DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-0412-26**	**Applicant:**	**Mr N Eaves**
Proposal:	Change of use of existing dwelling to offices (Class E), extend existing outbuilding to allow B2 usage & proposed new access		
Location:	100 Station Street Donington Spalding		
Terminal Date:	24th July 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
24	The Retail Hierarchy
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 7 - Ensuring the vitality of town centres
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
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	4	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full application for the change of use of a residential dwelling, 100 Station Street, Donington, to be used as offices. The proposal also seeks a change of use of an existing outbuilding to allow a B2 Use, alongside and extension to the existing outbuilding, and a new vehicle access off Station Road.

It is proposed that six full time and one part time employee would operate from the site, with business hours being 09:00 to 17:00 Monday to Friday, with the occasional Saturday 09:00 to 13:00 for the office and 09:00 to 17:00 for the outbuilding.

Site Description

The application site is a semi-detached two storey dwelling located on Station Road in Donington. Vehicle access is currently located off Barnes Road. The site is located within a residential area and is surrounded by dwellings of varying designs, to the northwest of the site is the roundabout junction into the A52.

To the northeast of the site is a small plot of land adjoining the site that currently has permission for the erection of one dwelling (H04-0247-23).

History

Application Site

H04-1085-08 - Proposed conservatory to rear of dwelling - Approved 28.11.2008

Neighbouring Land

H04-0968-20 - Outline - Erection of Dwelling - Approved 17.12.2020

H04-0247-23 - Reserve Matters - Proposed Dwelling - Approved 28.04.2023

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:

Black Sluice Internal Drainage Board

Please see attached guidance sheet which may apply to the site dependent on surface and treated water discharge. I would be grateful if you could provide grid references on all applications going forward. This enables us to input the applications onto our GIS mapping system accurately.

LCC Highways

Deferral: LCC is not currently in a position to support the application and requests further assessment, supporting evidence, revisions and/or dialogue, as set out in the response.

Please can parking provision be clearly shown on the proposed block plan, together with justification for the number of spaces required.

Furthermore, the position of the gully and streetlight should be indicated on the plan. A minimum clearance of 1m from the streetlight is required. The gully must not be overrun and may need to be relocated at the applicant's expense.

The width of the proposed dropped kerb extension is excessive and should be reduced. If two-way vehicle movements are required, a width of 4.1m would be considered acceptable.

Gravel is proposed for the parking area; however, unbound materials are not permitted within 1m of the highway, to prevent migration of material onto the highway and the creation of a safety hazard.

Finally, please confirm on the block plan that the access will be constructed in accordance with current Lincolnshire County Council specifications.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, 6 letters of representation have been received, however, three of those letters were from the same household.

These can be summarised as follows:
-Concerns regarding overlooking and loss of privacy
-Concerns regarding parking
-The proposal is out of character
-Concerns regarding the increase in footfall and vehicle traffic
-The proposal will affect the value of properties
-There is no benefit to the local community
-Concerns with regards to the proposed garage use for the storage and repair of vehicles, including any associated welding or similar industrial activities
-The proposed garage use is inappropriate for this location
-Concerns regarding noise disturbance
-There are better suitable locations for this proposal
-Concerns regarding highway safety
-There is a lot of wildlife in the garden

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

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework 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 in respect of sustainable development 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 application site in this instance is within Donington, a Main Service Centre, and lies within the defined settlement boundaries as detailed by Policy 1. However, it does not lie within a defined town centre location, and as such, is not viewed as being within a retail centre.

Beyond Policy 1, Policy 7 and 24 of the SELLP and Section 7 of the National Planning Policy Framework are also relevant in this case. The proposal seeks permission for the change of use of the existing residential dwelling, to a Class E use, in the form of an office. In addition, an extension is also proposed to an existing outbuilding, which is also subject to a change of use to a B2 general industrial use, initially intended to be occupied by a welders business.

The information regarding these proposed uses are limited, and the design and access statement accompanying this application offers minimal information as to the extent or regular operations of the proposed development, particularly with regard to the proposed B2 use. In any case, it is clear that the two business elements of the proposal do not correlate, nor would they link in practice once operational.

In light of the nature of the proposal, in that a Class E and a Class B2 use are proposed, both policy 7 and 24 of the SELLP are relevant in this case.

