

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H04-0211-21 **Applicant:** JJR Property Investment

Proposal: Details of full historic building recording, management plan for communally accessible outdoor space, construction management, method statement for construction traffic, scheme to deal with contamination, proposed means of foul and surface water disposal, landscaping, boundary treatment, external materials, large scale constructional drawings, existing and proposed site levels, programme for phasing of development which prioritises works of repair and refurbishment of the Red Cow Hotel, bin storage buildings, refuse/recycling presentation points and scheme of lighting for the car parking areas (Conditions 6, 7, 8, 9, 10 ((i) (ii)), 11, 12, 13, 14, 15, 17, 18, 19, 20 and 21 of H04-1189-17)

Location: Red Cow Hotel 8 High Street Donington

Terminal Date: 23rd April 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

Sections 12 and 16 of the National Planning Policy Framework (2021)

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2

OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This condition discharge application is for the discharging of conditions 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20 and 21 of H04-1189-17

The conditions read as follows;

Condition 6

Prior to development, the developer is required to undertake full historic building recording and include an in depth analysis of the building and highlight any features that are of particular note and all the upstanding buildings on this site.

Reason: To ensure satisfactory arrangements are made for the recording of historic buildings and features in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

Condition 7

A management plan for the areas of communally accessible outdoor space including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The management of these areas shall be carried out in accordance with the details so approved.

Reason: To ensure that adequate space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the communal spaces.

This Condition is imposed in accordance with Policies SG1 and HS11 of the South Holland Local Plan 2006.

Condition 8

A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved.

Reason: In the interests of the amenity of local residents. 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 SG17 of the South Holland Local Plan, 2006.

Condition 9

Prior to the commencement of the development hereby permitted a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along High Street and Church Street and residential amenity shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be carried out in accordance with the approved details.

Reason: In the interests of the amenity of local residents and highway safety.
This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006.

Condition 10

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) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures:

- i) a desk-top study 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). Two full copies 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, a 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 new use. Two full copies 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 requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. 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 suspect contamination has been submitted to and agreed in writing by the LPA.
- iv) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. 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 has been fully met.

Note

The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

The applicant's attention is also drawn to the document entitled "Developing Land Within Lincolnshire - A guide to submitting planning applications to develop land that may be contaminated", which can be obtained through the Local Environmental Health Department.

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 SG13 of the South Holland Local Plan, 2006.

Condition 11

Before the commencement of the development hereby granted beyond oversight, full details of the proposed means of foul and surface water disposal to separate systems 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 SG11, SG12 and SG13 of the South Holland Local Plan, 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

Condition 12

Before the commencement of the development hereby permitted beyond oversight, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Note: The applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.

This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan, 2006.

Condition 13

Before the development hereby permitted is commenced there shall be submitted to and approved in writing by the Local Planning Authority details of a scheme of boundary treatment, such details shall include drawings (at a scale of at least 1:10) of all boundary walls, railings, fences and bollards and the approved scheme shall be fully implemented before any of the permitted dwellings are occupied.

Reason: To ensure a satisfactory development in the interests of the amenity of the Conservation Area, the setting of the adjoining Listed Building and future occupiers.

This condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006 and Section 10 of the National Planning Policy Framework 2012

Condition 14

Before the commencement of the development hereby permitted beyond oversight 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 appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.

This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

Condition 15

Large scale constructional drawings (at a scale of at least 1:10) of the following details shall be submitted to and approved in writing by the Local Planning Authority and no works shall commence in advance of that approval and the development shall thereafter be completed in accordance with the approved details:

- i) Eaves and verges
- ii) window heads and cills
- iii) all doors, windows and balconies (including materials of construction and finished colours)
- iv) rainwater goods , including details of fixings, materials and colour.

Reason: To ensure a satisfactory development in the interests of the character and appearance of the Conservation Area and the setting of the adjoining Listed Building.

This condition is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006 and Section 10 of the National Planning Framework 2012

Condition 17

Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the 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 details so approved.

Reason: 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 Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006.

Condition 18

Before the development commences,

(a) a programme for the phasing of the development which prioritises the works of repair and refurbishment of the listed Red Cow Hotel prior to and in advance of the erection of new residential development on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved programme;

(b) the new build (2 storey residential dwelling houses) development hereby approved shall not be occupied until the works of repair and refurbishment of the listed Red Cow Hotel is complete and to the satisfaction of the Local Planning Authority

Reason: To ensure that the development programme is designed to prioritise the areas most in need of urgent repair and attention in a comprehensive manner in line with Policy SG14 of the South Holland Local Plan, 2006 and to deliver the restoration of the listed building by ensuring that the works are duly completed before the implementation of other residential elements of the development in pursuance of Section 12 of the National Planning Policy Framework, 2012 - Conserving and Enhancing the Historic Environment"

Condition 19

Full constructional drawings and details of the proposed bin storage buildings shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced and the bin storage buildings shall be constructed in accordance with the approved details before any of the permitted dwellings are occupied.

Reason: To secure a satisfactory development in the interests of the amenities of future occupants. This condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006.

Condition 20

Full constructional drawings and details of the proposed bin storage buildings shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced and the bin storage buildings shall be constructed in accordance with the approved details before any of the permitted dwellings are occupied.

Reason: To secure a satisfactory development in the interests of the amenities of future occupants. This condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006.

