

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1096-25 **Applicant:** Mr A Piccaver

Proposal: Replacement of windows at first floor level, access door to ground floor & removal of window to ground floor

Location: 2 & 2a Sheep Market Spalding Lincolnshire

Terminal Date: 5th January 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
29 The Historic Environment

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 12 - Achieving well-designed places
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SPALDING & DISTRICT CIVIC SOCIETY	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the replacement of the first-floor windows of the building within the site with UPVC and to replace a ground floor timber door with a composite slate grey door. It is also proposed to remove a window on the rear (south-eastern) elevation and infill this area. It is presumed that this area is proposed to be infilled with brickwork; however, the submitted plans do not confirm this.

Site Description

The application site comprises part of a building located at 2a Sheep Market, Spalding. The building features two storeys which adjoins another building to the south-west. The site is within Spalding Conservation Area. There is also a grade II* listed building (1 Sheep Market) located to the north of the site.

Relevant Planning History

H16-0006-22: (Advertisement) Fascia Signage, Projecting Sign & Window Graphics - retrospective - approved 15 February 2022

H16-1105-21: (Full Application) Change of use from a charity shop E(a) to a waffle house takeaway (Sui Generis) - approved 17 December 2021

H16-0780-24: (Full Application) Change of use of first floor of hairdressers premises to a single 2 bedroom residential flat - approved 06 November 2024

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on the South Holland website.

Spalding and District Civic Society: There are no frame or casement details of the windows proposed. Timber would be preferable to UPVC in such an important position in the town. The existing fenestration is unfortunate but there is no point in trying to make it look traditional in appearance.

Lincolnshire County Council: Historic Environment: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. As the proposal includes alterations to a building in close proximity to the Grade II listed 1 Sheep Market and is located within the Spalding Conservation Area, the SHDC Conservation Officer must be consulted before a decision is made, given the potential setting impacts.

Lincolnshire County Council: Highways and SUDS Support: The proposal is for replacement of windows at first floor level, access door to ground floor & removal of window to ground floor and it does not have an impact on the Public Highway or Surface Water Flood Risk.

Conservation Officer: As this application is solely for the replacement of windows, and situated in a prominent, conservation area location, full details of the proposed replacement windows shall be required prior to a decision. As the application currently stands, it is not possible to make a reasoned and informed planning decision with the detail available.

Cllr G J Taylor: No response received.

Ecology Officer: 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 consideration in this case is the visual impact of the proposed development, including the impact on Spalding Conservation Area and the setting of nearby listed buildings.

These matters are assessed in turn below.

Visual and Heritage Impact

Paragraph 135 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.

Policy 2 of the Local Plan 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, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The site is within Spalding Conservation Area and to the south of a grade II* listed building (1 Sheep Market) which are designated heritage assets. Section 16 of the NPPF sets out 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.

Paragraph 212 of the NPPF sets out the following:

"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 215 of the NPPF further sets out the following:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

Policy 29 of the Local Plan sets out that proposals within a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Policy 29 also sets out that proposals affecting the setting of a listed building will be supported where they preserve or better reveal the significance of the listed building.

The application seeks consent to install flush casement UPVC windows at the first-floor level of the building and to replace a ground floor timber door on the north-eastern side elevation with a grey composite door. The windows at the ground floor level would remain unchanged.

It is also proposed to remove a window on the rear (south-eastern) elevation and infill this area. It is presumed that this area is proposed to be infilled with brickwork; however, the submitted plans do not conform this. As the rear elevation is not visible from the street scene nor is it prominent within the Conservation Area, the proposed infilling of the window is considered to be acceptable, providing the infilled area match the existing elevation materials as closely as possible.

Currently, the windows on the front (north-western) elevation feature timber frames, the windows on the side (north-eastern) elevation feature UPVC frames, and the windows on the rear (south-eastern) elevation feature metal frames. The side and rear windows are not highly visible from the street scene. According to the submitted Planning Statement, as the windows are at the first-floor level, they are not in the "immediate view of people passing by"; however, the first-floor windows particularly at the front of the building are still clearly visible.

Policy 29 B(3) states that new development should seek to retain and reinforce local distinctiveness with reference to materials, amongst other factors. UPVC is not considered to be a local vernacular material. The council's conservation officer has asked for further information to justify the proposals; however, the only additional information received has been an updated plan clarifying the existing materials within the windows.

The submitted planning statement refers to examples of UPVC within the area; however, no site addresses or planning references are provided to assist with comparing such examples to the current proposals. UPVC within the wider area might have been installed under permitted development rights or under previous policy regimes. The LPA's stance in resisting materials such as UPVC within Conservation Areas has been tested at appeal several times in the district. For instance, in the case of application H04-0491-23 (PINS Ref: APP/A2525/W/24/3336415), within which it was accepted via the appeal process that the existence of such materials elsewhere in a Conservation Area setting is immaterial and not a justification for the further inappropriate materials via the formal planning process.

It is considered that the proposed change to UPVC windows would result in less than substantial harm to the Conservation Area. In such cases, Paragraph 215 of the NPPF requires the harm to the heritage assets to be weighed against the public benefits of the proposal. In this instance, adverse harm would still be caused to the appearance and character of the surrounding built heritage environment. Furthermore, it is not considered that there would be any identifiable public benefits in terms of the change to UPVC windows, neither has the applicant provided any discernible justification to warrant the level of harm that would be caused. Therefore, the proposed use of UPVC is not considered to be acceptable in this instance as the proposal would be contrary to Policy 29 of the Local Plan and Paragraph 215 of the NPPF. In this regard, it is considered that the resultant harm would outweigh the limited benefits of the proposal in the planning balance.

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 proposed use of UPVC is not considered to be acceptable in this instance as the proposal would be contrary to Policy 29 of the Local Plan and Paragraph 215 of the NPPF. For example, Policy 29 states that new development should seek to retain and reinforce local distinctiveness with reference to materials. UPVC is not considered to be a local vernacular material. It is considered that the proposed use of UPVC would result in less than substantial harm to the character and appearance of the Conservation Area - albeit adverse harm would still result. It is not considered that there would be public benefits from the proposed change to UPVC windows and as such, the proposal would not accord with Paragraph 215 of the NPPF. It is considered that there is insufficient justification for the proposed change to UPVC windows and as such there are insufficient material considerations to weigh in weigh of the proposals due to the adverse impact that would arise to the surrounding built heritage environment. As such, the planning balance is against 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 be contrary to Policy 29 of the Local Plan, along with Paragraphs 212 and 215 of the NPPF. There are no significant factors in this case that indicate in favour of the proposal and outweigh the harm that would be caused to Spalding Conservation Area.

Recommendation

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