Policy 7 - B2 General Industrial Use

Policy 7 relates to Improving South East Lincolnshire's Employment Land Portfolio. Policy 7 seeks to steer development of this nature to existing, or allocated employment/business sites, and as set out within appeal decision 6005509 "The overriding objective of LP Policy 7 is to improve the district's employment land
portfolio in line with its identified needs. It details that economic growth will be focussed in the higher-tier settlements, thus in the most sustainable locations, ensuring that better access between housing, jobs and services is promoted. It designates 139ha of land as 'Main Employment Areas' and 0.4ha of land as 'Local Employment Areas'. It also identifies multiple sites as 'Established Employment Sites' across the district which are expected to perform an important role in the local economy, provided proposals are of a scale that respect the character of the area and/or neighbouring land uses. All of these designations are reserved for uses falling within Use Classes B1, B2 and B8".

Within policy 7, it states that "new employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings."

For clarity, the NPPF within Annexe 2: Glossary, provides the following as an exclusion to the defined term of 'Previously Developed Land': "Previously developed land excludes: land in built-up areas such as residential gardens, parks, recreation grounds and allotments".

The policy then goes on to state "where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided:

a. the development does not conflict with neighbouring land uses;
b. there is no significant adverse impact upon the character and appearance of the area;
c. the design is responsive to the local context;
d. there will be no significant adverse impact on the local highway network;
e. there will be no significant adverse impact upon the viability of delivering any allocated

employment site;
f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
g. there is an identified need for the business location outside of identified employment areas on the Policies Map."

As addressed above, it is evident that the application site does not fall within any of the aforementioned employment designations, and instead is considered an 'Other Employment Site' in accordance with Policy 7 of the SELLP.

Turning to the proposed change of use of the existing outbuilding to a B2 use, the existing outbuilding, which itself serves a functional residential dwelling, is not 'redundant' for the purposes of Policy 7, and does not comprise previously developed land, being an incidental building within a residential garden within a built-up area.

As such, initially in this regard, the proposed change of use to a B2 general industrial use would not involve the conversion or re-use of a 'redundant' building, and the application site to which this aspect of the proposal relates, being within residential garden land within a built up area, does not constitute previously developed land (PDL).

Therefore, as is further set out and clarified within Appeal Decision 6005509, where a proposal does not meet the initial branch of Policy 7 for 'Other Employment Sites', in that it does not relate to a conversion or re-use in line with the above, "policy support is first predicated on demonstration that no suitable building capable of conversion or re-use is available, or that the re-use of PDL is not available or is unsuitable".

In this regard, as also set out within Appeal Decision 6005509, "The evidence indicates that the extent of allocated employment exceeds the projected need over the plan period in the district to provide choice, enable sustainable growth and flexibility". Beyond this, the submission/application has not been supported by any evidence or supporting information to demonstrate that there are no suitable buildings capable of conversion/re-use, or that there are no sites that constitute previously-developed land that are not capable of re-use. In this case, not only has this not be satisfactorily evidenced, this matter has not been addressed to any extent. Therefore, there is no evidence that the applicant has considered any other sites at all.

The absence of this information means that the proposal has not been justified in locational terms, in respect of Policy 7.

In addition, this aspect of the proposal seeks permission for a change of use to form a B2 general industrial use, in which Policy 7 of the Local Plan specifically allocates a variety of allocated sites, further evidencing that alternative sites are available in this regard. As such, it has not been clearly articulated, or at all demonstrated, why the proposed use could not be located in a more suitable location or importantly, comply with the requirement of Policy 7. In this regard the proposal conflicts with the qualifying component of Policy 7. Furthermore, it is also worth noting that this proposal also seeks to enlarge the existing outbuilding, in order to provide a suitable provision on site. This also suggests that the site as existing is not fit for the purpose intended.

As such, the proposal is at clear conflict with the requirements of Policy 7 of the South East Lincolnshire Local Plan, 2019, in this regard.

Given that the 'qualifying components' of Policy 7 in this regard has not been met, there is no requirement for this aspect of the proposal to be assessed against subsequent criteria that follows in such instances where the aforementioned is met. Nevertheless, for completeness, an assessment is provided against this criteria.

