

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 12 June 2024

(Author: Greg Watkinson - Planning Conservation Officer)

Purpose: To consider Planning Application H16-0335-24

Application Number: H16-0335-24

Date Received: 11 April 2024

Application Type: LISTED BUILDING

Description: Cleaning, repointing & stone repair works to the Stone of Remembrance (War Stone) & steps

Location: Ayscoughfee Hall Museum and Gardens Church Gate Spalding

Applicant: South Holland District Council **Agent:** Oglesby and Limb Ltd

Ward: Spalding St Marys **Ward Councillors:** Cllr M E Le Sage
Cllr D R Ashby

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0335-24>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The applicant is South Holland District Council.

2.0 PROPOSAL

2.1 This Listed Building Consent application is for the doff cleaning, re-pointing and repairs to the Stone of Remembrance at Ayscoughfee Hall Museum and Gardens, Church Gate, Spalding.

3.0 SITE DESCRIPTION

3.1 The proposal site is the Grade I listed Spalding War Memorial. The memorial is situated within the Gardens of the separately Grade I listed Ayscoughfee Hall, and the gardens themselves are listed as a registered Historic Garden. This means that the site and its surroundings form such a concentration of extremely important listed property, that it likely forms the most sensitive and significant heritage setting within the South Holland Area.

3.2 The architect, Edwin Lutyens was responsible for some 58 war memorials in both the UK and abroad, including the Cenotaph in Whitehall. The Spalding War Memorial is an outlier in Lutyens' works in that its Tuscan pavilion design is a precursor to the shelter buildings built in the cemeteries of the Western Front by the then Imperial (now Commonwealth) War Graves Commission for whom Lutyens was one of the principal architects. The principal elements of the memorial, the Tuscan pavilion and the Stone of Remembrance, stand within a memorial garden - an exceptional departure for Lutyens among his English memorials, marking the Spalding War Memorial as a unique and therefore extraordinarily important piece of nationally significant architecture.

3.3 Historic England describes the war memorial like so:

"At the head of the memorial garden is the Temple of Remembrance, a brick pavilion with three Tuscan stone arches to the front and a single arch to each side; it has a solid rear wall. The roof is hipped, and clad in red pantiles. The floor has panels of red herringbone brickwork with stone surrounds. On the rear wall are two painted stone flags - the Union Flag (left) and White Ensign (right). The tops of the flagpoles are ornamented with pinnacles and encircled by laurel wreaths. The bases of the flagpoles are currently (2015) missing; these should rise from the shallow corbels set against the wall for that purpose. Three panels are set on the inner rear wall: the central one with the dedication and names added in 2015, the outer panels with the names of the fallen in the First World War.

The principal dedication incised on the central panel, between the two flags, reads IN LOVE AND HONOUR/ OF THOSE WHO/ GAVE THEIR LIVES/ FOR THEIR COUNTRY/ IN/ THE YEARS OF WAR/ MCMXIV - MCMXIX/ THIS MEMORIAL IS RAISED/ IN THEIR HOME/ BY THE MEN AND WOMEN/ OF/ SPALDING. This panel also bears names added in 2015. The 224 names originally inscribed on the memorial are listed on the two panels either side of the flags. Around the frieze inside the pavilion is carved ETERNAL REST GRANT TO THEM O LORD AND LET LIGHT PERPETUAL SHINE UPON THEM.

In front of the pavilion, raised on a platform of three steps, stands a Stone of Remembrance (designed by Lutyens for the Imperial (now Commonwealth) War Graves Commission). The inscription on the north face reads THEIR NAME LIVETH/ FOR EVERMORE with 1914/ 1918 to the left and 1939/ 1945 to the right.

Extending from the Stone of Remembrance, and at a slightly lower level, is the axial canal approached by stone steps. The canal, which appears on the John Grundy map of 1732, was re-worked by Lutyens to act as a reflecting pool for the memorial with ashlar side walls and a flagged surround. Three low but elaborate stone fountains stand along the length of the canal; photographic evidence suggests these are a later installation. Square beds at the south-west and south-east corners of the canal contain mature yews, and the garden is surrounded by mature yew hedging.

