

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0671-26 **Applicant:** UBS Triton

Proposal: Change of use of existing public toilets into Class E unit and external alterations

Location: Unit 62 Springfields Outlet Shopping & Leisure Camel Gate

Terminal Date: 23rd September 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
07	Improving South East Lincolnshire's Employment Land Portfolio
09	Promoting a Stronger Visitor Economy
24	The Retail Hierarchy
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
27	Additional Retail Provision
29	The Historic Environment
30	Pollution
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework August 2026

Section 3 - Decision-making policies
Section 4 - Achieving sustainable development
Section 5 - Meeting the challenge of climate change
Section 7 - Building a strong, effective economy
Section 8 - Ensuring the vitality of town centres
Section 12 - Making effective use of land
Section 14 - Achieving well-designed places
Section 15 - Promoting sustainable transport
Section 18 - Managing Flood Risk and coastal change

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application, seeking the change of use of existing public toilets into a Class E unit, the proposal also includes external alterations at Springfields Outlet Shopping & Leisure.

Site Description

The application site comprises an existing public toilet facility within the wider Springfields complex. The toilets are located upon the entrance of the Springfield complex, to the west of the site.

History

No relevant planning history.

Consultation Responses

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:

LCC Highway and Lead Local Flood Authority

Recommendation: No Objections

This proposal is for the change of use of existing public toilets into Class E unit and external alterations. The access and parking arrangements remain unchanged; therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.

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.

BNG Ecologist

We have reviewed the proposals and have no ecological concerns to raise at this time; therefore, we have no objections.

South Holland Drainage Board

Having screened the application, whilst the site in question lies within the Internal Drainage District of the South Holland Internal Drainage Board the proposed application does not meet our threshold for commenting as per our Planning and Byelaw Strategy. Therefore the Board has no comments to make.

SHDC Environmental Protection Officer

No comment.

Could I request that unless officers are minded to REFUSE this application, it passed to the Chairman's panel and hopefully to committee I believe a proper debate on this application is justified by the public comments I have seen/heard

Please note, following discussions with Cllr Barnes, and the notification of the corresponding application to create new, enlarged toilets elsewhere, the request was withdrawn.

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, one letter of representation has been received.

This can be summarised as follows:

- Concerns regarding the net loss of toilet provision, including disabled unit.
- Location of remaining toilets within the complex.

Key Planning Considerations

Evaluation

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.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted 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.

The policies and provisions set out in the National Planning Policy Framework (2026) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

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

Policy 1 expresses 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.

The site is located outside the settlement boundary for Spalding; however, the site is located within Springfields retail outlet centre. Springfields is allocated within the SELLP as Site SHR010, largely for comparison goods floor space.

Policy 9 of the SELLP specifically references the Springfield Shopping Outlet, and details that "Development within the Springfields Shopping and Festival Gardens, as defined on the Policies Map, will be supported in principle for:

1. facilities directly related to the functioning of the shopping centre, consistent with Policies 24 and 27;
2. development at the Events and Conference Centre that seeks to improve the range of services available; or
3. proposals which would enhance the scale, quality and biodiversity value of the Festival Gardens.

It goes on to set out that facilities directly related to the functioning of Springfields shopping centre will be supported in principle, or other ancillary development linked to the above uses.

Beyond this, Policy TC3 of the NPPF (2026) details within paragraph 1 that: "A sequential test should be applied to proposals for main town centre uses for which planning permission is required, where these are neither in an existing centre nor in accordance with an allocation for that purpose in an up-to-date development plan".

It should be noted that whilst the application site, lies outside of a town centre location, the site forms part of the wider Springfields centre and as such, lies within an existing commercial area, and comprises an allocation for this purpose. As such, a sequential test, as set out within Policy TC3 is not required in this instance.

Policy 27 of the Local Plan sets out "Up to 10,810 sqm (net) of additional comparison goods floor space is expected to be required in Spalding by 2031. Approximately 3,700 sqm (net) will be allocated at Site SHR010: Springfields Shopping and Festival Gardens and developed in the period up to 2022 to meet the estimated need at this date". This continues to detail, that "Any non-A1 uses within Site SHR010 will only be supported where the applicant can show that it is ancillary to the effective functioning of the retail allocation", and that "Any application at Site SHR010 to meet the allocated comparison floor space need will be required to propose measures to enhance the site's connections to Spalding Town Centre and promote the attractiveness of the town centre as a place to visit".

It is noted that the above policies reference Use Class A1, which was superseded following previous revisions to the Use Class Order. Whilst no longer identified as Class A, the policy remains relevant to this case and can be considered in respect of use Class E.

In this case, the proposal does not seek an expansion as such but simply seeks to provide one additional Class E unit, within an area already central to the site itself. The proposal in this instance seeks to provide a single additional unit under Use Class E. Whilst the proposal is not specifically for retail (although could comprise a retail unit subject to the end user), the site is suitable and actively seeks Class E uses.