(a) The development does not conflict with neighbouring land uses

The application site is located within an established residential area, where the surrounding area comprises predominantly dwellinghouses. The application site is immediately neighboured to the south by the adjoining semi-detached dwelling, and is neighbouring immediately by further semi detached dwellings to the ease/south-east and adjacent, to the northern side of Barnes Road.

The proposed change of use to form a B2 use, initially intended as a welders business, would introduce commercial activities into an area hat is largely characterised as residential plots within

the immediate vicinity.

The proposed use would be likely to generate increased levels of activity, including staff and visitor movements, deliveries, servicing, vehicle manoeuvring, and the operation of equipment associated with a B2 use. These activities are materially different from those ordinarily associated with a dwellinghouse and would conflict with the established residential function of the surrounding properties. Consequently, the proposal would give rise to an unacceptable relationship with neighbouring residential uses and is therefore considered to conflict with criterion (a) of Policy 7.

(b) There is no significant adverse impact upon the character and appearance of the area

The surrounding character is predominantly residential in nature, with domestic properties, residential gardens and associated domestic activity. Whilst no significant external alterations are proposed, to the existing dwelling house, planning consideration extends beyond the physical appearance of the buildings to the character created by the use of the land.

The proposed industrial use would introduce a commercial presence into the locality through a potential in increased vehicle movements, customer and employee activity associated with the business. The change of use would have an impact to the residential character of the area and introduce a form of development that is out of keeping with its surroundings. The proposal therefore fails to satisfy criterion (b) of Policy 7.

(c) The design is responsive to the local context

Policy 7 requires development to respond positively to its context, including the character and function of the surrounding area. Although the existing buildings would remain largely unaltered, the proposed use represents a significant difference from the established residential area. However, it is noted that in design terms, the proposal would not itself strictly conflict with this requirement.

(d) There will be no significant adverse impact on the local highway network

The proposal would be expected to generate a materially greater number of vehicle movements than the existing residential use of the site. Staff, customers and possible deliveries associated with the B2 use would increase traffic. It is noted that the submission is not accompanied by any supporting information, and as such, the extent of vehicular movements are not strictly known; albeit, the resultant development is likely to generate a notable increase.

(e) There will be no significant adverse impact upon the viability of delivering any allocated employment site

The application does not provide any evidence to demonstrate why the proposed business cannot be accommodated within an existing or allocated employment area identified within the Local Plan. In the absence of sufficient justification, the Local Planning Authority cannot conclude that the proposal would have no adverse impact upon the viability or delivery of allocated employment land. The aforementioned assessment, with regard to existing allocations and the lack of evidence regarding alternative, more suitable sites, illustrates that insufficient information has been provided to comply with this requirement. Consequently, the proposal fails to satisfy criterion (e) of Policy 7.

(f) Proposals maximising opportunities for modal shift away from the private car are demonstrated

No evidence has been submitted to demonstrate how opportunities for sustainable travel have been maximised. There is no Travel Plan or statement, sustainable transport assessment or information regarding measures to encourage walking, cycling or the use of public transport by employees or visitors.

Given the nature of the proposed uses, it is likely that employees, customers and delivery vehicles would predominantly rely upon private motor vehicles. The proposal therefore fails to demonstrate compliance with criterion (f) of Policy 7.

(g) There is an identified need for the business location outside of identified employment areas on the Policies Map

The application contains no substantive justification demonstrating why the proposed uses require a location within a residential area, rather than within one of the designated employment areas

identified on the Policies Map.

No operational or locational requirements have been identified that would necessitate the business operating from a residential property. To the contrary, the general industrial use, as is expanded upon further within the relevant assessments below, is likely to give rise to adverse impacts and as such, would typically be avoided in such residential areas.

In the absence of such evidence, the Local Planning Authority cannot conclude that an exception to the spatial strategy for employment development is justified. The proposal therefore fails to comply with criterion (g) of Policy 7.

Taking the above into account the proposal fails to satisfy several key criteria of Policy 7. It would introduce incompatible commercial uses within a residential area, resulting in harm to residential amenity and the character of the locality, while also generating additional traffic and parking demand. Furthermore, the application fails to demonstrate why the proposed business cannot be accommodated within designated employment areas.

