

DECISION DELEGATED TO HEAD OF PLANNING
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Application No:	H04-0199-24	Applicant:	Cowley Academy
Proposal:	Replacement windows and internal alterations (drama block) and new fence along east elevation of drama block		
Location:	Thomas Cowley High School School Lane Donington		
Terminal Date:	17th January 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
01	Spatial Strategy
02	Development Management
03	Design of New Development
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
National Guidance	
National Planning Policy Framework December 2024	
Sections 12 and 16 of the National Planning Policy Framework (December 2024) (NPPF)	

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This listed building consent application is for the replacement of windows and internal alterations to the drama block and installation of a new fence at the Thomas Cowley High School, School Lane, Donington.

It should be noted that following an amendment to this application, all proposals for internal alterations to the site have been removed from the proposal.

Site Description

The Thomas Cowley School is a Grade II listed site within the Donington Conservation Area (DCA). The site itself contains 3 separately listed buildings. The principal of which and the building affected by this proposal is the 'Youth Centre' which is Grade II listed and described by Historic England like so:

"c.1861. Red brick in Flemish bond, ashlar dressings, tiled roof, stone coped gables, one circular cast iron louvred vent, one ashlar stack. L-plan. Single storey, 6 bay front, the right hand bay is advanced and separately gabled. In the angle 2 Tudor arched doorways with ashlar surrounds, leaf decoration in the spandrels, covered by a porch across the angle, with tiled roof supported on braced timber posts. To the left 4 ashlar cross mullioned windows, subdivided by raked buttresses. To the right a 3 light similar window and in the gable a rectangular leaded light. Built as an addition to T. Cowley's original foundation of 1719, as a Junior School."

The wider setting can be characterised mainly by C19th residential setting and the open playing field to the front. The school site itself is considered to be one of the most key listed buildings in the setting of the DCA, despite its distance from the centre of Donington.

The Grade II listed North Wing of the school is described like so:

"Red brick with ashlar dressings, plain tile roof, with raised stone coped gables, finials and kneelers, one ashlar stack. L-plan. Single storey, 6 bay front, the right hand bay advanced and gabled. Plinth, stone bracketed chamfered eaves. Buttresses with raked tops. To right a Tudor arched door with moulded ashlar reveals, above a stepped ashlar panel containing foliage, inscription and date 1861. Above is a 3 light mullioned and transomed window. To left are 4 two light and a single 3 light similar window. All windows have chamfered ashlar surrounds. In the gables are 2 small square lights with diamond set quatrefoils. Interior of the hall has a fine hammer beam roof with moulded ashlar corbels. Built as an addition to T. Cowley's original foundation of 1719."

Finally, the also Grade II listed 'Old School', described as:

"Founded by Thomas Cowley in 1719, partly rebuilt after a fire in 1812, altered C19 and C20. Red brown brick in English bond, ashlar and stucco dressings. Machine plain tiled roof with reused stone coped gables and decorative knops. Wooden bellcote with shaped lead roof. To the rear a tall wall stack. 2 storey, 6 bay front with ashlar plinth, first floor band and quoins. Timber dentillated eaves cornice. Central C19 lead roofed stucco porch with angle pilasters, plain frieze, moulded cornice to segmental pediment. Double half glazed doors with bordered lights. To left 3 and to right 2 large cross mullioned windows. To right a doorway with moulded ashlar surround and cornice, beyond a narrow C19 fixed light. To first floor are 6 two light casement windows. All windows have flat splayed brick arched heads with keyblocks and moulded ashlar cills. Above the door a C18 oval sundial, with inscription above. Beneath it a tablet records the foundation of the school by T. Cowley in 1719 and its rebuilding in AD 1812. On the quoins are many graffiti inscriptions, including a footprint dated 1795."

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History

H04-0617-91

Erection of dwellings. REFUSED on 16/07/1992

H04-0055-02

Change of use from residential to educational. APPROVED on 21/02/2002

H04-1312-03

New single storey library/museum and learning resource facility for community and school use and widen access road. REFUSED on 16/12/2003

H04-1313-03

Demolition of existing derelict cottage and section of front wall (conservation area consent). REFUSED on 16/12/2003

H04-0519-07

Single storey extension for use as IT room. REFUSED on 13/06/07

H04-0549-15

Demolition and site clearance of cottage. REFUSED on 06/07/2015

H04-0160-21

Replacement of windows and doors. Approved 01/04/2021

H04-0844-19

Demolish cottage to allow 2 classroom block with wc's. Approved 04/10/2019

H04-0568-23

Proposed replacement fencing to western boundary. REFUSED 15-08-23

H04-0537-24

Re-surfacing of sports court and replace existing fencing. Approved 16-09-24.

