

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H17-0765-26	Applicant:	Mr F Hahn
Proposal:	Details of contamination of land or pollution of controlled waters, existing and proposed site levels, proposed floor levels, hard surfaced areas, garden/amenity areas, foul and surface water disposal, proposed boundary treatments and external materials (Conditions 3, 6, 7, 8 and 10 of H17-0880-25)		
Location:	7 The Reservoir Surfleet Spalding		
Terminal Date:	7th October 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
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 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)

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The current application seeks to discharge condition 3, 6, 7, 8 and 10 of planning permission H17-0880-25. Permission H17-0880-25 granted approval for a replacement dwelling on 09th June 2026.

Site Description

The site comprises land at 7 The Reservoir which currently features a detached single storey bungalow, the footprint of which spans most of the width of the site. The bungalow is located to the south of The Reservoir and there is garden land to the north of the road which features a pebble dash garage and a smaller wooden shed further to the north. The River Glen is located to the south of the site; however, the site is mostly surrounded by existing dwellings.

The site is located outside, though adjacent to the settlement boundary of Surfleet as identified within the South East Lincolnshire Local Plan (2019) and the accompanying policies map.

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

Relevant Planning History

H17-0880-25: (Full Application) Proposed replacement dwelling - approved 09th June 2026

Consultation

Welland and Deepings Internal Drainage Board:

No comments.

Lincolnshire County Council - Highways and SUDS:

The Highway and Lead Local Flood Authority do not wish to make comment on Condition nos. 3, 6, 7, 8 and 10 of H17-0880-25 as these were not requested by ourselves, and the authority has no objection to their discharge.

SHDC Environmental Protection:

I have reviewed Environmental Protection Strategies Ltd (EPS) phase 1 Geo-environmental Desk Study for 7 The Reservoir, Surfleet, PE11 4DJ, Project Ref: UK 26.7929, Dated: 06/08/2026. I am in general agreement with the findings of this report and no further investigation 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). An investigation and risk assessment must be undertaken in accordance with details to be agreed with the LPA. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the LPA. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by the LPA. 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.

Key Planning Considerations

Condition 3 sets out the following:

"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:

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. 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 application is accompanied by a Phase 1 Geo-Environmental Desk Study which concludes that there are no identified plausible contaminated linkages with the potential to be active or to become active through the proposed development. As set out previously, the council's environmental protection team agree with the conclusions of the report and as such, no further assessment work is required.

The environmental protection team have set out that in the event that contamination is found at any time when carrying out the approved development then further assessment is required; however, this scenario is already addressed within the latter part of condition 3. As such, condition 3 can be discharged.

Condition 6 sets out the following:

"Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and the proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Reason: To reduce the risk of flooding of the development and to ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent 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 Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 and Sections 12 and 14 of the National Planning Policy Framework, December 2024."

Condition 5 of planning permission H17-0880-25 sets out that the the finished floor levels of the dwelling shall be set no lower than 5.10 metres above Ordnance Datum (mAOD). As such, the requirements of this condition apply regardless of the requirements of condition 6.

The site levels are shown on submitted plan 25/680/PA/004F and as set out within the cover letter, the site levels are not proposed to be raised. The site levels would have an acceptable visual and amenity impact and as such, condition 6 can be discharged.

Condition 7 sets out the following:

"Before any development beyond oversight is commenced, full details of the proposed means of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems."

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2024."

According to submitted plan 25/680/PA/004F the existing surface water system will be retained which includes permeable surfaces throughout the site except where the dwelling and the garage are proposed. As part of the determination of application H17-0880-25, it was established that the impermeable area within the site should not increase as a result of the proposals. As such, the proposals should not result in a worse impact in drainage terms than the existing development within the site.

The applicant's agent has also clarified that both surface and foul water is treated within a treatment tank and clean water is then discharged into the river. As set out previously, Welland and Deepings Internal Drainage Board have not raised any objections to the surface water strategy.

As such, it is considered that the proposed drainage details are acceptable and condition 7 can be discharged.

Condition 8 sets out the following:

"Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter."

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.

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

No new boundary treatments are proposed and as such, condition 8 can be discharged.

Condition 10 sets out the following:

"Before the commencement of the development hereby permitted beyond oversight (above ground level), a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved."

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

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

The external materials are set out on submitted plan 25/680/PA/004F. The external materials include K Rend white render walls, a grey concrete slate roof and grey engineering bricks. The details are considered to be acceptable and as such, condition 10 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 3, 6, 7, 8 and 10 of planning permission H17-0880-25.

Recommendation

Discharge conditions 3, 6, 7, 8 and 10.