

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Lead Development Management Planner (Interim) - BBC & SHDC

To: Planning Committee - 08 October 2025

(Author: Jacob Bryan - Planning Officer)

Purpose: To consider Planning Application H16-0846-23

Application Number: H16-0846-23

Date Received: 21 September 2023

Application Type: FULL

Description: New Shopfront - Retrospective

Location: 24 WINSOVER ROAD SPALDING

Applicant: Mr N Mohammed

Agent: Mr N Mohammed

Ward: Spalding Castle

Ward Councillors: Cllr G J Taylor

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0846-23>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application is being referred to planning committee following requests from members at Chairman's Panel.

2.0 PROPOSAL

2.1 This is a retrospective planning application seeking permission for a new shopfront at 24 Winsover Road, Spalding.

2.2 This full planning application is solely in relation to the new shopfront, in respect of the structural alterations, and this will be assessed against the relevant design policies within the South East Lincolnshire Local Plan, 2019 (SELLP).

3.0 SITE DESCRIPTION

3.1 The site is located within the defined settlement boundary of Spalding and lies just outside the Town Centre Boundary as outlined in the South East Lincolnshire Local Plan (2019).

No.24 Winsover Road is currently unoccupied with its most recent occupancy being a convenience store.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

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) of the Planning and Compulsory Purchase Act 2004, as

amended, states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

South East Lincolnshire Local Plan, March 2019

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development

National Guidance

National Planning Policy Framework (NPPF), December 2024

Section 12 - Achieving well designed and beautiful places

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H16-0109-92 - Fascia Sign - Approved

5.2 H16-0108-92 - Change of use from T.G.W.U. office to licensed betting office - Approved

5.3 H16-0727-92 - Retain a receive only Satellite antenna - Approved

6.0 REPRESENTATIONS

6.1 Consultation Responses

No consultation responses have been received, beyond those provided by nearby residents.

6.2 Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, three letters of representation have been received and are summarised as follows:

- The shop front needs to be put back as it was, in line with the shops either side. There is a trip hazard at the entrance now, with the slabs being put in the area where the previous window and door were. The previous tenant had no right to remove the shop front but the landlord must have known, given it wasn't an overnight change.
- The property is an older building and does not fit with the surroundings of the other bay fronted properties nearby.
- The property is now occupied by another shop with the stickers on the windows which prevent people being able to see what is for sale and is the same as the seven other shops along Winsover Road.
- The stickers look garish and the property is now sticking out and is not in keeping with the other businesses nearby.
- The work carried out has not been in keeping with this area of the road at all.
- The builders removed their materials and in fact everything was left in the area behind the property in a communal car park which was blocked because of the amount of rubbish.
- Where the bay window has been removed they have not fixed the floor to make outside of the property level and the outside lighting doesn't appear to be correctly installed.
- There were mice and rats seen in the area.
- There are people standing at the doorway and going onto the pavements which make you feel intimidated.
- Why are owners continually allowed to carry out work and not face any action - they have amended the front then asked for planning permission.
- You should stop allowing buildings and property owners to do the work then apply for the planning permission as they know they can appeal.
- The frontage should be put back to how it was
- The shop is closed now due to illegal trading of cigarettes. This new frontage should never have been allowed to happen

7.0 CONSIDERATIONS

7.1 Key Planning Considerations

The main issues and considerations in this case are (but not limited to):

- Layout, design and impact on the character of the area
- Impact on neighbouring residents/land users/land uses

7.2 Evaluation

7.3 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.

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

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

7.6 Planning Considerations

7.7 Principle of Development and Sustainability

7.8 The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

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

7.10 Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) indicates that within Main Service Centres, 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.

7.11 The application site in this instance lies within Spalding, as detailed by Policy 1. Regardless of such, the proposal solely relates to a new shopfront for an existing commercial building and previously established business along a main high street within Spalding and therefore, the principle of such development is considered to be appropriate, comprising an appropriate form of development for the location.

7.12 As such, the proposal is considered to be acceptable when viewed in principle, and is in accordance with the requirements of the South East Lincolnshire Local Plan (2019). This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn as follows.