Consultation Responses

Please note that this section of the report contains reference to comments received across both this specific case, and also H04-0198-24, which is the associated Planning application.

Public Comment

1 Letter was received from a member of the public which supported the application, but questioned whether a boarded up window elsewhere on the plot could be replaced as part of the proposal.

Historic England

Historic England responded initially to the proposal by objecting to two aspects of the proposed development; those being that the proposed windows with overlapping openings would fail to replicate the original style and most particularly, that the proposed dry lining of the interior would strip the interior of its value.

The applicant amended the proposal to remove the proposed interior alterations.

Historic England responded confirming they were satisfied with the positive nature of the proposed change, and confirmed withdrawal of formal objection, leaving the assessment of the case to the

LPA's specialist conservation advisor.

Lincolnshire County Council Historic Places Team

No archaeological input required.

Planning Considerations

Heritage Impact

SELLP Policy 29 is concerned with the Historic Environment. It states that distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced. The policy discusses impacts upon listed buildings, and their setting, conservation areas as well as archaeology, parks and gardens, enabling development amongst other things.

Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Policy 2 point 1 states that proposals should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'

Policy 3 sets out the 'Design of new development' in part it states that "Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable".

In addition, the building is Grade II listed and features prominently within the Spalding Conservation Area (SCA). Referring back to Policy 29 of the SELLP, Section A of that policy refers to development relating to Listed Buildings, confirming that

"Proposals to change the use of a Listed Building or to alter or extend such a building will be granted where the Local Planning Authority is satisfied that the proposal is in the interest of the building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting."

Moreover, Section B of Policy 29, referring to development in conservation areas confirms that

"Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting."

In assessing the proposed development, it is clear that the proposal to replace historic metal framed, single glazed windows with modern aluminium framed double glazed units is a form of harm, in that they do not seek to retain this historic feature, and utilise non-original features such as the modern double glazing and a greater quantity and mass of glazing bars. Given the prominence of the building in the historic environment and the scale of the change to the fenestration throughout, the LPA considers this form of harm to be classified as 'substantial Harm' in accordance with Para. 212 of the NPPF.

It should be noted that the proposed fence is considered to render an immaterial effect upon the value and significance of the historic environment and this specific asset. It requires consent by virtue of it being a boundary treatment within the curtilage of a Listed Building, but otherwise, it is presented as a like for like replacement of an existing fence, and therefore, the effect is negligible to such a degree that it does not figure into a negative assessment of the proposal.

With the above in mind, referring to Para. 213 of the NPPF, it is confirmed that 'substantial harm' in the context of Grade II listed buildings should require exceptional, clear and convincing justification. The following paragraph - 214 - confirms that

"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss."

In this case, the applicant has proposed that the justification for these works is to improve energy

and heat efficiency of this active learning area, thus improving its year-round usability. Moreover, the applicant has confirmed that the existing windows are in poor condition and beyond economic repair. A visual inspection by the case officer confirms that it is indeed the case that many of the extant windows are in significantly poor conditions.

Given, then, that this property is a public, school building which actively provides an educational service to the local population, it is inherently the case that improvements to the usability of the building, cost of running and heat efficiency and internal comfort levels are aspects of substantial benefit to the local public.

Returning to the assessment of the proposed windows, whilst the scale of change is substantial and therefore, the works have been classified as 'substantial harm', in and of themselves, the proposed windows are not particularly stylistically inappropriate to the building. A greater mass of glazing bars is included, but this is not wholly alien to the host structure's architectural period. This means that the only truly inappropriate aspect of the proposed windows is the double glazing, and as such, the proposed windows should only be considered harmful in comparison to the extant form on site, not necessarily harmful in their own right. Ultimately, then, whilst the works undoubtedly amount to 'substantial harm', the true scale of that harm is perhaps lesser than this classification may suggest at face value.

With this in mind, the above justification and public benefit is accepted by the LPA and is considered to be substantial enough to outweigh the harm.

Other Matters

The Local Planning Authority must consider the impact/harm the proposal has on the significance of the heritage asset as outlined above. It is not the requirement of the Local Planning Authority to assess other matters, such as residential amenity impacts or highway safety within a Listed Building Consent submission or matters that do not relate to the host listed buildings.

The assessment of these other matters and additional elements of a proposal would take place within the Full Planning Permission, should this be required.

Notwithstanding the above, legal acts independent from planning, serve to protect matters outside planning control. Any legal requirements or independent acts that governs these matters must still be followed and are not superseded by the Local Planning Authority grant of listed building consent.

Conclusion

For the reasons outlaid above, this application is deemed to be in accordance with Policies 1, 2, 3 and 29 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 16 of the National Planning Policy Framework (2024). The recommendation, therefore, is to approve.

Conclusion

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.