

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0585-25 **Applicant:** Bear Guru Property Partners Limited

Proposal: Conversion of two-storey single dwelling into three self-contained residential units including internal alterations - Retrospective

Location: 11 A, B & C Church Street (Formerly 11 Church Street) Donington Spalding

Terminal Date: 8th October 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
21	Houses in Multiple Occupation and the Sub-Division of Dwellings
29	The Historic Environment
30	Pollution
33	Delivering a More Sustainable Transport Network
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 16 - Conserving and enhancing the historic 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
SHDC INTERNAL	0	0	1	0
RESIDENTS	1	0	0	3

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the conversion of a two-storey dwelling into three self-contained residential units. The application is retrospective as according to the application form, the works were completed on 12 September 2024.

Site Description

The site comprises land at 11 Church Street in Donington, which is a two-storey dwelling located within Donington Conservation Area. The building is not listed. The dwelling faces towards Church Street, which is to the west of the site. There is a rear garden enclosed by timber fencing at the rear of the dwelling. The garden appears to have been reduced in size at some point since 2011 based on a review of street view images from this time. There is a gravelled area to the rear of the garden which serves as an area for parking.

The site is located within the settlement limit of Donington, as identified by the South East Lincolnshire Local Plan 2011-2036, and the accompanying policies map.

The site is within Flood Zone 1, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

No planning applications have been submitted within the site; however, the following application partly overlaps the northern edge of the site.

H04-0955-81: (Full Application) Change of use of waste ground into car park at rear of Red Cow Hotel, High Street, Donington - approved 17 November 1981

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.

Lincolnshire County Council - Highways and SUDS: No objections. All of the units have 1 bed and adequate parking is detailed. The proposal will not have an adverse impact on the public highway.

Environmental Protection: No comments regarding land contamination or environmental protection.

Donington Parish Council: No response received.

Cllr H J W Bingham: No response received.

Conservation Officer: No response received.

Ecology Officer: No response received.

Cllr M A Geaney: No response received.

Cllr J L King: 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, four letters of representation have been received. The following summarises the matters raised within the responses:

- Does the building comply with planning regulations?
- The site is untidy and full of rubbish.
- The site does not look well managed.
- Is the boundary compliant with the Land Registry?
- There is insufficient room for parking within the site (4 off street parking spaces at most but practically only 2, but there is a potential need for up to 6 cars needing to park due to the 3 flat configuration).
- Church Street has a significant number of cars parking on the roadside which causes a dangerous situation when trying to turn out of Paddock Lane.
- On the site plan of flat 11a the off-street parking shown is not land which is owned by the property and is privately owned and forms part of Paddock Lane so there is no right to park on this land. Since the occupancy of the redeveloped property the tenants of the upstairs flat park their vehicles on the roadside within 2-3 metres of the Paddock Lane junction. This not only causes an obstruction for larger vehicles turning into Paddock Lane but also completely obscures the view to the blind bend from the village to the left meaning exiting Paddock Lane left towards the village you need to pull into the middle of the road to go around the parked cars and as there are often cars parked on the opposite side of the road it means the road becomes a single carriageway. If exiting Paddock Lane turning right the only view you get of traffic coming out of the village is once you are in the middle of the carriageway after pulling out making it a very dangerous junction due to the speed's cars go along Church Street.
- For Flat 11A, it is strange that 2 bathrooms have been built into the flat (one off the living room and one off the bedroom).
- Parking on Church Street is already extremely congested and at times dangerous, where the property is located is the worst area for parking near a bend. If residents park on the road, it will make an already congested road even more hazardous.
- There does not appear there is any provision of an emergency exit from Flat 11A in the event of a fire in either of the downstairs flats or at the bottom of the access staircase to it.
- Since the tenants have moved in there has been little or no maintenance, with weeds growing in the car parking area for ground floor flats and the front garden being overgrown to the point it is now starting to obstruct the footpath
- The street is already overcrowded making it difficult to see to exit driveways.
- Where will bins be stored?

