DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-1269-25**	**Applicant:**	**Mr A Sukarno**
Proposal:	Conversion of shop/residential into 3 self-contained units, including new build and alterations - approved under H18-0352-19. Modification of Conditions 6 and 7 to allow upvc windows in lieu of wooden windows		
Location:	8a High Street Sutton Bridge Spalding		
Terminal Date:	2nd March 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
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 5 - Delivering a sufficient supply of homes
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
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0

PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks consent to modify conditions 6 and 7 of permission H18-0352-19, which granted consent for the conversion of a shop / residential building into 3 self-contained dwellings including the erection of a separate building.

The application seeks to modify conditions 6 and 7 to allow UPVC windows in lieu of timber windows. The windows would still comprise sliding sash windows as the application only seeks to change the materials of the frames.

Site Description

The building within the site that has consent to be converted is a 19th century building located on the corner of High Street and Wharf Street, within Sutton Bridge. The building was previously considered to be a non-designated heritage asset. The site previously featured a shop with residential floorspace and an associated outbuilding. There is terraced housing located to the north of the site, on the opposite side of Wharf Street and to the west of the site. A three storey Georgian terrace is situated to the south of the site which fronts Bridge Road.

Planning History

H18-1017-11: (Full Application) Change of use and conversion of existing shop/accommodation to form 3 apartments and construct 2 new semi-detached dwellings - refused 16 February 2012

H18-0352-19: (Full Application) Conversion of shop/residential into 3 self-contained units, including new build and alterations - approved 11 July 2019

H18-1149-19: (Discharge of Conditions) Details of Conditions 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 17 of H18-0352-19 - approved 20 January 2020

Consultation Responses

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

Sutton Bridge Parish Council: At a meeting on the 27th January 2026 Sutton Bridge Parish Council resolved to support the application.

Lincolnshire County Council - Historic Environment: A Historic Building Recording was submitted in compliance with Condition 17 of application H18-0352-19. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again,

unless there are material changes to the proposals.

Environment Agency: We did not recommend Conditions 6 and 7 on application H18-0352-19 and therefore have no comment to make on this application (H18-1269-25).

Lincolnshire County Council - Highways and SUDS: The proposal is for minor amendments to condition 6 & 7 that already has approval under H18-0352-19. The minor amendments proposed will not have an adverse impact upon the public highway or surface water flood risk.

Cllr C J T H Brewis: No response received.

Cllr M D Booth: No response received.

Environmental Protection: 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, one representation has been received from a member of the public. The representation sets out concerns with the lack of parking on Wharf Street and on High Street.

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 principle of development for 3 dwellings within the site has already been found to be acceptable through the approval of the original permission H18-0352-19. The current application only seeks to amend the approved window materials. As such, the main issues and considerations in this case include the following:

-Proposed Modification of Conditions 6 and 7; and
-Impact on Other Conditions.

These matters are assessed in turn below.

Evaluation - Section 73

The proposal relates to the variation of conditions 6 and 7 of planning approval H18-0352-19, utilising section 73 of the Act. The purpose of an application made under section 73 of the Town and Country Planning Act 1990 is to vary or remove conditions associated with an existing planning permission. These applications are used to allow for amendments to an approved scheme and can be made both retrospectively and prior to a permission being implemented, as long as the permission is extant.

The Act is clear that: "On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted." As such, the Local Planning Authority are not able to revisit the principle of development and only matters relevant to the specific conditions can be considered.

The effect of granting permission would be to issue a new permission with the relevant condition removed or varied, together with any other relevant conditions from the original permission, or subsequent relevant revisions since this permission.

The PPG clarifies that "Permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted". There is no statutory definition of a 'minor material amendment'; but this is likely to include any amendments where its scale and or nature results "in a development which is not substantially different from the one which has been approved"

Proposed Modification of Conditions 6 and 7

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.

Section 16 of the NPPF sets out guidance in terms of how applications should be determined which affect designated and non-designated heritage assets.

The building that is proposed for conversion within the site is considered to be a non-designated heritage asset due to its age and architectural features. Paragraph 216 of the NPPF is, therefore, relevant and sets out the following:

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

Policy 29 of the Local Plan sets out that development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets.

The current application seeks to modify conditions 6 and 7 of permission H18-0352-19 in order to change the approved window materials to UPVC rather than timber. Conditions 6 and 7 were worded as follows:

"6. Details of the window frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing (including reveals), cill and lintol detailing, and means of opening. The window frames shall be installed in accordance with the approved details and thereafter so maintained.

Note: All new windows shall be timber sliding sash with the possible exception of the original shop windows within the principal building.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

7. All new window frames, glazing bars and external door frames shall be of timber construction, painted white and thereafter so maintained.

Reason: In the interests of the architectural composition and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019."

It should be noted that the conditions were not recommended by the LPA's conservation officer or Lincolnshire County Council's Historic Environment Team.

As set out previously, the conditions were discharged under application H18-1149-19 on 20 January 2020. Although condition 7 was discharged, this was not necessary as condition 7 is a compliance condition. Details for condition 6 included sliding sash paned windows.

Although the site is not within a Conservation Area, nor is the building within the site a listed building, the building was considered to be a non-designated heritage asset and the building contained traditional materials such as timber framed windows. As such, it was considered appropriate to require replacement windows to be similar in terms of their appearance and quality.

