by the Local Planning Authority.*

*5. Any work undertaken as part of the planning process must be appropriately archived in a way agreed with the Local Planning Authority.*

## **D. Registered Parks and Gardens**

Officer note, this section of the policy is not set out in full as it is not relevant to the consideration of this scheme.

## **E. Enabling Development**

Officer note, this section of the policy is not set out in full as the proposal is not described within the application as enabling development.

## **F. Development Proposals**

*Where a development proposal would affect the significance of a heritage asset (whether designated or non-designated), including any contribution made to its setting, it should be informed by proportionate historic environment assessments and evaluations (such as heritage impact assessments, desk-based appraisals, field evaluation and historic building reports) that:*

- 1. identify all heritage assets likely to be affected by the proposal;*
- 2. explain the nature and degree of any effect on elements that contribute to their significance and demonstrating how, in order of preference, any harm will be avoided, minimised or mitigated;*
- 3. provide a clear explanation and justification for the proposal in order for the harm to be weighed against public benefits; and*
- 4. demonstrate that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long term use of the asset.*

7.21 Paragraphs 194, 195, 199, 200 and 202 of the NPPF 2021 have been cited by consultees above, so for clarity these paragraphs are set out below:

7.22 Para. 194 of the NPPF 2021

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

7.23 Para. 195 of the NPPF 2021

*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.*

7.24 Para. 199 of the NPPF 2021

*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.*

7.25 Para. 200 of the NPPF 2021

*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. Substantial harm to or loss of:*

*(a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*

*(b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

7.26 Para. 202 of the NPPF 2021

*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.*

7.27 In line with the requirements of Section 6 of the NPPF (2021) that requires an applicant sufficiently justify proposals that have the potential to be harmful to the value and significance of the Heritage Asset, the Design and Access Statement has been significantly amended, a Heritage Impact Assessment submitted and a comprehensive Statement of Heritage Significance has been submitted. The Statement of Significance has been the subject of informal agreement by officers.

7.28 Building 1:- No changes to the exterior of Building 1 are proposed. No change to significance.

7.29 Building 2:- There are no proposed external changes to Building 2. No change to significance.

7.30 Building 3 (Former Stables):- Proposed changes include:  
- Removal of the modern lean-to, and reinstate of 2 of the 3 extant elliptical arches. The most northerly elliptical arch is not proposed for reinstatement, but this feature is compromised by later finishes and additions. It is also the case that once modern additions and finishes are removed a different treatment may well be needed).

The proposed works to the exterior of the former stables will better reveal and enhance the architectural significance of the western elevation.

- Removal of the air conditioning units and extractor will remove features that detract from the building. 2 no new windows are proposed.

A small amount of historic fabric will be lost for new window openings but provided authentically detailed and appropriately designed windows are used, the minor loss of historic fabric will be far outweighed by the removal of the air conditioning unit and extractors.

7.31 Building 4:- There are no proposed changes to the exterior of the Building 4 shown on plans supplied. However, it is noted the front door (centre of east elevation) is to be used. The existing arrangement may conceal the original door behind boarding on both sides which has not been used for some time.

Should a historic door exist, this would be of architectural significance and should be retained.

Suggested mitigation: It is open to the LPA to use conditions for either repair of the door, or for a new door to match the original (for which evidence can be found using old photographs in this assessment and in the existing door lining).

7.32 Building 5:- Replacement of a pair of plank doors is proposed externally.

Provided the new doors match the existing, there will be no change to significance.

7.33 Building 6:- Removal of this modern structure will not result in harm to the special architectural or historic interest of the building.

7.34 Garage and W.C:- Structure is shown as retained on plans as proposed.

No change to significance.

- 7.35 Store:- The loss of this structure will not result in harm to the architectural significance of the small section of wall but will impact on its moderate evidential values (as part of a small section of brickwork, which may relate to buildings that existed prior to 1832).
- Suggested mitigation: record the wall prior to demolition.
- 7.36 The impacts of the conversion of the public house building, together with elements of demolition to facilitate the conversion and the wider development have been considered in detail. The internal and external works are set out within the Heritage Impact Assessment and Statement of Heritage Significance. Most notably, features of high architectural significance such as the ground to first floor staircase within the Inn and barrel vaulting to Building 1 are to be retained. An assessment of the works rating from high significance to no significance as listed within the application has been considered in detail and the works of conversion result in no change to the significance of identified assets, and improvements and enhancements to the listed building by the removal of modern additions and the exposure of historic features.
- 7.37 The proposed conversion of the public house building into apartments would have no impact in terms of scale as this element of the proposal is to be accommodated within the existing building.
- 7.38 As the Inn was originally constructed as a private residence it is considered that conversion to residential use would also allude to the site's established history of also being a site of residence and accommodation. Subsequently, officers do not consider the proposed use to be illegitimate or inauthentic to the historic purpose of the site and therefore do not consider the change of use to represent a harmful factor substantial enough upon which to base a recommendation to refuse consent.
- 7.39 With regard to the setting of the listed building, the current beer garden would be developed in part and retained as gardens, parking and circulatory space. Access to the River Glen would be maintained. The wooden lean-to kitchen is proposed to be removed and the brick gable to this element retained.
- 7.40 The location of the proposed terrace of three dwellings was once occupied by the brewery buildings and cottages and comprised a significant overall footprint. The form and design of these dwellings are looking to reflect what would have been on this part of the site prior to demolition and the formation of the beer garden, although on a smaller footprint than once occupied this part of the curtilage.
- 7.41 The dwelling on to Stockhouse Lane would be in the same location, but not as wide as the existing building that is proposed to be demolished.
- 7.42 It is considered that the works to facilitate this development, both internally and externally would lead to the retention and reuse of this listed building, with minimal intervention.
- 7.43 It is further considered that the form and layout of the wider proposals would lead to "less than substantial harm" to the significance of the listed building and would facilitate the longer term use and retention of the listed building and its surroundings. Paragraph 202 of the NPPF, set out in full above, clarifies that 'less than substantial harm' must be balanced against either the public benefit or the finding of an optimal use for a site. The commercial case and details of efforts to sell the property are also set out in this report. Resorting to the only remaining historically established use is considered to be a suitably optimal use and therefore, the 'less than substantial harm' perceived in this application is deemed to be outweighed by the circumstances surrounding this application and the proposed conversion to a use which can reasonably be considered as close to optimal as possible.
- 7.44 With regard to the proposals to erect 4 dwellings, it is not considered that this element of the proposal would harm the setting of the listed building, for the reasons set out.

