

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H03-1262-25 **Applicant:** Mr & Mrs S Lewis

Proposal: Details of surfacing for the access and driveway, contamination of land or pollution of controlled waters and replacement tree (Conditions 4, 6 part i and 8 of H03-0896-24)

Location: Telephone Exchange Counter Drain Drove Tongue End

Terminal Date: 20th February 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
28	The Natural Environment
30	Pollution

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

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge conditions 4, 6 (part i only) and 8 of permission H03-0896-24 . Permission H03-0896-24 granted consent for the demolition of buildings within the site except for one building which was proposed to be shortened and retained for storage for a groundworks business, and the erection of 1 dwelling.

Site Description

The site comprises land at the Telephone Exchange, Counter Drain Drove, Tongue End. The site features various buildings, some of which are proposed to be demolished as part of the proposals. There are trees which are protected by a Tree Preservation Order along the site frontage. The site is mostly surrounded by agricultural fields, however, there is a dwelling located to the south-west of the site.

The site is situated within the settlement boundary of Tongue End, as identified by Policy 1 in the South East Lincolnshire Local Plan (2019) and the accompanying policies map.

The site is located within Flood Zones 1 and 3, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

H03-0246-93: Erection of timber component store - approved 20 April 1993

H03-0773-19: Demolition of existing buildings and erection of pair of three bed semi-detached houses with linked garages - approved 01 October 2019

H03-0093-23: (Outline Application) Demolition of existing buildings and erection of two 3 bed semi-detached houses with link garages - approved 18 May 2023

H03-0896-24: (Full Application) Demolition of buildings except for one (to be reduced in length) and used for storage of equipment in connection with applicants groundworks business and erection of one self build/custom build dwelling with associated works - approved 15 July 2025

Consultation

Lincolnshire County Council - Highways and SUDS: The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link:

<https://www.lincolnshire.gov.uk/licences-permits/apply-droppedkerb>. The access is to be upgraded to Lincolnshire County Council Specification. Gravel is not permitted as this is hazardous to the users of the public highway. Please contact the Vehicle crossings team as detailed above for the 'No dig' specification.

Environmental Protection: I have reviewed Arbtech Consulting Limited Preliminary Risk Assessment: Desk Study for The Old Mission, Tongue End, Spalding, Lincolnshire, PE11 3JJ, Dated: 22/10/2025. I generally agree with the findings of this report however due to history of the site and stockpiles of soils/ rubble on site I request a phase 2 land contamination survey be completed.

Welland and Deepings Internal Drainage Board: No response received.

Tree Officer: No response received.

Key Planning Considerations

Condition 4 reads as follows:

"Before the commencement of development relating to the site access, details of the surfacing for

the access and driveway shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure that the appropriate surfacing is installed which protects the protected trees within the site and is also suitable in terms of highway safety.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019."

The site plan indicates that there will be a 'proposed tarmac finish at entrance'; however, the plan is not clear where this area will extend to. The applicant's agent has subsequently clarified that the tarmac will extend up to the entrance gates which are indicated on the plan, and the remaining driveway will be finished with gravel. Whilst the plan should be clearer to demarcate this, Lincolnshire County Council's highways team have confirmed that the access arrangements are acceptable. As such, condition 4 can be discharged.

Condition 6 reads as follows:

"The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA).

The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:

- i) A preliminary risk assessment (desk study) shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). A full copy of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.
- ii) If identified as being required following the completion of the desk-top study, an exploratory site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed end use. A full copy of the site investigation and findings shall be forwarded to the LPA without delay upon completion.
- iii) Thereafter, a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019."

The council's environmental protection team have reviewed the submitted Preliminary Risk Assessment (PRA). The environmental protection team agree with the findings of the report and consider that a phase 2 land contamination survey needs to be completed. The submitted PRA concludes that:

"A targeted site investigation should be undertaken following demolition of the south westerly building to confirm the presence or absence of contamination within shallow soils in proposed residential garden and foundation areas. The investigation should include targeted sampling (0-1m), laboratory testing for hydrocarbons, PAHs, metals, VOCs (if odour/staining present), asbestos screening, and visual/olfactory assessment during works. Subject to results, the site is considered suitable for the proposed residential use with standard construction controls in place."

As such, it is considered that part i) of the condition can be discharged; however, parts ii and iii still need to be discharged. Whilst a partial discharge of the condition would not typically be allowed, it is considered to be acceptable in this instance as further investigation can only take place once demolition has been undertaken.

The description of proposal has therefore been amended, in agreement with the applicant to reflect this.

Condition 8 reads as follows:

"None of the existing trees on the site shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. If any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of existing trees on the site, in the interests of the visual amenity of the locality.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 15 of the National Planning Policy Framework, December 2024."

The applicant's agent has clarified that tree works are all as per the submitted approved scheme. Crown lifting of the trees was noted in the tree reports at the site entrance. This is also noted on the latest site plan submitted with the current application.

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

The details address the requirements of conditions 4 and 8 of permission H16-0762-25, and part i) of condition 6.

Recommendation

Discharge conditions 4 and 8 and part discharge condition 6, in relation to part i only.