

## SOUTH HOLLAND DISTRICT COUNCIL

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

**To:** Planning Committee - 29 April 2026

**(Author:** Oscar Patman - Planning Officer)

**Purpose:** To consider Planning Application H11-0056-26

**Application Number:** H11-0056-26

**Date Received:** 23 January 2026

**Application Type:** FULL

**Description:** Change of use from former gift & interiors shop to ground floor and hair & beauty salon on first floor to solicitors office to include alterations and insertion of rooflights

**Location:** 4 High Street Long Sutton Spalding

**Applicant:** Mossop & Bowser

**Agent:** PDG Architects Ltd

**Ward:** Long Sutton

**Ward Councillors:** Cllr A C Tennant  
Cllr J Tyrrell  
Cllr D J Wilkinson

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H11-0056-26>

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

1.1 Cllr Reynolds is an employee of Mossop and Bowser, who are the applicants.

### **2.0 PROPOSAL**

2.1 This is a full application for the change of use of 4 High Street, Long Sutton from a ground floor shop with first floor beauty salon, to a solicitor's office (Use Class E). The following external alterations are also proposed:

- Removal of ground floor wooden door and replacement with window and low level brickwork to match host
- Removal of an existing flue
- Conservation area roof lights inserted into west and east elevations
- One additional window to replace timber door on south elevation
- One additional window and one replacement window within eastern elevation

2.2 All windows are to be timber, painted to match the existing.

2.3 A set of amended drawings, seeking to address the Conservation Officer's initial comments were received. These drawings provided details of the roof lights.

### **3.0 SITE DESCRIPTION**

3.1 The site is within the town centre boundaries of Long Sutton, as outlined within the South East Lincolnshire Local Plan, 2019. The site is within the primary shopping area within the inset

maps.

- 3.2 The site is within the historic core of Long Sutton, within the Conservation Area, with the Grade II listed Lenton's Butchers Shop & No.3 located to the immediate east, Grade II listed No. 15 and No.21 High Street to the north and the Churchyard of Church St. Mary and Church of St. Mary to the south, which are Grades II and I respectively.

## **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) 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.

Policy 1 - Spatial Strategy  
Policy 2 - Development Management  
Policy 3 - Design of New Development  
Policy 4 - Approach to Flood Risk  
Policy 24 - The Retail Hierarchy  
Policy 29 - The Historic Environment  
Policy 33 - Delivering a More Sustainable Transport Network  
Policy 36 - Vehicle and Cycle Parking  
Appendix 6 - Parking Standards

### **National Guidance**

### **4.2 National Planning Policy Framework (NPPF), December 2024**

Section 2 - Achieving sustainable development  
Section 4 - Decision-making  
Section 6 - Building a strong, competitive economy  
Section 7 - Ensuring the vitality of town centres  
Section 9 - Promoting sustainable transport  
Section 12 - Achieving well-designed places  
Section 14 - Meeting the challenge of climate change, flooding and coastal change  
Section 16 - Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

## **5.0 RELEVANT PLANNING HISTORY**

- 5.1 No relevant planning history

## **6.0 REPRESENTATIONS**

- 6.1 The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

### **6.2 Historic Environment Officer**

Thank you for consulting us on this. Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request. Finally, as the proposal involves external alterations within the Long Sutton Conservation Area and lies in proximity to several Grade II listed buildings; namely Former Lenton's Butcher's Shop and No. 3 Market Place (List

Entry No. 1064561), The Antique Shop, 15 High Street (List Entry No. 1064555), 21 High Street (List Entry No. 1359222), Bowser Solicitors / Nationwide Building Society (List Entry No. 1064554), and Sutton House, 8 High Street (List Entry No. 1064556), the South Holland District Council Conservation Officer should be consulted prior to determination, given the potential for indirect impacts upon the significance and setting of these designated heritage assets

6.3 Environmental Protection

No comments.

6.4 Highway and Lead Local Flood Authority

The site is located in the town centre and is easily accessible by foot, cycling and public transport. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

6.5 Long Sutton Parish Council

Support - There are no objections or observations in relation to this application.

6.6 Conservation Officer

I write to confirm that I have no objections to this proposal. However, this is subject to several provisos and the possible need for further information prior to determination. I am satisfied with the basic principle of the proposal, and have no concerns with any aspect of the proposed scheme other than the proposed infilling of the inset coach door to the east side of the principal elevation.

6.7 It should be noted that the proposal site is in a central location within the Long Sutton Conservation Area. Moreover, the property is considered to be a non designated heritage asset (NDHA) because it is recorded as a 'building of local heritage' by the LPA. Because of this status, and the influence the property has upon the wider appreciation of the Conservation Area, it is important to ensure that any proposal is as sensitive as is practically possible.