The proposed use of UPVC in place of timber windows would introduce a non-traditional material to the building. The site comprises a corner plot and the building is relatively visually prominent within the site. Notwithstanding this, the proposed windows would comprise sash windows that are constructed in a similar way as traditional timber sash windows sharing similar features to timber windows such as slim profiles. It is also recognised that 1B Wharf Street, the adjacent building to the east of the site, features UPVC sliding sash windows. It is considered that these windows are similar in terms of their appearance and finish as the windows that are proposed within the current application site. Furthermore, the majority of the nearest buildings feature UPVC windows. The rest of the approved materials would remain unchanged such as matching brickwork to replace any missing areas within the current building and a natural slate roof. Therefore, the overall appearance of the building would remain largely unchanged from the approved plans.

As set out previously, Paragraph 216 of the NPPF requires a balanced judgement when weighing the scale of any harm and the significance of the heritage asset in question. In this case, it is considered that the proposed change to UPVC windows instead of timber windows is acceptable on balance given the site context and the proposed appearance and quality of the substitute windows.

Impact on Other Conditions

It is also necessary to consider whether conditions from the original permission H18-0352-19 need updating or removing.

-Condition 1 is no longer needed as the permission has been implemented.

-Condition 2 required the development to be carried out in accordance with approved plans. It is considered appropriate to retain and update this condition to refer to the originally approved plans and the approved plans from application H18-1149-19.

-Condition 3 withdrew certain permitted development rights. It is considered appropriate to include 3 separate conditions restricting permitted development rights to cover the requirements of the previous condition (now conditions 2,3 and 4)

-Condition 4 required details of the external materials to be submitted and approved. This condition was discharged under application H18-1149-19 and as such, this condition can be updated referring to the approved plans from application H18-1149-19 (now condition 5).

-Condition 5 requires the roof to feature natural slate. It is considered appropriate to retain this condition (now condition 6).

-Condition 6 required window details to be submitted and approved. This condition was discharged under application H18-1149-19; however, the current application seeks to amend the part of this condition which requires the windows to feature timber frames. Plan 3171-17-09 was approved as part of the discharge of the condition under application H18-1149-19. According to the applicant's agent the windows will remain as previously proposed except for the material. For example, the windows are still proposed to be sliding sash windows as shown within the submitted Roseview Windows specification documents (specifically the 'Ultimate Rose' specification). As such, it is considered appropriate to refer to plan 3171-17-09 in condition 2 as an approved plan and to update

this condition to require the details to be carried out in accordance with the Roseview Windows specification document (now condition 7).

-Condition 7 required all new window frames, glazing bars and external door frames to be of timber construction and painted white. It is considered appropriate to remove this condition as it is no longer considered necessary to require the windows to be constructed in timber given the quality of the proposed alternative windows.

-Condition 8 required the external doors and door frames to be constructed in timber and for details of the doors to be submitted and approved. This condition was discharged under application H18-1149-19 and as such, it is proposed for this condition to be updated to remove the require for further details to be submitted. The compliance part of this condition is proposed to be retained to maintain the requirement for the doors to be constructed in timber (still condition 8).

-Condition 9 required details of the roof lights to be submitted and approved. This condition was discharged under application H18-1149-19 and as such, this condition has been updated to refer to the approved plans from application H18-1149-19 (now condition 9).

-Condition 10 required external rainwater goods to be coloured black and of metal construction. Although this condition is listed as being discharged under application H18-1149-19, as the condition is a compliance condition it is considered appropriate to retain the condition (now condition 10).

-Condition 11 required details of any gas and electricity boxes to be submitted and approved. This condition was discharged under application H18-1149-19 and as such, this condition has been updated to refer to the approved plans from application H18-1149-19 (now condition 11).

-Condition 12 required details of the chimney stacks, eaves, parapet wall and string courses to be submitted and approved. This condition was discharged under application H18-1149-19 and as such, this condition has been updated to refer to the approved plans from application H18-1149-19 (condition 12).

-Condition 13 required the first floor room window on the eastern elevation of the new building to feature obscure glazing in accordance with submitted and approved details. This condition was discharged under application H18-1149-19 and as such, this condition can be updated to refer to the approved plans from application H18-1149-19 (now condition 13).

-Condition 14 required details of the proposed boundary treatments to be submitted and approved. This condition was discharged under application H18-1149-19 and as such, this condition can be updated and the approved plans from application H18-1149-19 will be referred to (now condition 14).

-Condition 15 required the parking spaces shown on the approved site plan to be provided and retained. It is proposed to retain and update this condition to refer to the updated plan (now condition 15).

-Condition 16 required the development to be carried out in accordance with the approved Flood Risk Assessment. It is proposed to retain this condition (now condition 16).

-Condition 17 required a historic building recording to be undertaken and submitted. This condition was discharged under application H18-1149-19 and as such, this condition can be removed.

There were no legal agreements provided for application H18-0352-19 and as such, it is not necessary for any agreements to be updated as part of the current application.

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 development is appropriate and would not materially harm the character or appearance of the locality or the building within the site which is considered to be a non-designated heritage asset. The development also remains acceptable in terms of highway safety, flood risk

management and its impact on the amenity of future occupants and neighbouring dwellings. Overall, the proposed development accords with the Local Plan and the NPPF.

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, 11, 17, 29, 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.