As such, the proposed B2 use in this instance conflicts with the qualifying component of Policy 7, and as such, fails to accord with this policy of the SELLP. In addition, notwithstanding this matter, by reason of the lack of information, nature and potential intensity of the proposed commercial activities, associated noise and disturbance, and increased vehicle movements, coupled with the lack of sequential evidence and potential for the proposal to be appropriately located within allocated employment areas, the proposal is considered to be contrary to the provisions of criteria a, b, e, f and g of Policy 7.

As such, the proposal is at conflict with the requirements of Policy 7 of the South East Lincolnshire Local Plan, 2019, in this regard.

Policy 24 - Office Use and Town Centre Uses

As previously addressed, it should be noted that since the publication of the SELLP, the Use Class Order has been updated. To this end, use classes A.1, A.2, A.3, A.4, and B.1 which are referred to throughout the SELLP, have been revoked and replaced by use class E. As the SELLP has not been updated to reflect these changes, proposals for class E uses should, where appropriate, be assessed against the relevant policies, even when these policies reference outdated use classes.

Policy 24 of the SELLP relates to the retail hierarchy and the provision of town centre uses. Whilst referring to retail uses in the large part, Policy 24 also relates to broad "town centre uses". The proposal in this instance seeks a change of use of an existing residential dwelling to form an office.

The NPPF provides a definition for Town Centre Uses under Annexe 2: Glossary, which includes 'Offices'. This defines 'Main Town centre Uses' as follows: "Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and
conference facilities)".

In light of this, the provisions of Policy 24 are applicable in this case.

Policy 24 outlines a retail hierarchy, focussing on sub-regional centres (Part A. of Policy 24), before cascading to district and local centres (Part B. of Policy 24 (as outlined in Policy 1) and finally developments outside of the retail hierarchy.

The application site lies within Donington and as such, does not comprise a 'Sub-Regional Centre'. Whilst the settlement in which the proposal lies does comprise a 'District and Local Centre' as set out under Part B of Policy 24, in that it lies within Donington, Part B is clear in that this relates to development within the District or Town Centres of such settlements, with the town centre for Donington being clearly defined within the relevant Inset Map for the settlement, pertinent to the SELLP.

In this case, the site clearly lies outside, and notably detached from, the town centre boundary of Donington. As such, Part B does not apply in this case. Therefore, part C. of Policy 24 is relevant.

This details that "Outside the retail hierarchy, individual local shops and small neighbourhood clusters of them within a settlement boundary, which meet the day-to-day needs of nearby residents, will be promoted. Wherever possible such new uses should be located in close proximity to each other, unless serving very local catchments e.g. corner shops".

This continues by outlining that "The vitality and viability of centres in the retail hierarchy will be maintained and enhanced. Proposals for retail use outside the Primary Shopping Areas as identified on the Policies Map, or **for other main town centre uses, outside the town centre boundaries** and where not provided for under Policy 27, will be required to demonstrate their suitability through a sequential test in line with the National Planning Policy Framework".

The provisions of Policy 27, as referenced by Policy 24, relates to 'Additional Retail Provision' and refers to: "Individual local shops, leisure uses and services and small neighbourhood clusters of them which meet the day-to-day needs of nearby residents". Given that the proposal in this instance relates to an Office space, and not a 'retail unit or shop', Policy 27 is not considered to be required in this instance.

Returning to Policy 24, this is clear in that "for other main town centre uses, outside the town centre boundaries and where not provided for under Policy 27, will be required to demonstrate their suitability through a sequential test in line with the National Planning Policy Framework". This aligns with the requirements of Section 7 of the NPPF, which details that "Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered".

In this regard, para 95 of Section 7 of the NPPF is clear in that "Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94 it should be
refused".

The proposal does not include a sequential test and therefore fails to adequately demonstrate that the proposed use cannot be accommodated in more appropriate town centre, or edge of centre location, which are more suitable locations for such a use. The absence of a sequential test, whereby the submission fails to adequately demonstrate the suitability of the site, means that the proposal has not been justified in locational terms, and as such the proposal is situated within an unsuitable location, that is not considered to be sequentially preferable.

Overall, there is no tangible need for the business to be located outside of town centre boundaries, and the proposal fails to provide a sequential test, and as such, evidently does not pass or satisfy such test.

On this basis, the proposal fails to comply with the sequential approach to main town centre uses as required by Policy 24 of the South East Lincolnshire Local Plan (2019) and Paragraph 91 of the National Planning Policy Framework (December 2024). In considering the proposal in line with the requirements of Section 7 in this regard, para 95 is clear in that "Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94 it should be refused".

