Swann Edwards Architecture Ltd
Fen Road
Guyhirn
Wisbech
Cambs
PE13 4AA

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H04-1189-17 **Date of Decision:** 27th April 2018

Applicant: Market Homes Ltd
C/O Swann Edwards Architecture Ltd
Fen Road
Guyhirn
Wisbech Cambs
PE13 4AA

Location: Former Red Cow 8 High Street Donington Spalding

Description: Proposed residential development along with the demolition of Tap Bar and rear projections

South Holland District Council hereby give notice that this application has been GRANTED (or equivalent) subject to the following condition(s):

1 The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drw No 5392-1 Topographical Survey;
Drw No SE849 01 Survey Drawing;
Drw No SE849 02;
Drw No SE849 03
Drw No SE849 04;
Drw No SE849 05;

Amendment 1 - Dwg. No. SE-849-20-B;
Amendment 1 - Dwg. No. SE-849-21-B;
Amendment 1 - Dwg. No. SE-849-22-B;
Amendment 1 - Dwg. No. SE-849-23-B
Design & Access Statement November 2017;
Traffic & Parking Statement November 2017
Heritage Assessment November 2017.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

4 The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 3 above in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

5 A copy of the final report required in connection with Condition 3 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

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.

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.

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.

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.

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.

11 Before the commencement of the development hereby granted beyond oversite, 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.

12 Before the commencement of the development hereby permitted beyond oversite, 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.

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

14 Before the commencement of the development hereby permitted beyond oversite 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.

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

16 Notwithstanding the details submitted, the windows (apart from the bedroom window)on the western elevation facing 6 High Street shall be obscure glazed using Level 5 glass and thereafter so maintained.

Reason: To prevent overlooking in the interests of the amenity of nearby residents.
This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan, 2006 and with national guidance contained in Section 7 of the National Planning Policy Framework 2012.

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.

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"

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.

20 Prior to occupation, refuse/recycling presentation points adjacent to the public highway are also required for domestic refuse/recycling sacks to be collected by South Holland District Council.

Reason: 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 Policy SG14 of the South Holland Local Plan, 2006.

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.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch



Paul Jackson
Place Manager
South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal

The Secretary of State can allow a longer period for giving notice of an appeal but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the

provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authroity based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

http://www.planningportal.gov.uk/planning/appeals/planningappeals

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.