

**DECISION DELEGATED TO HEAD OF PLANNING**

**Application No:** H16-1026-25                      **Applicant:** Pishder Properties Ltd.

**Proposal:** Conversion of an existing three-bedroom, two-storey flat into two self-contained one-bedroom flats

**Location:** Flat A 20 Winsover Road Spalding

**Terminal Date:** 9th February 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

21                      Houses in Multiple Occupation and the Sub-Division of Dwellings

33                      Delivering a More Sustainable Transport Network

36                      Vehicle and Cycle Parking

**National Guidance**

**National Planning Policy Framework December 2024**

Section 2 - Achieving sustainable development

Section 5 - Delivering a sufficient supply of homes

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

**Representations:**

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	0	0	0	1

## **CASE OFFICER ASSESSMENT**

### **Description of Proposal**

This is a full application for the conversion a three-bedroom flat into two one-bedroom flats at 20 Winsover Road, Spalding. It is proposed that the existing two-storey flat located on the first and second floor of 20 Winsover Road would be converted to two, self-contained, 60sqm flats.

There would be no change to access arrangements, although it should be noted that at the time of the Officer's site visit, there did not appear to be an existing external stair case (albeit a stair case to the flat was approved under H16-0086-23). A new refuse area would be created under the ground floor stairs to access the site. A cycle store would be installed on the existing flat roof area which functions as an outdoor amenity space for the existing flat.

### **Site Description**

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. The site is on the far west of the town's defined centre. 20 Winsover Road is comprised of a corner shop, located on the ground floor with rear first floor store room, with a flat above. The flat is accessed by metal stairs leading onto a flat roof.

### **Relevant History**

H16-1148-96 - Full. Change of use of existing A1 unit to Class A3 use. Approved 22/01/97.

H16-1299-00 - Full. Change of use from A1 (retail) to amusement arcade. Approved 03/01/01.

H16-1334-02 - Full. Change of use to Class A3 (food and drink). Approved 25/02/03.

H16-0319-03 - Full. Erect canopy. Refused 08/08/03.

H16-0735-08 - Full. Erect canopy to the front and side elevations. Refused 18/08/08.

H16-0163-10 - Full. Replacement of wooden windows and door to rear elevation of flat with UPVC windows and door. Approved 26/04/10.

H16-1068-13 - Full. Conversion of flat on first and second floor to form two flats. Refused 05/02/14.

H16-0857-14 - Full. Conversion of flat on first and second floor to form two flats. Refused 15/01/15.

H16-0383-16 - Full. Replacement shop frontage (retrospective). Approved 31/10/16.

H16-0965-16 - Full. Installation of ATM machine (retrospective). Approved 31/10/16.

H16-0827-16 - Full. Fascia signage (retrospective). Approved 31/10/16.

H16-0693-19 - Full. Conversion of first and second floor from existing four-bed flat to form 2 one-bed flats, including associated alterations. Approved 07/10/19.

H16-0086-23 - Full - Single storey side extension with relocation of the stair case and first floor rear extension for storage. Approved 23/02/23.

### **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:

Highway and Lead Local Flood Authority

"The proposal will not have an unacceptable impact on the public highway."

### Environmental Protection

"No comments"

### 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.

These can be summarised as:

-Concerns regarding the way the previously approved extension was carried out.

### **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.

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, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

#### Principle of Development

#### Policy Context

Policy 1 of the SELLP 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 within the settlement of Spalding which is classed as a sub-regional centre within Policy 1. As such development will be permitted that supports Spalding's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

Where a proposal would involve the sub-division of an existing dwelling, Policy 1 is supported by Policy 21. Policy 21 outlines eight criteria which a proposal would be assessed against, which are as follows:

- "1. it would not result in the loss of family-sized dwellings in high density residential streets of predominantly terraced and/or semi-detached properties;
2. it would not significantly harm the amenities of the occupiers of adjoining or neighbouring properties by way of noise, overlooking, general disturbance or impact on visual amenity;
3. it would not have a significant adverse impact on the character and appearance of the area, including the historic and natural environment;
4. adequate provision is made for the storage and disposal of refuse and recycling;
5. it would not have a significant adverse impact on the surrounding area by way of increased on-

street parking, impaired highway safety or by impeding proper access to the area;  
6. the site has good access - by walking and cycling - to community facilities, services, public transport and local employment;  
7. an adequate standard of residential accommodation and residential amenity is provided for future occupiers; and  
8. adequate provision is made for the communal gardens and amenity areas."

Beyond these criteria, Policy 21 goes on to state that:

"Where all of the above criteria are satisfied, the Nationally Described Space Standards (or any successor) will be applied to ensure that the occupiers have adequate floor space".

The NPPF outlines, within Paragraph 61, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community."

