

**DECISION DELEGATED TO HEAD OF PLANNING**

**Application No:** H13-0010-25                      **Applicant:** Mrs N Doolan  
**Proposal:** Change of use of annexe to hair salon  
**Location:** 90a Church Lane Moulton Spalding  
**Terminal Date:** 7th March 2025

**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  
36                      Vehicle and Cycle Parking  
APPENDIX 6                      Parking Standards

**National Guidance**

**National Planning Policy Framework December 2024**

**National Planning Policy Framework (December 2024)**

Section 2 - Achieving sustainable development  
Section 4 - Decision-making  
Section 6 - Building a strong, competitive economy  
Section 11 - Making effective use of land  
Section 12 - Achieving well-designed places  
Section 15 - Conserving and enhancing the natural environment  
Section 16 - Conserving and enhancing the historic environment

**National Guidance**

**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
SOUTH HOLLAND INTERNAL DRAINAGE	0	0	0	1

BOARD				
SHDC INTERNAL	0	0	2	1

## CASE OFFICER ASSESSMENT

### **Description of Proposal**

The application seeks full planning permission use a detached annexe building as a hair salon. No operational development is proposed as the building is also situated within the site and no physical alterations are proposed for the building..

### **Site Description**

The application site comprises land at 90A Church Lane, Moulton. The site features a detached dwelling which is the host property and a detached annexe building. The site is within the settlement boundary of Moulton, as identified by the South East Lincolnshire Local Plan 2011-2036 and the accompanying policies map.

### **Relevant Planning History**

H13-0964-08: (Outline Application) Residential development - proposed detached bungalow - approved 22 October 2008

H13-0706-11: (Permission Renewal) Residential development - proposed detached bungalow (Renewal of H13-0964-08) - approved 27 October 2011

H13-0097-12: (Outline Application) Residential development - erection of 2 two bedroomed bungalows and garages - approved 19 March 2012

H13-0160-13: (Full Application) Proposed detached one-and-a-half storey dwelling and garage - approved 26 April 2013

H13-0996-13: (TPO Works) Application to remove a beech tree which is infected by the decay fungi known as *Meripilus giganteus*. The tree is located on the western bank of Moulton River, adjacent to Moulton Park. The tree fronts on to a building plot located between 90 and 92 Church Lane. Moulton. The tree is identified as T2 of Moulton Tree Preservation Order No.9 1991 - approved 03 January 2014

H13-0852-17: (TPO Works) Works to Moulton TPO No. 9, 1991 - approved 02 October 2017

### **Consultation Responses**

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on South Holland District Council's website.

Conservation Officer: No objections.

Environmental Protection: No comments.

Lincolnshire County Council - Highways and SUDS: I understand that this is an application for the change of use of annexe to hair salon, however there is no supporting information to justify highway concerns. Therefore, we would ask the applicant to provide further clarification of details for the proposed business operations with an estimation of operating hours per day, per week, how many appointments per day, how long the appointments are, spacing of visiting times and if pre-booking

arrangements of appointments is requested. Essentially, we need to know how many vehicles will be on site at any one time including the host dwellings cars, to ensure sufficient parking provision has been accounted for and to ensure vehicular movements of those arriving for an appointment, would not meet those departing from an appointment that has ended, if visiting times were equally spaced. Additionally, the applicant needs to advise and provide a detailed site layout drawing showing how safe and suitable parking provision in terms of parking spaces can be provided.

Tree Officer: No comments.

Moulton Parish Council: No response received.

Cllr T E Sneath: No response received.

Cllr A Casson: No response received.

Cllr A R Woolf: No response received.

Lincolnshire Wildlife Trust: No response received.

Natural England: No response received.

Ecology Officer: No response received.

### Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

## **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 proposal is for a change of use to an existing annexe building and no external alterations. As such, the main issues and considerations in this case include the following:

- Impact on Amenity;
- Highway Safety and Parking;
- Biodiversity;
- Flood Risk; and
- Moulton Conservation Area.

These matters are assessed in turn below.

### 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.

Policies 2 and 3 of the Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The site is located within a residential area. The nearest dwellings to the site are 92 Church Lane (to the north) and 90 Church Lane (to the south). The rear elevation of the annexe building is approximately 13m from 90 Church Lane. The annexe building faces to the north, towards 90A Church Lane. The only windows on the annexe building are on the front elevation, and as such no windows face onto 90 Church Lane. This reduces the potential impact on the neighbouring dwelling.

According to the application form, the applicant intends to use the annexe building as a hair salon. Only the applicant would operate from the site and there would be no other employees. The proposed hours of use would be 9am to 5pm, 4 days per week (on Monday, Thursday, Friday and Saturday). Customers would be managed through an appointment system. The applicant has set out that they expect there to be approximately up to five appointments per day, with appointment times varying from one to three hours.

The proposed use of the building as a salon is not likely to not generate significant levels of noise or disturbance. Potential disturbance could arise from the use of hairdryers and from visitors arriving at the site, however, the levels of noise would not be adverse.

As such, it is considered that the proposal would have no significant detrimental amenity impacts. The proposed development would therefore accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in amenity terms.

### Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

Some customers may walk to and from the premises, but it is reasonable to assume that many will visit the site by car. There is sufficient room for parking within the site.

Lincolnshire County Council's highways team has asked for additional information to support the application including clarification regarding the anticipated number of customers and confirmation as to how many cars can be parked within the driveway. The applicant has clarified that there would be approximately up to five appointments per day, with appointment times varying from one to three hours. All appointments will be pre booked via an appointment system. The site can currently accommodate up to five cars within the driveway. The maximum number of anticipated cars within the site would be four vehicles, for which there is room. The proposal would therefore not have an unacceptable adverse impact on highway safety and would therefore accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

### Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 set out that sites of biodiversity value should be protected. Paragraph 187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021)

introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units. Exemptions to this are outlined within The Biodiversity Gain Requirements (Exemptions) Regulations 2024. One of these exemptions is if the proposed development is below the de minimis threshold, by impacting less than 25sqm of non-priority onsite habitat and less than 5m of non-priority onsite linear habitats. It is considered that the development would be below the de minimis threshold. The proposed development is therefore acceptable in terms of biodiversity. The proposal therefore accords with Policies 28 and 31 of the Local Plan and Section 15 of the NPPF.

### Flood Risk

The site is within Flood Zone 3 on the Environment Agency Map, however, it is not within an area of hazard, as identified by the South East Lincolnshire Strategic Flood Risk Assessment. Furthermore, the proposal is for a change of use and no operational development is proposed. The proposal therefore would not increase the impermeable area within the site. The development therefore satisfactorily accords with Policy 4 in the Local Plan.

### Moulton Conservation Area

Moulton Conservation Area is located to the west of the site. The proposed development would not physically alter the building and as such this reduces the impact on the setting of the Conservation Area. The council's conservation officer has raised no objections to the proposed change of use. The proposals would not have an adverse impact on the character or setting of the Conservation Area.

### **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 amenity of nearby residents. The development is acceptable in terms of highway safety and 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 these factors into consideration, the proposal accords with Policies 1, 2, 3 and 36 of the Local Plan, as well as Sections 9 and 12 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

## **Recommendation**

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.