The proposal to form an office is therefore contrary to Policy 1 and 24 of the South East Lincolnshire Local Plan (2019) and paragraph 91 of the National Planning Policy Framework (December 2024), and is considered to be unacceptable.

Principle Conclusion

The proposal seeks an expansion and change of use of an existing outbuilding to form a B2 general industrial use, initially intended for a welders business. Likewise, the proposal seeks to change the use of an existing residential dwellinghouse to form an office, which is a 'Main Town Centre Use', as defined within both local and national policy. The two uses do not appear, or have not been demonstrated, to comprise a functional or operational link, and as such, are to operate as two independent uses.

The proposal does not include a sequential test and therefore fails to adequately demonstrate that

the proposed development cannot be accommodated in more appropriate town centre, or edge of centre location, which are more sustainable locations for such a use. The absence of a sequential test, whereby the submission fails to adequately demonstrate the suitability of the site, means that the proposal has not been justified in locational terms, and as such the proposal is situated within an unsuitable location, that is not considered to be sequentially preferable.

Furthermore, the proposed development in respect of the proposed B2 general industrial use would relate to an existing outbuilding, which itself serves a functional residential dwelling, is not 'redundant' for the purposes of Policy 7, and does not comprise previously developed land, being an incidental building within a residential garden within a built-up area.

The submission does not has not been supported by any evidence or supporting information to demonstrate that there are no suitable buildings capable of conversion/re-use, or that there are no sites that constitute previously-developed land that are not capable of re-use. Therefore, the proposal does not comply with the initial, qualifying aims or requirements of Policy 7 in this regard. The absence of this information means that the proposal has not been justified in locational terms, in respect of Policy .

In any case, by reason of the lack of information, nature and potential intensity of the proposed commercial activities, associated noise and disturbance, and increased vehicle movements, coupled with the lack of sequential evidence and potential for the proposal to be appropriately located within allocated employment areas, the proposal is considered to be contrary to the provisions of criteria a, b, e, f and g of Policy 7.

As such, when taken as a whole, the proposed development fails to comply with the sequential approach to main town centre uses as required by Policy 24 of the South East Lincolnshire Local Plan (2019) and Paragraph 91 of the National Planning Policy Framework (December 2024). Furthermore, the proposal fails to accord, and is contrary to Policy 7 of the South East Lincolnshire Local Plan, 2019, and Section 7 of the National Planning Policy Framework (2024).

The proposal is therefore considered to be unacceptable in this regard.

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

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details 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 National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout 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.

Development proposals should also ensure that developments 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 South East Lincolnshire Local Plan (2019) 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. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), 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.

These policies accord with the provisions of the National Planning Policy Framework (December

2024) 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.

There are no alterations proposed to the existing dwelling; however, alterations are proposed to the existing outbuilding. The existing outbuilding currently measures approximately 2.4m by 3.6m with a maximum height of 2.7m and an eves height of 1.9m. The application proposes extensions resulting in the outbuilding measuring approximately 3.2m by 8.1m with a maximum height of 4.1m and an eves height of 2.4m. The proposed materials are wooden cladding and a metal corrugated roof. It is considered the proposed extension would not harm the character or appearance of the building.

Notwithstanding the above, the site is situated within a predominantly residential area where the established character is defined by dwellinghouses and associated domestic activity. The introduction of a commercial office, together with a B2 Use outbuilding, would represent an incongruous form of development that is out of keeping with the established residential character of the locality.

The increased commercial activity and general operational characteristics associated with the proposed use would urbanise the site and create a commercial presence that would be harmful to the quiet residential nature of the area. Whilst this would not amount to harm as to warrant refusal in its own right under Policy 2 and 3 of the SELLP, this matter is relevant and important with regard to Policy 7, which has been addressed above within this report.

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2024) 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 South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Policy 30 of the SELLP also details that "Development proposals will not be permitted where, taking account of any
proposed mitigation measures, they would lead to unacceptable adverse impacts upon:
the amenities of the area; or the natural, historic and built environment; by way of:
- noise including vibration".

The proposed change of use would introduce a commercial office and associated B2 use into an otherwise residential area. The nature of the proposed uses would inevitably generate additional comings and goings by staff and customers beyond those ordinarily associated with a dwellinghouse.

