DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0677-26**	**Applicant:**	**Loosegate Developments Ltd**
Proposal:	Details of contamination of land or pollution of controlled waters, materials of external surfaces, hard & soft landscape (Conditions 4, 5 & 6 of H09-0796-25)		
Location:	Land East Of Forest Way Holbeach Spalding		
Terminal Date:	18th September 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 August 2026

Section 3 - Decision-making policies (DM1 - 10)
Section 4 - Achieving sustainable development (S1 - S6)
Section 12 - Making effective use of land (L1 - 3)
Section 14 - Achieving well-designed places (DP1 - 4)
Section 17 - Pollution, public protection and security (P1 - 6)
Section 18 - Managing flood risk and coastal change (F1 - 9)
Section 19 - Conserving and enhancing the natural environment (N1 - 9)

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The current application seeks to discharge condition 4, 5 & 6 of planning permission H09-0796-25. Permission was refused for 2 bungalows under application H09-0796-25 but allowed on appeal (appeal ref: 6003284).

Initially, consent was also sought to discharge condition 3; however, it was considered that insufficient information had been provided to enable the condition to be discharged. This was discussed with the applicant's agent who agreed to remove the condition from the submission.

Site Description

The application site comprises an area of mowed lawn to the east of Forest Way in Holbeach. The site is located to the south of Wignal's Gate.

Relevant Planning History

H09-0798-96: (Full Application) Erection of seven dwellings - not determined

H09-0096-97: (Full Application) Erection of four dwellings - approved 06 November 1997

H09-0326-17: (Outline Application) Residential development - approved 21 August 2018

H09-0872-18: (Reserved Matters) Erection of 77 dwellings and associated works - outline approval H09-0326-17 - approved 04 December 2018

H09-0228-19: (Discharge of Conditions) Details of Conditions 7 (Surface water drainage), 8 (Contaminated land), 10 (Refuse storage), 12 (Existing and proposed site levels), 16 (Open space management), 17 (Construction process management plan), 18 (Prevention of mud on the highway), & 19 (Foul water strategy) of H09-0326-17 - approved 25 April 2019

H09-0270-19: (Reserved Matters) Erection of 12 dwellings (Plots 13,14,15, 20, 21, 26, 27, 67, 68, 69, 76, 77) - outline approval H09-0326-17 - approved 30 May 2019

H09-0426-19: (Full Application) Proposed bungalow - approved 26 July 2019

H09-0724-25: (Discharge of Conditions) Details of lighting to roads and footpaths and publicly accessible open space (Conditions 9 & 15 of H09-0326-17) - Residential development - approved 04 September 2019

H09-1201-19: (Discharge of Conditions) Details of boundary treatment, schedule of materials and landscaping management and maintenance schedule (Conditions 14 and 20 of H09-0326-17) - approved 21 January 2020

H09-1178-19: (S106 Modification) Modification of 106 Agreement appended to permission referenced H09-0326-17 to ensure delivery of units is in line with the contract programme of works and to allow safe occupation upon transfer of units to SHDC - approved 25 February 2020

H09-0278-20: (Discharge of Conditions) Details of external materials (Condition 2 of H09-0872-18) - approved 02 April 2020

H09-0448-20: Discharge of Conditions) Details of refuse collection management plan (Condition 5 of H09-0872-18) - approved 27 July 2020

H09-0819-21: (Section 73) Erection of 77 dwellings and associated works - approved under H09-0872-18. Modification of Condition 1 to allow amendments to previously approved plans. (Change plot 50, extending the rear gardens of plots 51 & 52 and extending a portion of highway) - approved 30 September 2021

H09-0188-21: (Full Application) Residential Development comprising 34 dwellings and associated

works - approved 02 December 2021

H09-0160-22: (Discharge of Conditions) Details of external materials of construction of buildings & hard surfaced areas (Condition 2 of H09-0872-18) - approved 24 February 2022

H09-1317-21: (Discharge of Conditions) Details of roads & footpaths specification, finished surface levels of estate road & associated footways & areas of publicly accessible open space (Conditions 4, 6 & 11 of H09-0436-19) - approved 24 February 2022

