

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0094-24 **Applicant:** R N Wooler & Co Ltd

Proposal: Rebuild the corner damaged as a result of the vehicle collision including installing replacement hardwood timber windows which match the existing, replace the displaced steel I-beam with an oak beam as per the CARE accredited Structural Engineer's recommendation and rearrange any displaced slates

Location: Ye Olde White Horse 2 Church Gate Spalding

Terminal Date: 3rd April 2024

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 2023

Sections 12 and 16 of the National Planning Policy Framework (December 2023)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	1	0	0
SPALDING & DISTRICT CIVIC SOCIETY	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

This Listed Building Consent application is for the rebuilding of a bay window damaged as a result of the vehicle collision including installing replacement hardwood timber windows which match the existing, replace the displaced steel I-beam with an oak beam as per the CARE accredited Structural Engineer's recommendation and rearrange any displaced slates. The proposal site is the

Ye Olde White Horse Public House, 2 Church Gate, Spalding.

Site Description

The Ye Olde White Horse Public House is a public house originating from the 1600s, prominently rendered in white, with a locally distinctive thatched roof. Historic England described the property like so:

"Early C17 building in painted brick with steep thatched roof with 2 stacks. 2 storeys, and 3 attic windows under thatch. Ground floor projects under slated pentice roof. Ye Olde White Horse Public House has 1 attic window under the roof, a 3-light rectangular bay to the 1st floor with glazing bars. 2 windows to ground floor, 1 of 3 lights. Isobel's Pantry has 2 attic windows, 2 modern windows to the 1st floor, and 1 modern window and 2 with glazing bars to the ground floor. Plain door. Centre projecting gabled porch of 2 storeys with small windows with modern glazing over a round-headed entrance arch."

The white horse is also features a separate listed element to it, which is the rear wing, that Historic England describe like so:

"Brick rear wing and outbuildings to Church Street, painted white and with pantile roofs have been rebuilt to yard elevation and partly to Church Street. Outbuilding adjoining No 21 Church Street, formerly a stone cottage, now cut down to 1 storey height and with a modern flat roof and blocked openings to Church Street elevation. Wood lintels to 2 modern windows and door to yard elevation. These outbuildings are included as part of an important visual group."

The whole site forms an exceptionally prominent building within the Spalding Conservation Area (SCA), and in one of the most central and influential portions of the wider SCA setting, forming perhaps the primary intersection and river crossing. The site is within the context of numerous other listed buildings, including the town bridge, Gamelyns Almshouses, 20&21 Church Street, and much of the built form on the opposing bank of the river.

As previously mentioned, the locally distinctive thatched roof makes this substantial property amongst one of the very few remaining thatched roof properties in the district, even moreso in Spalding and by extension the SCA.

History

None relevant

Consultation Responses

Cllr Ashby - Ward Member

Supports the proposal

Spalding and District Civic Society

Supports the proposal

Planning Considerations

Heritage Impact

This application seeks the restoration of an element of this Listed Building following a vehicle collision in the latter part of 2023. The applicant proposes that the external element of the proposal shall remain effectively like for like as a result of these works, including through the replacement of the damaged windows. It is proposed that for the duration of the works, the 1st floor bay window shall be temporarily jacked to provide support, to prevent any escalation of damage upward through the property, with the roof to be stripped and re-slatted as appropriate, and the existing C20th steel structural beam to be replaced with a timber equivalent. All of these elements are supported and indeed recommended by the findings of an independent and CARE accredited structural engineer, and therefore the LPA has no reason to doubt the validity and sensitivity of the proposed repairs.

As the property will remain visually like for like, the Local Planning Authority is satisfied that the

proposal does not place the value or significance of the asset at risk and therefore that no risk of harm - as defined by Section 16 of the NPPF - is presented.

Paragraph 202 of the NPPF (December 2023) confirms that "Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision." Given that in this instance, the LPA is aware that the damage that this application seeks to remedy is as a result of an accidental vehicle collision, not involving the applicant, it is confident in asserting that the damage was not deliberate and therefore the repair of the building's now damaged state can be considered a material benefit of the proposal weighing in favour of approval.

For these reasons, the Local Planning Authority concludes that, by restoring the condition of the building following an accident, the proposal assists greatly in enhancing and conserving the value and significance of the heritage asset, and therefore satisfies Policy 29 of the SELLP (2019) in addition to Section 16 of the NPPF (December 2023).

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 2, 3, and 29 of the SELLP (2019) as well as Sections 12 and 16 of the NPPF (December 2023). Therefore, the recommendation is to approve.

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.