7.13 Layout, Design and Consideration of the Character and Appearance of the Area

- 7.14 Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details 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.
- 7.15 Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout 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.
- 7.16 Development proposals should also ensure that developments 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.
- 7.17 Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) 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. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), 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.
- 7.18 These policies accord with the provisions of the National Planning Policy Framework (December 2024) 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.
- 7.19 Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, to be respectful of surrounding development and ensure that the character of the area is not compromised.
- 7.20 The previous shop front featured a brick bay window on the principal elevation, with a white uPVC frame. The walls were finished with a cream render on the ground and first floor. The door was also made from white uPVC with an advertisement running the full width of the building.
- 7.21 The retrospective new shop front removed the bay window, repositioned the front door and fundamentally altered the shop front on the ground floor. Upon its initial submission, alterations were made to the advertisements with various new vinyl stickers and a larger advertisement sign above; however these have since been removed due to the convenience store no longer being in operation. In any case, aspects of this assessment would be required in any subsequent Advertisement Consent application should this be required and would not be subject to assessment under this full planning application.
- 7.22 Bay windows are considered to be prominent within this section of Winsover Road, with the direct neighbours from No. 26 - 40 all featuring bay windows of similar designs. By removing this window, it could therefore be considered that the proposal alters the character of the building within its area. However, it is equally as important to note that there are many properties that do not include or feature bay windows within the surrounding area, and that this feature is not a vastly consistent design within the street scene or a visually important feature. As such, by removing the bay window, the building does not appear incongruous particularly as the direct neighbour (No. 28) has a flat front elevation which the application site now matches.
- 7.23 In removing this element, the shopfront has since changed from a cream render to a black metal design, with the front door also being moved from the side to a more central location.

Whilst some properties are made from mostly brickwork and some with render, there are also many buildings with their shopfronts being made completely from uPVC/metal in a single colour. It is therefore considered that there is not a consistent set design along Winsover Road and the new shopfront will look similar to others and should not appear incongruous or out of keeping. As such, the physical alterations to the shopfront are not considered to cause an unacceptable impact to the character of the area that warrant refusal of planning permission.

- 7.24 Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal does not cause an adverse impact to the character or appearance of the area and is therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2024).
- 7.25 Impact on Residential Amenity/Land Users
- 7.26 Paragraph 135 of the National Planning Policy Framework (December 2024) 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.
- 7.27 Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.
- 7.28 There shall be no unacceptable impact caused in respect of the amenity of neighbouring occupiers or land users. The proposal does not result in additional impacts through matters such as overlooking, as a result of the change to the shopfront within the principal elevation, with minimal additional outlook being provided as a result of the works. In any case, the existing bay window was located in a similar place, whilst also facing the public highway and other shops, resulting in no additional impact arising through loss of privacy as a result of the proposal. Similarly, no material overshadowing is in occurrence since this change, as minimal enlargement has occurred etc. The change is also not considered to be overbearing in any regard, nor in respect of the surrounding area, as the works are not significant and appears somewhat similar to other buildings along Winsover Road.
- 7.29 As detailed above, the scale and design of the proposal is considered to be such that there is 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 the provisions of Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).
- 7.30 Other Matters
- 7.31 When the application was first submitted, a large advertisement was indicated, as well as applied vinyl stickers. Throughout the course of this application and particularly over the past year, these features have been removed as the shop in which they advertised has closed down. In any case, advertisements of this regard would be subject to an assessment under an Advertisement Consent application should this be required. If any new advertisements are to be erected the applicant/owner is advised to contact the Local Planning Authority. These matters are not for assessment under a full planning application.
- 7.32 Furthermore, during previous meetings comments from Members suggested that the underside of the sign should be improved to cover up any loose wiring - this matter has previously been addressed with the applicant and the case officer inspected this matter during their most recent visit. This visit showed that there were currently black panels with light covering which has improved the overall finish of a previously poor design and ties the shopfront in with the rest of the road.
- 7.33 Overall, as the stickers and advertisement have been removed and the underside has been resolved; the application must now be assessed purely as a new shop front.

7.34 **Planning Balance**

7.35 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.

7.36 The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and causes no unacceptable impact on the highway, whilst conforming with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole.

7.37 In this instance, there are no material considerations that weigh significantly against the proposal and as such, the planning balance is in favour of the development.

7.38 **Additional Considerations**

7.39 Public Sector Equality Duty

7.40 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.

7.41 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.42 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.

7.43 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.44 Human Rights

7.45 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).

7.46 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 Based on the assessment detailed above, it is recommended that the proposal should be approved subject to those conditions listed at Section 9.0 of this report.

9.0 CONDITIONS

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

- Location Plan
- Block Plan
- 003.25- 02 - PA1 - PRINCIPAL ELEVATION As Proposed

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

2. 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>

3. **Biodiversity Net Gain**

The applicant's attention is drawn to the following Biodiversity Net Gain requirement.

The effect of Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

For guidance on the contents, in respect of the details that must be submitted and agreed by the Local Planning Authority, prior to the commencement of the consented development, please see the GOV.uk website and Planning Practice Guidance.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

Based on the information available and submitted in support of this application, the Local Planning Authority considers that the development hereby permitted is exempt and therefore will not require the approval of a biodiversity gain plan, prior to the commencement of development; with the development comprising a statutory exemption as listed below: -

- The application was submitted and made valid, prior to statutory BNG requirements were introduced.

As such, the development hereby permitted will not be subject to the biodiversity gain condition.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

For clarity the LPA do not consider that irreplaceable habitats are present at this site.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where

- (a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and
- (b) the conditions subject to which the planning permission is granted:
 - (i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and
 - (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of

Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