Asphalt paths that lead around the garden perimeter, and iron-work arches of circa 1994, which lead through the eastern yew hedge to the contemporary Peace Garden beyond, are not of special interest and are excluded from the listing."

4.0 RELEVANT PLANNING POLICIES

4.1 Planning (Listed Buildings and Conservation Areas) Act 1990

The Development Plan

South East Lincolnshire Local Plan, March 2019

02 - Development Management
03 - Design of Development
29 - The Historic Environment

4.2 National Guidance

4.3 National Planning Policy Framework (NPPF), December 2023

Section 12 - Achieving well-designed places
Section 16 - Conserving and enhancing the historic environment

4.5 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H16-0826-23

Proposed rebuild of damaged gate pillar and boundary wall. Approved 15-11-23.

- 5.2 H16-0705-22
Installation of historic stone drinking fountain together with protective railings and surround base etc within Ayscoughfee Hall Gardens - re-submission of H16-0388-22. Approved 06-10-22.
- 5.3 H16-0704-22
Installation of historic stone drinking fountain together with protective railings and surround base etc within Ayscoughfee Hall Gardens - re-submission of H16-0387-22. Approved 06-10-22.
- 5.4 H16-0624-22
Repair and redecoration of the gates to the north of Ayscoughfee Hall at the east end of The Chestnut Avenue. Approved on 09-08-22.
- 5.5 H16-0495-22
Emergency repair works to the boundary wall between Ayscoughfee Hall Museum & Gardens and 12 Church Gate including reducing the height of the wall locally - retrospective. Approved on 26-07-22.
- 5.6 H16-0496-22
Emergency repair works to the boundary wall between Ayscoughfee Hall Museum & Gardens and 12 Church Gate including reducing the height of the wall locally - retrospective. Approved on 26-07-22.
- 5.7 H16-0494-22
Repair works to shelter and demolition of dwarf walls adjacent to former paddling pool - retrospective. Approved on 26-07-22.
- 5.8 H16-0493-22
Repair works to shelter and demolition of dwarf walls adjacent to former paddling pool - retrospective. Approved on 26-07-22.
- 5.9 H16-0497-22
Demolition of C20 greenhouse, erection of timber fencing, erection of timber pergola & replacement door to gardeners store building - retrospective. Approved on 26-07-22.
- 5.10 H16-0498-22
Demolition of C20 greenhouse, erection of timber fencing, erection of timber pergola & replacement door to gardeners store building - retrospective. Approved on 26-07-22.
- 5.11 H16-0084-22
Removal of sliding timber gate, 20th Century timber door & panelling, repairs to brickwork & installation of new gates to boundary wall on east side of site. Approved on 10-03-22.
- 5.12 H16-0085-22
Removal of sliding timber gate, 20th Century timber door & panelling, repairs to brickwork & installation of new gates to boundary wall on east side of site. Approved on 10-03-22.
- 5.13 H16-0058-20
Gazebo style seating area for cafe. Approved on 30-11-20.

- 5.14 H16-1202-18
Internal and external works to Ayscoughfee Hall. Approved on 15-02-19.
- 5.15 H16-0540-13
Removal of existing storage, panel and tube heaters and installation of new energy efficient electric oil filled radiators in their place. Approved on 06-01-14.
- 5.16 H16-0199-09
Details of new stonework, use of hand tools, replacement bricks, details of mortar, bonding, mortar colour and pointing style and photographic record of gate pier before dismantling (Conditions 2,3,4,5,6 and 7 of H16/0471/08). Approved on 16-04-09.
- 5.17 H16-0471-08
Dismantle and rebuild of gate pillar at Ayscoughfee Hall. Approved on 04-07-08.
- 5.18 H16-0280-04
Details for supporting vaulted undercroft below room F13 (Condition 2 of H16/1034/02). Approved on 10-03-04.
- 5.19 H16-1034-02
Demolition of 2 single storey additions, internal alterations, new lead roofs and new doors to garden room. Approved on 20-12-02.
- 5.20 H16-0771-01
Reinstatement of passage link between garden Education Room & Main Hall (south wing). Approved on 21-11-01.