Paragraph 73 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area (...) and are often built-out relatively quickly"). This paragraph seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

### Assessment

As outlined previously, the site is within the defined settlement boundaries of Spalding. As such, the location of the development is considered appropriate.

Turning to the provisions of Policy 21, outlined above, the following is considered:

1. The proposal would see the loss of a three bedroom dwelling. That being said, as a flat above a shop, it would not be considered a traditional "family dwelling" as intended by Policy 21. As such, it is considered that the proposal would meet the idea of Criterion 1 of Policy 21.
2. The proposal would not harm the amenity of adjoining neighbours. The intensity of the use is no greater than the existing use, so no additional activity would be anticipated. No new openings are proposed; therefore, no additional overlooking would occur.
3. Flats are commonplace in the area, particularly smaller flats spread over a single floor. On this basis, the proposal would be entirely consistent with the prevailing arrangements in the area.
4. Refuse would be disposed of in large bins under the access stairs. This is considered appropriate given the constraints of the site and an improvement over the existing arrangement.
5. As outlined previously, the intensity of two one bedroom dwellings would not necessarily be significantly greater than a three-bedroom dwelling. As such, whilst the provisions of Appendix 6 of the SELLP are appreciated, there would not necessarily be a tangible increase in demand for parking. In any event, the town centre location would diminish the need for private vehicle ownership and so it is not anticipated there would be significant parking demand.
6. As the site is within the defined town centre, it is considered that it has good access to all relevant facilities.
7. The standard of living of residents would be no worse than the existing arrangements. Adequate amenity space has been provided and each room has suitable access to light. The provisions of the Nationally Described Space Standards have been met and exceeded.
8. No significant communal or garden space is provided. However, the town centre location would enable residents to access the existing community facilities which could substitute the need for private space. As a result, it is considered a flexible approach can be taken and that the overarching aims of Policy 21 are still met.

The proposal would also make a small contribution to housing stocks, thereby meeting the requirements of the aforementioned NPPF paragraphs. Weight is given in favour as a result.

For the above reasons, the proposal is considered to be in accordance with Policies 1 and 21 of the SELLP and Section 5 of the NPPF. As such, the principle of development is considered acceptable.

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

Section 12 of the NPPF, "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.

Paragraph 135, contained within Section 12 of the NPPF, 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.

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 proposed increase in units would have no discernible visual impacts. The change would still be consistent with the existing character and appearance of the area, which generally favours smaller units.

No external alterations are proposed, bar the additional bin. This bin would be located in an area currently used by the adjoining shop for refuse collection, and so there would be no additional character harm.

The boundary for the amenity space on the flat roof to the front of the dwelling has been shown as expanded on the plans. However, under the existing arrangement, the whole of the roof is accessible to the occupants, and therefore, there would be no functional change here.

Details of the cycle shelter have not been provided; however, this can be addressed via condition.

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 SELLP and Section 12 of the NPPF.

#### Impacts Upon Resident Amenity

Paragraph 135 of the NPPF 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.

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.

There would be no additional overlooking or overshadowing as no external alterations are proposed.

Refuse would be disposed of in two large waste bins located under the access stairs. This arrangement is considered acceptable, given that waste is currently stored there.

The comments raised by a resident regarding conduct of the builder during previous building works on the site are noted; however, it cannot be assumed that the conduct of tradesmen would be poor in this instance. Moreover, as any disturbance created would be for a limited period of time, and as the internal nature of the changes proposed means that the extent of disturbance would be reduced, it is not considered that this point carries overly significant weight.

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 NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

### Highway Safety and Parking

Section 9 of the NPPF 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".

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.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

Whilst the parking standards are noted, it is considered flexibility can be shown here given the town centre location. Residents could access all facilities through sustainable methods of transport, so there is a reduced need for car ownership. In any event, the proposal would be no worse than the existing arrangement.

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 SELLP, as well as Section 9 of the NPPF.

### Flooding Considerations

Section 14 of the NPPF 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".

Paragraph 174 of the NPPF 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.

Paragraph 175 of the NPPF 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)."

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 NPPF. 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"

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.

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.

Within the SFRA the site is outside of any identified hazard zone.

Paragraph 174 of the NPPF outlines "The strategic flood risk assessment will provide the basis for applying this test." As the site is located outside of a hazard zone, it is considered that the sequential test has been met. No land exists outside of Flood Zone 3 in Spalding, and the site would be in the lowest classification available for development in the town.

In any event, as a first and second floor unit, the potential for flooding to impact residents is reduced. No water would enter the properties in a flood event and on that basis it is considered the site would be safe for its lifetime.

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 SELLP and the intentions of the NPPF 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.

No extensions are proposed. As such, the development is exempt from the need for biodiversity net gain.

## **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 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 provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole.

## **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 these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 21, 33 and 36 of the SELLP, as well as Sections 9, 12 and 14 of the NPPF. 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.