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 and Heritage Impact;
- Impact on Amenity;
- Highway Safety and Parking; 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 within the settlement boundary of Donington which is a Main Service Centre. Policy 1 sets out that within this type of settlement, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

Policy 21 of the Local Plan is also relevant in this case as the policy relates to the sub-division of dwellings. The policy sets out that proposals for the sub-division of dwellings will be permitted provided that:

- 1. it would not result in the loss of family-sized dwellings in high density residential streets of predominantly terraced and/or semi-detached properties;*
- 2. it would not significantly harm the amenities of the occupiers of adjoining or neighbouring properties by way of noise, overlooking, general disturbance or impact on visual amenity;*
- 3. it would not have a significant adverse impact on the character and appearance of the area, including the historic and natural environment;*
- 4. adequate provision is made for the storage and disposal of refuse and recycling;*
- 5. it would not have a significant adverse impact on the surrounding area by way of increased on-street parking, impaired highway safety or by impeding proper access to the area;*
- 6. the site has good access - by walking and cycling - to community facilities, services, public transport and local employment;*
- 7. an adequate standard of residential accommodation and residential amenity is provided for future occupiers; and*
- 8. adequate provision is made for the communal gardens and amenity areas.*

Where all of the above criteria are satisfied, the Nationally Described Space Standards¹⁰ (or any successor) will be applied to ensure that the occupiers have adequate floor space."

In terms of the above referenced criteria, the proposal results in the loss of a family-sized dwelling in a high density residential street. The supporting text for Policy 1 references the importance of retaining family-sized dwellings (dwellings with 3 or more bedrooms) as the Strategic Housing Market Assessments found that the greatest demand in the future will be for three bedroom homes. The supporting text further sets out that "high density residential streets" should be taken as meaning streets of predominantly terraced and / or semi-detached properties (Paragraph 5.13.4). Church Street features mostly terraced and semi-detached dwellings. As such, the proposal does not accord with part 1.

In terms of part 2, it is not considered that the proposed conversion would significantly harm the amenities of neighbouring dwellings. For example, the development has not resulted in any extensions to the property, nor have any additional windows been inserted. As such, the development has not worsened any degree of overlooking with neighbouring dwellings.

It is noted that the public representations raise some concerns with the front garden area being

overgrown. This is not considered to be a planning matter and this could be addressed without planning permission if occupants tidied the front area of the site. No external changes are proposed to the building within the site and as such, the visual impact of the proposed change of use would not be significant. The change of use from one dwelling to three dwellings could potentially result in more occupants living within the site than previously. It is unclear how many bedrooms the dwelling previously contained before the conversion took place; however, it is presumed that the dwelling contained between two or three bedrooms. The comings and goings resulting from three households rather than one household could result in more disturbance to neighbouring properties. However, it is not considered that this disturbance would significantly harm the amenity of neighbours. As such, the proposal is considered to accord with part 2.

In terms of part 3, no external changes are proposed to the building within the site. Fencing has been installed at the rear of the site, however, this fencing is considered to comprise permitted development. As such, the development is considered to accord with part 3 as the development would not have a significant adverse impact on the character and appearance of the area, including the historic and natural environment.

In terms of part 4, the submitted plans do not indicate where space is allocated for refuse storage. There is reference to dedicated bin storage areas within the submitted application form and the Design and Access Statement; however, the plans do not clarify where these areas are. Flat 11A does not have any external amenity space and as such it is even more unclear where the dedicated bin storage area is for this dwelling. There is potentially room at the side of the property for this, though this would encroach on the already limited amenity space for occupants. The proposal potentially has the capacity to accord with part 4, however, insufficient information has been provided to confirm this.

In terms of part 5, the submitted plans show 2 parking spaces for Flat 11B and 2 parking spaces for Flat 11C at the rear of the site. The plans show an area of 'parking' at the side of the property for Flat 11A, within the private access road that is taken from Church Street. This land is outside the applicant's ownership. The spaces at the rear of the site would comprise tandem parking spaces. As three flats are proposed, it is not considered appropriate for occupants to need to tandem park with occupants from another flat. Therefore, whilst there is potentially room for 4 spaces within the site, Flat 11A would need to park on roads near to the site. Lincolnshire County Council's Highways Team have not raised objections to the proposals in terms of highway safety. The team have recognised that occupants of Flat 11A might need to park outside of the site, however, this is not considered to pose a significant highway safety risk in this case. The private access road to the site from Church Street is considered to be wide enough not to block a safety passageway for other vehicles. If vehicles cannot park on the private road, occupants might need to park on Church Street, which does not feature double yellow lines on the area near to the site. As such, the proposal is considered to accord with part 5.