6.8 I would therefore recommend that with reference to the proposed infill of the doors, detail should be provided showing that, in order to better replicate the appearance of the window situated immediately to its east, a matching chamfered brick cill will be used. Moreover, to ensure that the readability of the existing opening is retained, the brickwork and window should be inset and not flush with the existing wall. Should the application be approved, then I would recommend that a condition be applied requiring the detail of the proposed new window be submitted, and another requiring the frames to be painted black to match the existing fenestration on site.

6.9 Lastly, conditions should be applied ensuring that the brickwork matches the existing in terms of brick size and bond, and that the final brickwork on the frontage elevation be painted to match the existing finish on the facade, and to avoid any new brickwork appearing out of keeping with the remainder of the property. As a note, I would also recommend that for the avoidance of doubt, drawing no. 25037/PL04 should be amended to remove any references to 'timber panels' when the HIA seems to suggest that those panels would be windows. This vague wording could suggest a fully timber panel without glazing, in contrast with the HIA. Suffice to say, a solid timber panel situated on the front elevation would not be seen as acceptable.

6.10 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, no letters of representation have been received.

7.0 **CONSIDERATIONS**

## 7.1 Planning Considerations

### 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 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.

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

### 7.6 Principle of Development

#### 7.7 *Spatial Strategy*

7.8 Policy 1 of the South East Lincolnshire 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.

7.9 Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

7.10 The site is within the settlement of Long Sutton which is classed as main service centre within Policy 1. As such development will be permitted that supports Long Sutton's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

#### 7.11 *The Retail Hierarchy*

7.12 As the site is within the Primary Shopping Area of Long Sutton, as defined within the relevant inset maps, Policy 24 of the South East Lincolnshire Local Plan is also relevant. Policy 24, Part B states:

"In the District Centre of Holbeach and the Local Centres of Crowland, Donington, Kirton, Long Sutton and Sutton Bridge, town centre uses will be permitted where they, on their own or cumulatively with other permitted development, will generate no significant harm upon the vitality and viability of that centre or any other centre within the hierarchy, particularly with regard to their role for food shopping"

7.13 Part A of Policy 24 outlines what may be considered as a "town centre use". These are described as: "retail, food and drink outlets, financial and professional services, leisure and tourist-related uses (Classes A1-A5, B1, D1 and D2) and residential development".

7.14 It should be noted that several of the Use Classes referred to within Policy 24 are now defunct under the changes within The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. As a result of this, Classes A1, A2, A3 and B1 have been superseded to become the more flexible Class E category. Several uses within the former classes of D1 and D2 would also now fall within Class E also. Nevertheless, the thrust of Policy

24, in that town centres should have appropriate uses which support the vitality and viability of that centre, remains wholly applicable.

- 7.15 As a result of the outdated Use Classes referenced in Policy 24, the definition of town centre use found within Appendix 1 of the National Planning Policy Framework (December 2024) may be more appropriate. This defines main town centre uses as:  
"Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)."
- 7.16 *Ensuring the Vitality of Town Centres*
- 7.17 Section 7 of the National Planning Policy Framework (December 2024) "Ensuring the vitality of town centres" encourages appropriate development within town centres, applying a town centre first approach to the development of town centre uses (as defined in Annex 1 and referenced previously in this report). Paragraph 90 of the National Planning Policy Framework (December 2024) states:  
"Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation"
- 7.18 Assessment
- 7.19 As outlined previously, the proposal would involve the use of a unit within the town centre of Long Sutton. The existing occupants of this unit, from the information provided, will be vacating the unit, and so the proposal, to a certain extent, can be construed as an opportunity to ensure the occupation of a potentially empty unit.
- 7.20 The existing use of the site falls within Use Class E of the Use Class Order 1987 (as amended). As a result of both uses falling within the same Use Class, then the use could be changed under the provisions of the General Permitted Development Order, 2015, without the need for further planning consent. This is a significant fall back position which, in effect, means that the principle of development ought to be acceptable regardless of the exact nuances of the proposed use.
- 7.21 In any event, the proposed change of use would still be consistent with the overarching strategy of the South East Lincolnshire Local Plan, retaining a town centre use within an appropriate location. The proposed use is clearly a town centre use, as per the definitions previously outlined, and would therefore be appropriate here.
- 7.22 As such the proposal is considered to be in accordance with Policies 1 and 24 of the South East Lincolnshire Local Plan; and would therefore be acceptable in principle.
- 7.23 Layout, Design, Scale and Consideration of the Character of the Area
- 7.24 Design Policy Context
- 7.25 Section 12 of the National Planning Policy Framework (December 2024), "Achieving well-designed places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.
- 7.26 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 (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed

development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

- 7.27 Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the South East Lincolnshire Local Plan 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.
- 7.28 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. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.
- 7.29 Heritage Policy Context
- 7.30 The site lies within Long Sutton Conservation Area and lies within close proximity to a number of listed buildings and structures; including those listed within the site description section of this report.
- 7.31 In respect of any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.32 In assessing proposals of this nature, the Local Planning Authority must also ensure special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.
- 7.33 The National Planning Policy Framework (December 2024) expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.
- 7.34 Section 16 of the National Planning Policy Framework (December 2024) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Paragraph 220 expands upon this, in relation to Conservation Areas, stating:  
"Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 214 or less than substantial harm under paragraph 215, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole".

- 7.35 Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework (December

2024). Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets. Policy 29 is broken into five interrelated sections, with parts A, and B relevant here.

- 7.36 Policy 29A, relating to listed buildings, states: "Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building."
- 7.37 Policy 29B, relating to conservation areas, states: "Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should:
1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;
  2. Retain architectural details that contribute to the character and appearance of the area;
  3. Where relevant and practical, remove features which are incompatible with the Conservation Area;
  4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;
  5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape;"
- 7.38 To this end, all proposals in the Conservation Area or which affect listed buildings should preserve or enhance their settings.
- 7.39 As a non-designated heritage asset, Paragraph 216 of the Framework is also relevant. This states:  
"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."
- 7.40 Assessment
- 7.41 The site occupies a prominent place within Long Sutton High Street. As a result, any changes to the facade would be highly prominent. This principal elevation is also visible from several locally and nationally listed properties. That being said, the alterations to the principal elevation are considered to be minor and would not significantly harm the appearance of the building. The creation of an additional window creates a more active frontage, positively contributing to the vitality of the High Street. No details of the window frames have been provided; however, this can be secured via condition should the application be approved.
- 7.42 The infilling of the coach doors would only have a minor detrimental impact to the building. Whilst the loss of the doors is regrettable, it would not result in a fundamental impact to the appearance of the building. The proportions and finer details of the opening are to be retained, maintaining the existing legibility of the building. Considering the practical benefits of the alteration, it is considered that the benefits outweigh the minor harm.
- 7.43 Turning to the alterations to the eastern and southern elevations, exclusive of the proposed roof lights, the changes are minor and would be largely obscured from the public realm. Existing boundary treatments between No. 4 and No.6 High Street would obscure most views from the public realm, thereby preventing significant harm to the character of the area or the Conservation Area. The alterations would face towards the Grade II listed Sutton House and Churchyard of Church St.Mary; however, existing boundary treatments have largely severed visibility between the site and these listed buildings. In any event, the changes are typical enough and of such minor scale as to prevent any harm to the setting of these buildings.
- 7.44 The proposed roof lights are not an uncommon feature within the Conservation Area. This typicality would help to naturalise the development, ensuring it would not appear incongruous. The frames and details provided are considered acceptable, being appropriate conservation style frames.

- 7.45 The Conservation Officer has raised no objections to the proposal. The concerns regarding the "timber screen" can be addressed via condition, to clarify that no such item would be installed as per the HIA. The conditions recommended by the Conservation Officer are considered appropriate here.
- 7.46 Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area, nor cause harm to the heritage assets, and would therefore be in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan and Sections 12 and 16 of the National Planning Policy Framework (December 2024).
- 7.47 Impacts Upon Resident Amenity
- 7.48 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.
- 7.49 Policies 2 and 3 of South East Lincolnshire Local Plan sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.
- 7.50 The change of use, in of itself, would have no amenity impact. The hours of opening (09:00 to 17:00 Monday to Friday) are typical High Street opening hours, and would have significant amenity impacts.
- 7.51 The additional windows would not overlook any residential dwellings. The roof lights would offer views solely of the airspace above residential and commercial units, thereby not harming amenity. Views from the ground floor windows would be of the public realm or obscured by existing boundary treatments.
- 7.52 As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Section 12 of the National Planning Policy Framework (December 2024) and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.
- 7.53 Highway Safety and Parking
- 7.54 Section 9 of the National Planning Policy Framework (December 2024) is titled 'Promoting sustainable transport'. Within this, Paragraph 116 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".
- 7.55 In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.
- 7.56 Policy 36 of the South East Lincolnshire Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least one space per 30sqm of B1 (now class E offices) space. Whilst no parking is provided, the site is within the town centre, meaning customers and staff would be able to utilise public car parks or access the site via sustainable modes of transport. As such, the parking arrangements are considered acceptable.
- 7.57 The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the South East