Furthermore, the operation of a B2 use within the outbuilding has the potential to generate noise, vibration, the use of machinery, loading and unloading activities and general disturbance. Even where such activities may fall within the definition of light industrial use, they are materially different from normal residential activities and are likely to result in an unacceptable loss of residential amenity for adjoining occupiers through increased noise, disturbance and activity.

The industrial use hereby proposed is stated to be initially intended for a welders business, a use which is likely to generate notable noise. It is considered that insufficient information has been presented to demonstrate that the proposal would not cause an unacceptable and detrimental impact upon the residential amenities of neighbouring occupiers, particularly through noise disturbance.

The proposal has not been supported by any detail as to the extent, operational needs, nor operational intentions, of the proposed B2 use. Given the likelihood of noise generated form the proposal, the submission has not been accompanied by any noise assessment, or any discussion

upon this matter. As such, the proposal has not demonstrated to a suitable extent, particularly given that the site is located immediately adjoining/adjacent to residential properties, that the proposed use would be suitable for such an area and would not cause an unacceptable impact upon the amenities of neighbouring occupiers in this regard.

As detailed above, the proposal is therefore considered to give rise to the potential for an unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users. As sch, the proposal is considered to be contrary to Policies 2, 3, 7, and 30 of the South East Lincolnshire Local Plan 2019, and Paragraph 198 and Section 12 of the National Planning Policy Framework, 2024.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) 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.

Further, Policy 36, to be read in conjunction with Appendix 6, of the South East Lincolnshire Local Plan (2019), 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.

The proposed commercial use would be expected to generate a level of vehicle movements significantly greater than that associated with a single dwelling. This would include staff arrivals and departures, customer visits and servicing and delivery vehicles associated with the industrial operation. Given the limited and insufficient information provided, the extent of such is unknown to the Local Planning Authority

It should be noted that LCC Highways did request further information, including the requirement for the parking provision to be clearly shown on the proposed block plan, together with justification for the number of spaces required. As well as requesting the position of the gully and streetlight to be indicated on the plan, and for the dropped kerb to be reduced in size. This information was not requested, as it was felt this would be unreasonable given the clear conflict with Policy 1 and 7.

In the absence of sufficient evidence demonstrating that the proposal would not have an adverse impact on highway safety, it could be viewed that the development is at conflict with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024). However, it is also noted that given the overall size of the site, and the realistic extent and scale of any resultant business, the highway demand and increase in movement is unlikely to be so significant as to, in itself, warrant refusal; albeit, conditions would be required in order to ensure the proposal suitability in this regard.

Flooding Considerations

Section 14 of the National Planning Policy Framework (December 2024) 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".

The site lies within Flood Zone 1 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 not classed as at risk of flooding. As such, the actual chance of the site flooding is low. The proposed change of use is classed as less vulnerable by the Environment Agency and as such is acceptable within the context outlined here.

Overall, when considering the development on balance, it is considered 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.

When taking the above into account, the development in this instance the application is exempt from the statutory 10% Biodiversity Net Gain requirements due to the proposal falling within the de minimis exemption, the development impacts less than 25 square meters of onsite habitat and impacts less than 5 meters in length of on-site linear habitat.

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 in this instance comprises the change of use of an existing dwelling to offices (Class E), extension of an existing outbuilding and change of use to allow a B2 use, within a location situated outside of the defined town centre of Donington.

The submission lacks adequate information, failing to provide a sequential test, or satisfy that such a development is required in this location. As such, it has not been demonstrated that the proposal

provides an outweighing benefit and taking all matters into consideration, the proposal is not considered to be acceptable.

The proposal is at clear conflict with policies 1, 2, 3, 7, 24 and 30 of the South East Lincolnshire Local Plan (2019) and Sections 7 and 12 of the National Planning Policy Framework (December 2024).

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 into consideration these factors, the proposal is considered to be at conflict of Policy 1, 2, 3, 7, 24 and 30 of the South East Lincolnshire Local Plan (SELLP), 2019, in addition to the identified sections contained within the National Planning Policy Framework (NPFF) (December 2024). Therefore, there are significant factors identified in this case that would not be outweighed by the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is not 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 refused under Delegated Authority.