Part 6 of the policy requires sites to have good access to community facilities, services, public transport and local employment. The supporting policy text sets out that a distance of 400m is generally accepted as an appropriate walking distance to key services, facilities and public transport (Paragraph 5.13.8). The site is located less than 400m from some key services such as shops and restaurants. Therefore, the proposal is considered to accord with part 6.

In terms of parts 7 and 8, it is not considered that occupants would be provided with an adequate standard of residential accommodation or garden space. For example, Flat 11C features approximately 36sqm of internal floorspace and Flat 11B features approximately 34sqm. The nationally described space standard requires single storey flats to be provided with at least 37sqm of internal floorspace, including built in storage. This recommendation is for flats that would contain only one occupant. As such, insufficient internal living space is proposed for the flats. Flat 11A is spread over two floors and as such, it is considered that this flat should be provided with at least 58sqm. This is achieved in this case as approximately 59sqm of floorspace is proposed. It is also considered that insufficient garden space is proposed for Flat 11B and Flat 11C on the ground floor as the garden has already been subdivided. No outdoor amenity space is proposed for Flat 11A which is located mostly upstairs. Therefore, the proposal does not accord with parts 7 or 8 of the policy.

The proposal does not accord with parts 1, 4, 7 and 8 of Policy 21 of the Local Plan, which seeks to ensure that the subdivision of dwellings is only permitted if relevant criteria are met, such as ensuring that a suitable standard of residential accommodation is provided. The proposed development represents an overdevelopment of the site.

Visual and Heritage Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The site is within Donington Conservation Area. The NPPF expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Paragraph 212 of the NPPF sets out the following:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Policy 29 sets out that proposals within a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting.

No external changes are proposed to the building within the site. Fencing has been erected at the rear of the site; however, it is considered that this fencing has been installed using permitted development rights.

The subdivision of the dwelling into 3 flats might have altered the character of the site to an extent, resulting in more comings and goings than the previous use as a single dwelling. It is not considered that this would have result in an unacceptable impact on the character or appearance of the area, including Donington Conservation Area.

The proposed development would not cause an adverse impact to the character or appearance of Donington Conservation Area in accordance with Policies 2, 3 and 29 of the Local Plan and Sections 12 and 16 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 set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

As set out previously, it is considered that the development would result in insufficient living space and external amenity space for occupants. As such, the development does not accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

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 sets out 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 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

As set out previously, Lincolnshire County Council's Highways Team have not raised objections to the proposals in terms of highway safety. Whilst sufficient parking is proposed for Flat 11B and Flat 11C within the site, there is no dedicated on-site parking for Flat 11A. It is not considered that this would result in a significant highway safety risk in this case as cars are able to park on Church Street.

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 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 proposed change of use from a dwelling into 3 flats would result in a poor standard of living for occupants as insufficient internal living space and external amenity space is proposed. Furthermore, the proposal conflicts with parts 1, 4, 7 and 8 of Policy 21 of the Local Plan, which seeks to ensure that the subdivision of dwellings is only permitted if relevant criteria are met, such as ensuring that a suitable standard of residential accommodation is provided. The proposed development represents an overdevelopment of the site. Furthermore, the poor standard of living would conflict with Policies 2 and 3 of the Local Plan, which seek to ensure proposals are suitably designed.

Therefore, the proposed development would be contrary to Policies 2, 3 and 21, and there are insufficient material considerations to justify a departure from the Local Plan. The planning balance is, therefore, against the development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking the above considerations into account, the proposal is considered to be contrary to Policies 2, 3 and 21 of the Local Plan. There are no significant factors in this case that indicate in favour of the proposal and outweigh the harm that would result from departing from the Local Plan, including the settlement hierarchy.

Recommendation

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