DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0426-26**	**Applicant:**	**PizzaExpress Restaurants Ltd**
Proposal:	Installation of 2No fixed awnings to existing facade		
Location:	Springfields Outlet Centre 61 Camel Gate Spalding		
Terminal Date:	1st July 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 6 - Building a strong, competitive economy
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the installation of 2 fixed awnings to an existing fasade at 61 Camel Gate, Springfields Outlet Centre, Spalding. The awnings are proposed on the western elevation of the building within the site.

Site Description

The site comprises an existing commercial unit within Springfields Designer Outlet and Leisure, which contains various retail and leisure units. The site comprises a corner plot located to the east of Camel Gate. The site features rendered facades at the ground floor level and horizontal cladding at the first floor level. No changes are proposed to the render to cladding as part of the proposals.

The site is outside the settlement boundary of Spalding, as identified by the South East Lincolnshire Local Plan (2019) and the accompanying policies map. Notwithstanding this, the site is located within the Springfields Shopping and Festival Gardens policy area, as identified by Policies 9 and 27 of the Local Plan.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Planning History

H16-1173-93: (Outline Application) Erect retail foodstore with associated petrol filling station, car parking, landscaping and highway works - refused 23 May 1994

H16-0569-98: (Outline Application) Redev. to inc. leisure/retail/ horticultural/food & drink etc with assoc. parking, highways works and landscaping - allowed by Secretary of State 12 February 2001

H16-0957-99: (Full Application) Re-development to include leisure/retail/horticultural/food and drink uses with assoc. parking, highways works and landscaping - withdrawn 03 April 2002

H16-0360-02: (Full Application) Development of building for Class A3 (Food and Drink) purposes - approved 23 September 2002

H16-0361-02: (Reserved Matters) Redevelopment to include leisure, horticultural, food & drink, retail; craft workshop & related uses; associated landscaping; provision of car parking and highway works (Outline application H16/0569/98) - approved 20 September 2002

H16-0348-04: (Advertisement) Installation of various illuminated signs - approved 18 May 2004

H16-1091-04: (Full Application) Development of two retail units - approved 08 October 2004

H16-0298-10: (Section 73 Application) Variation of Condition 4 of H16-0360-02 to permit A1 Retail Sales to Unit 42B - approved 04 June 2010

H16-0433-12: (Advertisement) Proposed signage - approved 29 June 2012

H16-1119-25: (Full Application) External alterations to facilitate sub-division of Unit 43 into two units - approved 09 January 2026

H16-0444-26: (Discharge of Conditions) Details of plans showing the position of all external roof, floor & wall mounted plant & machinery (Condition 4 of H16-1119-25) - pending consideration

Consultation Responses

Lincolnshire County Council - Highways and SUDS: The proposed installation of 2No fixed awnings to existing facade are acceptable in highway terms as the awning does not encroach over the public highway. Notwithstanding this, it is noted that the proposed awning height of 2200mm above ground level is below the preferred clearance for pedestrian movement. It is recommended that a minimum clearance of 2300mm is achieved, with Manual for Streets identifying 2.6m as the desirable height, to reduce the risk of conflict and improve accessibility.

Conservation Officer: We have no objection to this proposal on heritage grounds.

Environment Agency: No comments.

Ecology Officer: No comments.

Environmental Protection: No response received.

Cllr R A Gibson: No response received.

Cllr G P Scalese: No response received.

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 representations have been received from members of the public.

Key Planning Considerations

Development Plan

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

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

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

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

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

-Design, Layout and Impact on the Character and Appearance of the Area; and
-Biodiversity Net Gain.

These matters are assessed in turn below.

Design, Layout and Impact on the Character and Appearance of the Area

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

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

The awnings are proposed on the western elevation of the building within the site, which is also the front elevation of the building. The elevation faces towards Camel Gate.

One of the awnings is proposed to measure 5m in length and 0.8m in height. The awning would project 1m from the elevation. The other awning is proposed to measure 2.7m in length and 0.8m in height. The awning would also project 1m from the elevation.

The awnings are proposed to comprise black canvas material with metal frames. Although the colour of the canvas is not specified on the submitted elevation plans or the application form, the colour has been clarified by the applicant's agent and would be subject to a condition.

Whilst there are no awnings immediately next to the site, there are some awnings within the surrounding area. For example there is an awning at Cafe Nero which is located to the north of the site. It is considered that the awnings would be of a proportionate size to the building and would be in keeping with the commercial character of the area.

The council's conservation officer was consulted as part of the determination of the application as there is a grade II listed building (Fulney Hall) located approximately 100m to the south-west of the site. As the proposals only seek to install minor external alterations, it is not considered that the proposals would affect the setting of the listed building in a detrimental way. Furthermore, the council's conservation officer has not raised any objections to the proposals.

Therefore, it is considered that the proposed development would have an acceptable impact on the character and appearance of the area in accordance with Policies 2, 3 and 29 of the Local Plan and Section 12 and 16 of the NPPF.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or
(c) the development is exempt from the biodiversity gain condition.

The development is exempt from the statutory 10% Biodiversity Net Gain requirements as it is considered that the proposal falls under the de minimis exemption.

Planning Balance

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

The development hereby proposed does not materially harm the character or appearance of the locality or the amenity of nearby residents. The proposed development is considered to accord with the Local Plan and the provisions of the NPPF when viewed as a whole. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in

discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

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

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking the above considerations into account, the proposal is considered to accord with Policies 2 and 3 the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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