

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H17-0577-25      **Applicant:** Kismul Group Limited  
**Proposal:** Change of use from C3 dwelling to C2 residential care home (Supported Living)  
**Location:** Bridge House Park Lane Surfleet  
**Terminal Date:** 12th August 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
- 11 Distribution of New Housing
- 17 Providing a Mix of Housing
- 28 The Natural Environment
- 29 The Historic Environment
- 30 Pollution
- 32 Community, Health and Well-being
- 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 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

### Representations:

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

WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	2	0

## CASE OFFICER ASSESSMENT

### **Description of Proposal**

The application seeks full planning permission to change the use of the site from a dwelling (Use Class C3) to a care home for supported living (Use Class C2). In this case, the proposed use is for the site to be occupied by up to six children and adults with autism and learning difficulties.

No external changes are proposed to the dwelling and garage building, other than the replacement of a garage door with two windows and infilled brickwork.

### **Site Description**

The application site comprises land at Bridge House, Park Lane, Surfleet. The site features a two-storey detached dwelling and an outbuilding, located on the corner of Park Lane and Surfleet Road. The site is located to the south of the River Glen.

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

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

There is a public right of way to the north of the site than runs along the River Glen.

### **Relevant Planning History**

H17-0561-84: (Outline Application) Residential development - approved 17 August 1984

H17-0379-01: (Outline Application) Residential development - approved 30 May 2001

H17-0997-02: (Reserved Matters) House and detached double garage. (Outline application H17/0379/01) - approved 13 January 2003

H17-1414-03: (Discharge of Conditions) Details of Archaeological Watching Brief (Condition 5 of H17/0379/01) - approved 26 January 2004

H17-1497-03: (Reserved Matters) House and detached double garage, garden store and day room (alterations to previously approved garage) (Outline application H17/0379/01) - approved 17 February 2004

H17-1272-04: (Discharge of Conditions) Details of Archaeological Watching Brief (Condition 5 of H17/0379/01) - approved 18 October 2004

H17-0989-08: (Full Application) Proposed first floor extension and conservatory - approved 22

## 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.

**Environment Agency:** The mapping within the South East Lincolnshire Strategic Flood Risk Assessment shows that the site could experience flood depths of 0.5 - 1 metre during a flood that has a 0.5% chance of occurring in any one year up to 2115. However as there are no changes to the building proposed we have no objection to this application. Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

**Lincolnshire County Council - Highways and SUDS:** This planning application seeks to change the use of the premises from its existing C3 residential use to a C2 supported-living residential care home use. The property will comprise the long-term home for 6 residents with autistic spectrum disorders and learning disabilities. The property will, be staffed on a shift basis by non-resident staff. Daytime shifts will typically comprise 6 members of staff plus a manager, with three staff on-site overnight. The building in this case occupies a large site with adequate car parking to accommodate the operational needs of the use and additional parking can be provided if required. The development will be accessed from the existing access points from Park Lane. Traffic flows associated with the use will be modest and largely confined to staff. We would suggest that the applicant makes consideration of a cycle shelter for those who wish to travel by bicycle as an alternative mode of transport. No obvious constraints have been identified that may impact the proposed development and the type of mitigation measures that can be used to reduce the flood risk as there is no change to the existing building and therefore, there is no increase in the flood risk to others. No objections. The proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Surfleet Parish Council: No comments.

Environmental Protection: No comments and no comments regarding land contamination.

Welland and Deepings Internal Drainage Board: No response received.

Tree Officer: No response received.

Ecology Officer: No response received.

Conservation Officer: No response received.

Cllr S A Slade: No response received.

Cllr J Avery: No response received.

Cllr E J Sneath: No response received.

## Public Representations

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

## 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;
- Impact on Amenity;
- Design and Visual Impact;
- Impact on Heritage Assets;
- Highway Safety and Parking;
- Public Right of Way;
- Biodiversity Net Gain; and
- Flood Risk.

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 Surfleet, which is identified as a Minor Service Centre. Policy 1 sets out that within the settlement boundaries of Minor Service Centres, 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. Development will normally be limited to Allocated and Committed sites and infill.

The application seeks to change the use of a dwelling to a care home. The dwelling currently features six bedrooms, including living space within a two-storey outbuilding.

Policy 17 of the Local Plan sets out support for the provision of housing to meet the long term needs of the area, to maintain and provide mixed, inclusive and sustainable communities. The policy sets out the following:

*A growing ageing population with the increasing likelihood of mobility and disability needs to be met also make up over 10% of housing needs over the Plan period and these should be met through provision of homes capable of adaption and also through specialist care home provision.*

Policy 17 sets out a preference for specialist care home provision within the most sustainable settlements including the sub-regional centres and main service centres. Notwithstanding this, the site is within a Minor Service Centre which contains some services and facilities.

It is considered that the proposed change of use would broadly accord with Policies 1 and 17 of the

Local Plan. It is, however, necessary to consider the impact of the proposals on the character of the area and the impact on the amenity of neighbouring properties, in addition to other material considerations.

### 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 proposed living space is divided between the dwelling and the existing outbuilding. It is proposed to provide four bedrooms within the current dwelling and shared living space downstairs. Two bedrooms are proposed within the outbuilding and additional shared living space is proposed on the ground floor of the outbuilding. It is considered that future occupants would have sufficient internal and external living space.