H09-0200-22: (Section 73) Erection of 77 dwellings & associated works - approved under H09-0872-18. Modification of Condition 1 to allow amendments to previously approved plans. Amend non-adopted roadway in front of plots 68-70 - approved 27 May 2022

H09-0365-22: (Full Application) Erection of 2 dwellings (Plots 78 & 79), reconfiguration of Plots 75, 76 & 77, reconfiguration of highway turning head and design amendment to Plot 71 - approved 16 February 2023

H09-0322-23: (Section 73) Erection of 2 dwellings (Plots 78 & 79), reconfiguration of Plots 75, 76 & 77, reconfiguration of highway turning head and design amendment to Plot 71 - approved under H09-0365-22. Modification of Condition 2 to allow amendments to previously approved plans - approved 08 June 2023

H09-0379-25: (Discharge of Conditions) Details of management plan for areas of publicly accessible open space and any outdoor play areas (Condition 16 of H09-0326-17) - withdrawn 03 June 2025

H09-0612-25: (Section 73) Erection of 77 dwellings and associated works - approved under H09-0872-18. Modification of Condition 1 to allow amendments to previously approved plans and Condition 4 relating to public open space management plan - withdrawn 01 July 2025

H09-1278-25: (Full Application) Proposed Erection of 2 Bungalows - refused 27 February 2024

Consultation

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): The applicant has indicated that they intend to dispose of surface water via infiltration, and the infiltration rate of 2.03x10-6 m/s is based on testing carried out on the adjacent residential development site in March 2018 (Doc Ref: SW26-261-TN-01, Shields Wilson, July 2026). Given that the infiltration testing was undertaken more than eight years ago and relates to land outside the application site, the Board considers that the evidence is insufficient to adequately demonstrate the suitability of infiltration drainage for the proposed development. Ground conditions may have changed since the original testing was undertaken, particularly following the construction of the neighbouring development. Accordingly, the Board recommends that a site-specific ground investigation is undertaken within the application site to confirm the current infiltration potential. Should the findings indicate that the underlying materials are suitable for infiltration, infiltration testing should be carried out in accordance with BRE Digest 365 to inform the detailed surface water drainage design. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. The Board recommend that any discharge is in line with the National standards for sustainable drainage systems (SuDS) published in June 2025. Further to the National Standards for SuDS, the Board's policy is to restrict discharges to 2/l/s/ha or annual average flood flow rate (QBar or QMed), whichever is higher. Please note that any consent granted for the discharge of surface water is likely to be subject to a Surface Water Development Contribution fee (SWDC) as outlined within our Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water): We note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991: We note the presence of a Board owned, arterial watercourse known as F37 Holbeach New River (DRN197P3703) adjacent to the eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the

watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). We are not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10: The Proposed Foul and Surface Water Drainage Plan (26114-102, Rev C, 09/07/2026), indicates the Board's 9 metre Byelaw Zone and works are not currently proposed within this zone. However, if the applicant's proposals change to include works within 9 metres of the aforementioned Board arterial watercourse, or if works within 9 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaw 10. Please note, it is unlikely that the Board would issue consent for any works within this 9 metre Byelaw Zone, now or in the future.

Lincolnshire County Council - Highways and SUDS:

As this is a minor development, the Lead Local Flood Authority does not wish to object to the discharge of the condition 3. However, the Local Planning Authority should note that the submitted information is limited in scope and does not explicitly address all elements of the condition. In particular, the document does not provide a detailed assessment of the wider hydrological and hydrogeological context, measures to prevent pollution of groundwater and surface waters, or any assessment of the relationship between the proposed drainage proposals and the adjacent attenuation basin. The Local Planning Authority may wish to satisfy itself that these matters have been adequately considered before determining the application.

SHDC Environmental Protection:

I have reviewed Ground and Environmental Investigation Limited, Phase 1 Contamination Risk Assessment for Land East of Forest Way, Holbeach, PE12 7FE, Document Ref: 26-1158, Dated: April 2026. I am in general agreement with the findings of this report and no further investigation into land contamination is required. However in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority (LPA).