- 7.45 It is considered that this proposal to convert the Inn to residential uses accords with the principles of the Policies of the SELLP and the provisions of the NPPF in this regard.
- 7.46 Planning Balance
- 7.47 Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 7.48 The proposed development would facilitate the retention and reuse of a Listed heritage asset that would be of benefit to the character and appearance of the locality. The application has successfully demonstrated that the Inn could be disposed of without being contrary to Policy 32 of the SELLP.
- 7.49 The Local Planning Authority does not consider there to be any detracting factors against which to balance a recommendation to approve. The proposal is fully in accordance with the requirements set forth by Policies 1, 2, 3, 4, 9, 10, 11, 17, 28, 29, 30, 31, 32, and 36 of the South East Lincolnshire Local Plan (2019) as well as Section 16 of the National Planning Policy Framework. Overall, the proposal is aesthetically sensitive and appropriate to the fabric and setting of this listed building and meets the standard requirements for works in the setting of listed buildings, in that it does enhance and better reveal the significance of the associated heritage asset.
- 7.50 The development has been designed to not impinge to an unacceptable degree on adjoining residents and land uses.
- 7.51 The development would provide adequate parking and refuse collection facilities for the development.
- 7.52 Conclusion
- 7.53 Taking into consideration the factors set out above, the proposal is considered to comply with Policies 1, 2, 3, 4, 9, 10, 11, 17, 28, 29, 30, 31, 32, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021.
- 7.54 There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.
- 7.55 **Additional Considerations**
- 7.56 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.

## 7.57 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.

## 8.0 RECOMMENDATIONS

8.1 **Grant Listed Building consent, subject to those conditions listed at Section 9.0 of this report.**

## 9.0 CONDITIONS

1. The works must be begun not later than the expiration of three years beginning with the date of this consent.

Reason: As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Application form

Robert Doughty Consultancy. Design and Access Statement. 1447-1 DAS V1 LMS October 2022

Elizabeth Mayle BA(Hons) MA IHBC . Statement of Heritage Significance. October 2022

RDC Photographs of Existing Lean-To to be Demolished

RDC Photographs of Existing Store to be Demolished

RDC Photographs of Existing WC/Garage to be Retained

Location Plan. 1447-1\_PL\_LP01

Existing Site Plan. 1447-1\_PL\_SP02A

Proposed Site Plan. 1447-1\_PL\_SP01F

Existing Elevations of Public House. 1447-1\_PL\_EL01

Existing Ground & First Floor Plans. 1447-1\_PL\_PL01

Proposed Townhouse Floor Plans. 1447-1\_PL\_PL06A

Proposed Townhouse Elevations. 1447-1\_PL\_EL04A

Example Images. 1447-1\_PL\_PL08

Proposed Public House Elevations. 1447-1\_SK\_EL03A

Mews Dwelling (Plot 6). 1447-1\_PL\_GA06

Boundary Treatments. 1447-1\_PL\_DD01

Reason: For the avoidance of doubt and in the interests of proper planning.

3. In accordance with the recommendations of the Statement of Heritage Significance (Elizabeth Mayle BA(Hons) MA IHBC . Statement of Heritage Significance. October 2022) hereby approved, within six months of the removal of the buildings and structures approved to be removed, a photographic building recording of the structures exposed by demolition shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure that the heritage significance of the host property and associated buildings is properly recorded in its undeveloped state.

This condition is imposed in accordance with Section 16 of the National Planning Policy Framework 2021.

4. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

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Background papers:- Planning Application Working File

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**Lead Contact Officer**

|                   |                                                                      |
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**Appendices attached to this report:**

Appendix A Plan A

# MapThat Scale Print Title

