

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1119-25 **Applicant:** UBS Triton
Proposal: External alterations to facilitate sub-division of Unit 43 into two units
Location: Unit 43 Springfields Outlet Shopping Camelgate Spalding
Terminal Date: 13th January 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

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 7 - Ensuring the vitality of town centres
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK	0	0	0	1

ASSESSMENT				
HIGHWAYS & SUDS SUPPORT	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 external alterations to facilitate the sub-division of Unit 43 into two units. The site appeared to be vacant during a site visit that was undertaken during the determination of the application; however, the site appears to have previously been used as a restaurant / bar / caf  .

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 Camelgate. 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 or 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. However, 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

Consultation Responses

Environment Agency: We understand that the proposal can be classified as 'minor development' in relation to flood risk and does not appear to fit any other criteria on our consultation checklist.

Lincolnshire County Council - Highways and SUDS: No objections. The proposal is for external alterations to facilitate sub-division of Unit 43 into two units. The alterations will not have an adverse effect on the public highway.

Conservation Officer: No objection to this proposal on heritage grounds.

Environmental Protection: Ensure any proposed plant to the west elevation of unit 61 is quiet running to avoid possible noise disturbance to the adjacent hotel unit.

Cllr R A Gibson: No response received.

Cllr G P Scalese: 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 issues and considerations in this case include the following:

- Principle of Development;
- Visual Impact;
- Amenity Impact;
- Highway Safety and Parking;
- Flood Risk; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

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 as Site SHR010 within the Local Plan largely for comparison goods floor space. Policy 27 of the Local Plan sets out 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. The A1 Use Class now falls under Use Class E. Restaurants also fall under Use Class E and the proposal in this instance seeks to retain the site under Use Class E; however, the site would be subdivided into two units.

Policy 9 of the Local Plan sets out that facilities directly related to the functioning of Springfields shopping centre will be supported in principle.

Whilst the proposal is not specifically for retail, the site currently falls under Use Class E and it is considered that the site would remain under Use Class E as a result of the proposals. The proposed use class is not defined within the submitted application form or within the submitted documents. As such, it would be considered appropriate to define the use class in the interests of clarity.

It is considered that the subdivision of the site into two units would accord with the aims of Policies 9, 24 and 27 as the site would remain ancillary to the wider Springfields site. 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.

Visual Impact

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 proposals seek to install a new entrance / exit on the front (western) elevation of the building within the site. The external alterations include the installation of a central front doorway with windows on either side of the door and above. The visual impact of the changes is acceptable.

On the southern side elevation, it is proposed to replace a door with a window and to insert a new door where there is currently a window. The changes are relatively minimal, and the visual impact is acceptable.

On the eastern rear elevation of the building, it is proposed to insert a fire exit doorway. The visual impact of this is acceptable as there is already a similar sized fire exit door and the elevation is not as visually prominent as the front elevation of the building.

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 and 3 of the Local Plan and

Section 12 of the NPPF.

Impact on 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of Local Plan 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 affect the amenity of nearby residents as the nearest dwellings appear to be located approximately 170m to the south of the site.

There is a hotel located to the east of the site and the council's environmental protection team have set out that that any noise from the proposed 'potential plant area' indicated on the eastern elevation should be minimised. As such, it is considered appropriate to include a condition requiring details of any plant that might be proposed within this area to ensure that the plant would not emit a detrimental level of noise.

Therefore, in amenity terms, the development is considered to accord with the provisions of the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out 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 would be severe, following mitigation.

Policy 2 of the Local Plan sets out 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 Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

No changes are proposed to the parking arrangements within the site. No on-site parking is currently provided for the unit; 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. As such, it is considered that the proposal would have an acceptable impact in terms of highway safety in accordance with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

Policy 2 of the Local Plan requires proposals to meet sustainable development considerations including in relation to sustainable drainage and flood risk (part 7).

Policy 4 of the Local Plan requires proposals in Flood Zones 2 and 3 to be supported by sufficient information relating to flood risks associated with the development.

The site is located within Flood Zone 3; however, the development is identified as a 'less vulnerable'

use according to Annex 3 of the NPPF. Therefore, it is not considered necessary to apply to exception test to the development. Furthermore, the site is allocated for development within the Local Plan and as such, it is considered that the proposal passes the sequential test in accordance with Paragraph 180 of the NPPF.

Within the South East Lincolnshire Strategic Flood Risk Assessment, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. 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. Therefore, in terms of flood risk, it is considered that the proposed development accords with Policy 4 of the Local Plan and Section 14 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.

Initially, it appeared that alterations were proposed to the external seating area within the site. This area is outside the red line boundary and as such, this was queried with the applicant's agent as the changes could have affected habitat; however, the application could not apply for changes outside the red line boundary. It was clarified that no changes are proposed to the external seating area and the plans were updated to show this.

Based on the updated site plan, the development in this instance 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 1, 2, 3, 4, 9, 24, 27, 30 and 36 of 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.