It is noted that the resultant development would result in the loss of well-established and well used toilet facilities. However, the wider Springfields site offers alternative facilities for its users, and, as indicated within application H16-0613-26, it is proposed that additional, toilet provision is provided within an alternative location to avoid a complete net loss.

Overall, it is considered that the proposal would accord with the principal purposes and aims of Policies 9, 24 and 27, and would be in accordance with Section 7 of the NPPF. Therefore, the principle of development is considered to be acceptable, as the proposed use comprises an appropriate form of development for the location which would be in accordance with the overall principles of the spatial strategy.

Layout, Design, Scale and Consideration of the Character of the Area

Section 14 of the NPPF, "Achieving well-designed places", outlines that planning decisions and policies should "promote high quality, healthy, inclusive and sustainable places".

Paragraph 1 of DP3 outlines that "development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets".

In order to create well-designed places, Paragraph 2 states proposals should reflect seven key principles, as appropriate to the nature of the development and its location. These are: liveability, climate, nature, movement, built form, public space, and identity.

Paragraph 3 of DP3 is explicit that proposals which conflict with paragraph 1, the relevant aspects of paragraph 2 of DP3, or relevant development plan policies and guidance, should be refused. Conversely, substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.

Likewise, Policy 2 of the SELLP 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 SELLP 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.

These policies accord with the provisions of the NPPF 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.

The proposal would result in external alterations, with two large windows and a central door being proposed, alongside an area for signage above the aforementioned. These feature, whilst providing an evident visual change to that of the existing building, would not cause an unacceptable impact or introduce an unsightly or uncommon feature. The resultant development would establish a typical shopfront design and feature, which is readily visible throughout the wider site of Springfields, including those of the neighbouring units.

The existing use as a toilet provision results in notable comings and goings. Whilst the activity and purpose would alter, the resultant development would retain a continuous footfall. In any case, this is common and typical for the location to which it relates.

As such, there would be no significant impact on the character or appearance of the area.

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 and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 14 of the National Planning Policy Framework (2026).

Impacts Upon Resident Amenity

DP(3) of the NPPF outlines that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a focus on promoting liveability.

Likewise, Policy P3(1) outlines that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site. This point is expanded upon in P3(2) which states all development proposals should "provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life"

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Around the site, there is a mixture of commercial businesses and there are no dwellings located next to the site. As such, the proposals are not likely to affect the amenity of nearby residents.

As detailed above, the scale and design of the proposal is considered to be such that there would be 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 the Section 14 of the National Planning Policy Framework (2026), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Highway Safety and Parking

Section 15 of the NPPF is titled 'Promoting sustainable transport'. Within this, Policy TR(6)(4) advises that "development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion."

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.

No changes are proposed to the parking arrangements within the site. No on-site parking is currently provided for the unit specifically; however, parking spaces are available within the surrounding car parks. Lincolnshire County Council's Highways team have not raised any objections or concerns with the proposals. The introduction of this additional unit would not give rise to a significant increase in footfall that would adversely impact upon these parking arrangements.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan (2019), and Section 15 of the National Planning Policy Framework (2026).

Flooding Considerations

Section 18 of the NPPF relates to "Managing flood risk and coastal change". It requires a sequential approach to flood risk, in accordance with the decision making policies contained within this section. Policy F7 is clear that "development proposals should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere."

The site lies within Flood Zone 3 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.

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 SELLP 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.

NPPF Policy F5(3) states "the strategic flood risk assessment covering the area of the proposed development and the Flood Map for Planning should provide the evidential basis for applying the sequential test". 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.

The site is within a 'Danger to All' hazard area. The SFRA typically recommends that finished floor levels (FFLs) for minor commercial proposals within Danger to All hazard areas are built above the relevant flood level. In this case, the FFLs are already in place and no changes are required to the FFLs. The proposals do not require any extensions to the building within the site and as such, the impermeable area within the site would not increase.

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Whilst the onsite flood risk is noted, the proposal solely comprises a change of use, to provide an additional Class E unit within an established commercial area. In this case, the LPA do not consider the need for a sequential test, in any case, given the existing use of the wider site to which the facilities would serve, the site would evidently be sequentially preferable.

Overall, when considering the development on balance, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (2026) with regards to flood risk.

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.

In this instance the proposal is exempt from BNG as the development would impact less than 25 square metres of onsite habitat with a biodiversity value greater than zero and less than 5 metres of onsite linear habitat. It therefore falls within the de minimis exemption under Regulation 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

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 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 these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 9, 24, 27, 33 and 36 of the SELLP (2019), as well as Sections 4, 14, 15 and 20 of the NPPF (2026). 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.

Recommendation

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