Key Planning Considerations

Condition 4 sets out the following:

"No development shall 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. The scheme shall include all of the following measures unless the Local Planning Authority 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 Local Planning Authority 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 Local Planning Authority 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 Local Planning Authority. 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 Local Planning Authority. If during redevelopment contamination not previously considered is identified, then the Local Planning Authority 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 Local Planning Authority.

If contamination of land and/or pollution of controlled waters has been identified as a result of the investigation undertaken and remediation is required, a full copy of a verification report shall be submitted to, and be approved in writing by the Local Planning Authority, prior to the first occupation of the development.

The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation objectives and criteria has been fully met."

The application is supported by a Phase 1 Contamination Risk Assessment, prepared by Ground and Environmental Investigation Limited. The assessment concludes that no further contamination assessment is deemed necessary due to the low risk of land contamination within the site. The assessment has been reviewed by the council's environmental protection team and the team agrees with the findings. As no further information is required, condition 4 can be discharged.

Condition 5 sets out the following:

"No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details."

The application is accompanied by details of the external materials on the submitted Landscape Plan (LDC4657-600A). The materials include:

- Marshalls Driveline Priora Permeable (Charcoal);
- Marshalls Pendle Utility Buff Paving;
- Vandersanden Corum Buff Brickwork;
- Marley Modern Smooth Grey / Black Roof Tiles; and
- Anthracite UPVC windows, fascias, soffits and soil / vent pipes.

The materials are considered to be acceptable as they are considered to be in keeping with the character of the area.

Initially, the site layout plan shown on the Landscape Plan slightly differed from the approved site plan LDC4657-03A. For example, the driveway access and parking spaces contained curved edges whereas the approved site plan includes sharp angles. Although the addition of minor curved edges next to the access and parking spaces was considered to be minor and would likely assist vehicles to manoeuvre in and out of the site, the details should be consistent with the approved site layout. As such, the plan was updated to become consistent with the approved layout.

Therefore, condition 5 can be discharged.

Condition 6 sets out the following:

"Prior to first occupation, details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a full specification of all proposed tree/hedgerow/shrub planting which shall include the quantity, size, species, and positions or density of all trees/hedgerow/shrubs to be planted, how they will be planted and protected and the proposed time of planting. The planting shall be carried out in accordance with the approved specification.

- existing and proposed finished levels or contours, supported by cross sectional drawings where levels are to be raised;

- any means of enclosure and/or boundary treatments;

- hard surfacing materials; and

- an implementation programme.

The landscaping works shall be carried out in accordance with the approved details including in accordance with the agreed implementation programme.

If, within a period of five years from the date of planting, it is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original unless the Local Planning Authority gives its written consent to any variation."

In addition to the Landscape Plan (LDC4657-600A), the application is also accompanied by a Boundary Elevations & Sectional Elevations plan (LDC4657-601A) to support the discharge of condition 6.

As set out previously, the hard surfaced materials include Marshalls Driveline Priora Permeable (Charcoal) and Marshalls Pendle Utility Buff Paving. These materials are considered to be acceptable.

The submitted plans show grassed areas in front of the dwellings and within the rear gardens. A hedgerow is proposed around the rear gardens, and this is considered to be acceptable.

The submitted plans also show hedgerow planting and tree planting on land to the north of the site, which is outside the red line boundary for the original application. Tree planting was supposed to be provided on land to the north as part of the development of the wider residential estate on which the site is located; however, the planting was not provided despite being required. Although the planting is outside the site, the planting is considered to be acceptable.

The existing site is relatively flat, and the submitted plans show that the site would remain relatively flat. The site levels are considered to be acceptable.

In terms of boundary treatments, initially a 1.6m high green mesh fence was proposed around the rear gardens and a 1.6m close boarded timbe fence was proposed along the eastern boundary. These boundary treatments were considered to be unsuitable and as such, they were changed to 1.6m timber fencing around the rear gardens and 0.45m high knee rail along the eastern boundary which would continue the existing boundary treatment.

Overall, the submitted details are considered to be acceptable and condition 6 can be discharged.

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, 5 and 6 of planning permission H09-0796-25 (appeal ref: 6003284).

Recommendation

Discharge conditions 4, 5 and 6.