Condition 21

Before the residential development hereby permitted is commenced, details of a scheme of lighting for the car parking areas shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented before any of the dwellings are occupied.

Reason: To ensure a satisfactory development in the interests of the amenities of future occupants. This condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006.

Site Description

As in host application

History

As in host application

Consultation Responses

Lincolnshire County Council as Lead Local Highways and Flood Authority

No objections

Black Sluice IDB

Satisfied with the details and needs no further consultation

Lincolnshire County Council Historic Environment Officer

Satisfied that details provided are sufficient to discharge conditions 5 and 6

South Holland District Council Environmental protection officer

No Objection, but would prefer to see a construction management plan which stipulates that no burning shall take place on site

South Holland District Council Environmental Health Officer

No objections, free to discharge parts i and ii of condition 10.

Anglian Water

No objections

Local Resident

A local resident submitted a single comment, requesting that swift brick be used in the development, citing the national and local planning commitments to increasing biodiversity via use of tools such as swift boxes and bricks.

Planning Considerations

Comments of local residents

The request for use of swift bricks is somewhat irrelevant in this case as this is a coindition compliance application and not a full planning application. Furthermore, the commitment to swift bricks and boxes only stcilty applies to new development, as this is not a 'new' development and is, instead, the refurbishment of an historic property, the requirement for such tools is not valid in relation to this site.

Condition 6

Lincs County Council Historic Environment record has been consulted and finds that the supplied details are sufficient to recommend discharging of this condition.

Condition 7

The applicant has confirmed in attached documentation that management of the exterior shared spaces will be taken by API Ltd, which is a sister company to the developer. This is considered satisfactory and condition 7 may be discharged.

Condition 8

The Environmental Protection Officer has been consulted and confirmed no objections. The applicant has confirmed in writing that no burning shall take place on site.

Condition 9

Lincolnshire County Council as Lead Local Highways and Flood Authority have presented no objection. Therefore, it is recommended that condition 9 be discharged.

Condition 10

The South Holland District Council Environmental Health Officer has been consulted and confirms that parts i and ii of this condition can be discharged, but that parts iii and iv remain outstanding. Therefore, partial discharge of this condition is recommended.

Condition 11

Details of the drainage system have been supplied and neither the County Council Lead Local Flood Authority, Anglian Water or the Black Sluice Internal Drainage Board have presented any objections. Therefore, condition 11 is recommended for discharge.

Condition 12

The applicant has submitted a scheme of landscaping. This confirms the placing of several new *Betula pendula* and *Sorbus aucuparia* trees, as well as the placement of several lawn areas. The Local Planning Authority understands that this will help to add some green space to the rear courtyard and will be in the interest of the visual qualities of the site. The plan also contains a maintenance and replacement plan. It is recommended that condition 12 be discharged.

Condition 13

The details of the proposed boundary treatments have been supplied. This comes in two forms; a brick, stone-capped walls and a more utilitarian and modern slatted timber and concrete post fence. The brick wall will project from the rear of the historic *façade* structure round the east of the site, covering the yard. The more modern fence will project along the rear spur of the development, surrounding the new, enabling development properties.

The local Planning Authority considers the proposed boundary treatment to be appropriate to the site. Whilst the use of modern fencing is proposed, this is only in areas of the development to feature modern development. Historic style brick walls will be in place at appropriate locations. Therefore, it is recommended to discharge condition 13.

Condition 14

The Schedule of External Materials has been provided. The schedule is formatted into segments, with each segment referring to a separate element of the proposal; The red cow itself, the stable blocks, the newbuild houses and the landscaping materials.

The proposed materials for the Red Cow and the stable blocks are all considered to be appropriate, with the use of reclaimed bricks, matching lime mortar, timber windows/doors, reclaimed and new county pan tiles and metal rainwater goods.

The proposed materials for the new build properties are more modern materials, making use of a colour matching modern brick, with standard light buff mortar to colour match the rest of the site, and slate roof tiles, matching the prevailing theme of the general area and the Red Cow itself. Windows and doors are to be composite, but of a traditional and timber-effect design, which in this setting, not visible from any public views and in the interests of promoting and enabling the redevelopment of the Red Cow, is deemed to be acceptable.

It is therefore recommended that condition 14 be discharged.

Condition 15

All details have been supplied and are considered to be acceptable.

Condition 17

All details have been supplied and are considered to be acceptable.

Condition 18

Details of the phasing of development have been included and are in-line with the requirements of the wording of condition 18 and are therefore deemed to be acceptable.

Condition 19

Details of the waste/bin storage structure have been provided and appear to be fully commensurate with the requirements of the condition

Condition 20

Condition 20 is not a condition for discharge, that fact, as well as the fact that no reference to details used to discharge this condition in the accompanying documentation lead the Local Planning Authority to understand that this condition was erroneously included in the list of conditions to discharge.

Condition 21

The details of the lighting have been provided and it is clear that the lighting provision will be sufficient to fulfil amenity purposes at the site. Furthermore, no objections have been received from either locals or the environmental protection officer to suggest that there would be any negative impact upon amenity.

Conclusion

For the reasons listed above, this application is considered to be in accordance with Policies 1, 2, 3, 4, 11, 17, 29, 36 and appendix 6 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 16 of the National Planning Policy Framework (2021). Therefore, this application is recommended for approval.

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.