7.58 Flooding Considerations

- 7.59 Section 14 of the National Planning Policy Framework (December 2024) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: applying the sequential test and then, if necessary, the exception test as set out below".
- 7.60 Paragraph 174 of the National Planning Policy Framework (December 2024) states "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The strategic flood risk assessment provides the basis for applying this test.
- 7.61 Paragraph 175 of the National Planning Policy Framework (December 2024) states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."
- 7.62 If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate. The process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the National Planning Policy Framework (December 2024). Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"
- 7.63 The site lies within Flood Zone 2 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.
- 7.64 The South-East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan, including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.
- 7.65 It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.
- 7.66 Within the SFRA the site is located outside of any identified hazard zone.
- 7.67 Paragraph 176 of the National Planning Policy Framework (December 2024) states: "Applications for some minor development and changes of use should also not be subject to the sequential test, nor the exception test". Footnote 62 clarifies that this "includes householder development, small non-residential extensions (with a footprint of less than 250sqm) and changes of use".

- 7.68 On the basis of Paragraph 176 and Footnote 62 of the National Planning Policy Framework (December 2024), there is no requirement to apply the sequential or exceptions test. In any event, the proposed use would be no more at risk than the existing use and would not increase the risk of flooding elsewhere.
- 7.69 Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, and the intentions of the National Planning Policy Framework (December 2024) with regards to flood risk.
- 7.70 **Biodiversity Net Gain**
- 7.71 Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.
- 7.72 "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".
- 7.73 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.
- 7.74 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.
- 7.75 The development would have no impact upon any habitat, being a change of use with no extensions, and would therefore be exempt from the need for biodiversity net gain under Regulation 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 7.76 **Planning Balance**
- 7.77 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.
- 7.78 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, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole.
- 7.79 **Additional Considerations**
- 7.80 **Public Sector Equality Duty**
- 7.81 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.

- 7.82 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.83 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.
- 7.84 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.
- 7.85 Human Rights
- 7.86 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).
- 7.87 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.
- 7.88 **Conclusion**
- 7.89 Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 24, 29, 33 and 36 of the South East Lincolnshire Local Plan, as well as Sections 7, 9, 12, 14 and 16 of the National Planning Policy Framework (December 2024). There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

## **8.0 RECOMMENDATIONS**

- 8.1 Based on the assessment detailed above, it is recommended that the proposal should be approved

## **9.0 CONDITIONS**

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

Reason: As required by Section 91 of the Town and Country Planning 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/or documents:
- 25037/PL01 - Site Location Plan
  - 25037/PL02 - Existing & Proposed Block Plan
  - 25037/PL04A - Proposed Plans
  - CR\_WRSF\_LS\_A - Lead Soakers 'Between the Rafter' Installation Detail
  - CR\_WRSF\_LS\_B - Flush Slate Installation Details
  - Planning Supporting Statement, dated 20th January 2026, prepared by Mossop and Bowser
  - Heritage Impact Assessment, dated January 2026, prepared PDG Architects Ltd
  - Flood Risk Statement, dated December 2025, prepared PDG Architects Ltd
  - BNG Exemption Statement, dated January 2026, prepared PDG Architects Ltd

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

3. Prior to the commencement of any external works hereby permitted, a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a sample of brick(s), mortar mix and method of bonding, as well as details of the final finished paint colour.

The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set. This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and Sections 12 and 16 of the National Planning Policy Framework, December 2024.

4. Notwithstanding the text shown in drawing ref. 25037/PL04A, no external timber screen shall be installed within the principal elevation of the building.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set. This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and Sections 12 and 16 of the National Planning Policy Framework, December 2024.

5. Prior to the commencement of any external works hereby permitted, details of the window detailing (including cills and extent of inset) and frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing (including reveals), cill and lintol detailing, and means of opening.

The windows and frames shall be installed in accordance with the approved details and thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set. This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and Sections 12 and 16 of the National Planning Policy Framework, December 2024.

6. All new window frames, and glazing bars shall be of timber construction, painted black and thereafter so maintained.

Reason: In the interests of the architectural composition and appearance of the development and the character and visual amenity of this part of the Conservation Area in which it is set. This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and Sections 12 and 16 of the National Planning Policy Framework, December 2024.

7. The use hereby permitted shall not be open to customers except between the hours of 9:00 and 17:00 Monday to Friday, excluding bank holidays.

Reason: In the interests of the amenity of local residents.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

8. 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>

## 9. 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 proposal would conform to Regulation 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

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.

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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