As set out previously, minimal external changes are proposed. The only external change is the proposed replacement of the garage door on the outbuilding with two windows. These windows would not face directly onto any neighbouring properties. The garage faces towards the front driveway of The Lodge, which is a dwelling located to the east of the site. The Lodge is set back from the road frontage and there is a separation distance of approximately 40m between the outbuilding and The Lodge. This separation distance is considered to be suitable to prevent an unacceptable degree of overlooking between the properties.

Up to six residents could be occupants within the site. The dwelling currently features six bedrooms, and it is possible that a large family comprising six or more members could occupy the site based on its current use as a dwelling. The proposed change of use to a care home would introduce additional visitors to the site as it is proposed for up to six members of staff to be present within the day, and up to three members of staff to be present at night. There is likely to be more people within the site as a result of the change of use compared with the current use of the site as a dwelling.

The nearest dwelling to the site is The Lodge, which is located to the east of the site. There are dwellings located to the south of the site, on the opposite side of Park Lane, the nearest of which includes 1 and 2 Park Lane. The other nearest dwellings include 1 to 7 Surfleet Road, which are located on the opposite side of Surfleet Road, to the west of the site. There is considered to be suitable separation distances between the site and the nearest dwellings. Although the proposed change of use would result in an increase in the number of people visiting the site on a daily basis, the impact of this is not considered likely to result in an adverse degree of disturbance to neighbouring priorities.

The proposed care staff members would need to visit and leave the site each day. This could include six or seven staff members during the day, and three at night. Some residents might require temporary enhanced support to settle into the home, or if their needs change. There might be occasions when managers need to visit the site to conduct quality audits and inspections. The staff requirements might typically be six people during the daytime, however, fewer staff might be required in practice. This depends on the individual needs and circumstances of residents. It is considered appropriate to include a condition restricting the number of staff members that can be within the site to nine members of staff. The condition would allow for more than nine members of staff to be within the site whilst the staff handover takes place, as inevitably staff will need to handover from one another.

Therefore, in amenity terms, the proposed development would accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan.

### Design and Visual Impact

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

Policy 2 of the Local Plan outlines sustainable development considerations for proposals; providing

a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 of the Local Plan 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.

No external changes are proposed to the dwelling and garage building, other than the replacement of a garage door with two windows and infilled brickwork. The visual impact of this is considered to be acceptable. It is considered appropriate to include a condition requiring the brickwork used to infill part of the external wall with matching brickwork to the existing building.

It is also proposed to install two parking space on land within the existing garden space. The visual impact of this is considered to be acceptable. The site is relatively well enclosed by existing boundary treatments including fencing and a brickwork boundary wall along the site frontages on Park Lane and Surfleet Road. There is also various mature trees in and around the site which provide a degree of screening and a sense of enclosure.

The proposed development would not cause an adverse impact to the character or appearance of the area. The proposal would, therefore, accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

### Impact on Heritage Assets

There is a grade II listed building, The Mermaid Inn, located approximately 30m to the north-west of the site, on the opposite side of the River Glen. A grade I listed building, the Church of St Lawrence, is located approximately 85m to the north of the site. The site is not within a Conservation Area.

Policy 29 (Part A) of the Local Plan sets out that proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building.

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.

Section 16 of the NPPF states 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".*

The Local Planning Authority must ensure special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

The council's conservation officer has not commented on the current proposals. However, minimal external alterations are proposed, and it is not considered that the proposed change of use would significantly alter the character of the site. It is considered that the proposed change of use would have an acceptable impact on the setting of the nearest listed buildings. The proposals would therefore accord with Policy 29 and Section 16 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 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.

Lincolnshire County Council's highways team have not raised any objections to the proposed change of use. The team consider that adequate car parking is proposed, and additional parking could be provided if required. The team consider that traffic flows associated with the use would be modest. The impact of the proposal on the local highway network is therefore likely to be acceptable. The team have suggested that a cycle shelter is considered for members of staff. No planning conditions have been recommended by the team.

The proposal would therefore have an acceptable impact in terms of highway safety. As such, the proposal would accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

### Public Right of Way

There is a public right of way to the north of the site that runs along the River Glen. The proposed change of use would not affect the public right of way as users would still be able to use the route unimpeded. Therefore, the proposed development accords with Policies 32 and 33 of the Local Plan which require proposals to protect public rights of way.

### 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.

For applications that are submitted prior to the introduction of this requirement, the development would be exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set. When taking the above into account, the development in this instance the application is exempt from the statutory 10% Biodiversity Net Gain requirements.

## **Flood Risk**

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

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps. Policy 4 of the Local Plan allows for certain types of development within Flood Zones 2 and 3 in instances where specific criteria are met.

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. Within the SFRA, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is identified within a 'Danger to Most' hazard rating area. The Environment Agency has been consulted on the proposals and has clarified that the SFRA shows that the site could experience flood depths of 0.5 - 1 metre during a flood that has a 0.5% chance of occurring in any one year up to 2115. However, as there are no changes to the building proposed, the Environment Agency has not raised any objections to the proposed change of use.

No extensions are proposed and only a small area is proposed for two additional car parking spaces. The proposed development therefore is not likely to increase the risk of flooding within the site. The development therefore satisfactorily accords with Policy 4 of the Local Plan and Section 14 of the NPPF.

## **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 proposed development accords with Policies 1, 2, 3, 4, 17, 29, 30, 33 and 36 of the Local Plan, as well as Sections 9, 11, 12, 14 and 16 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.