6.0 REPRESENTATIONS

- 6.1 The responses received from consultees during the initial consultation exercises can be summarised as follows:
Cllr Ashby - Ward Member
Support
- 6.2 Historic England
Does not wish to comment and defers assessment of the heritage impact to the LPAs
Conservation Specialist
- 6.3 The Gardens Trust
Does not wish to comment
- 6.4 Lincolnshire County Council Historic Places Team
No archaeological input required
- 6.5 South Holland IDB
No comment

6.6 Lincolnshire County Council Highways

No Objection

6.7 Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Evaluation

7.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

7.4 The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

7.5 The policies and provisions set out in the National Planning Policy Framework, NPPF are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

7.6 Local Planning Authorities are also required to be mindful of their duty in determining matters in respect of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to:

- have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Section 16).

The objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. Beyond this, where harm would be caused, there is a necessity to establish the extent of that harm, and consider this within the policy context.

7.7 Heritage Impact

7.8 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which they possess.

7.9 Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess as well as the desirability of preserving or enhancing the character or appearance of conservation areas. Any adverse effect on a heritage asset, even if slight or minor, would not preserve the asset or its setting.

7.10 Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (December 2023) (NPPF). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

- 7.11 Section 16 of the National Planning Policy Framework (December 2023) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".
- 7.12 Finally, Policy 29 of the South East Lincolnshire Local Plan (2019) (SELLP) confirms that in order to respect South Holland's historical legacy all proposals shall conserve and enhance the character and appearance of designated heritage assets. Additionally, Section A of that policy confirms that proposals that affect the setting of a Listed Building will only be supported where they preserve or better reveal the significance of the Listed Building, and that proposals that seek to alter a listed building shall be granted where the LPA is satisfied that the proposal is in the interest of the building's preservation and does not involve alterations that are prejudicial to the special architectural or historic interest of the Listed Building or its setting.
- 7.13 Taking the above into account, and assigning this site the appropriate assessment of significance, in this case extreme weight must be given to the preservation and conservation of the asset. Doff cleaning is widely considered to be the safest, most appropriate form of intensive cleaning of historic stonework and involves the cleaning of stonework using pressurised steam. The proposal should result in a rejuvenated appearance, without placing the integrity and condition of the stonework fascia at risk. Additionally, existing degraded mortar is to be raked out and replaced like for like. Finally, repair works are to be introduced to the stone where erosion has occurred, this is necessary for the preservation of the asset as, eroded and spalling stonework allows moisture ingress, which with the freeze and thaw process, is compounding the degradation process and causing visual damage to the asset. All of the proposed works were recommended by a condition survey undertaken by Scorer Hawkins and are in the interest of the preservation of the asset. Indeed, it should be considered that the cleaning of the asset should enhance the appearance of the asset via removal of unsightly dirt and biological material. Overall, it is clear that the proposal is in the interest of the maintenance of the historic asset, and that the works should achieve their intended result without risk of harm or negative visual impact to the asset.
- 7.14 Therefore, the proposal satisfies Policy 29 of the SELLP, in addition to Section 16 of the NPPF. The impact upon the historic environment is, therefore, acceptable.
- 7.15 Planning Balance
- 7.16 As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.
- 7.17 The proposal can be considered to be in the interests of the preservation of the asset in a manner which is not prejudicial to the special architectural and historic interest of the Listed Building and the wider setting. Therefore, the proposal satisfies Policy 29 of the SELLP, in addition to Section 16 of the NPPF.
- 7.18 In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.
- 7.19 **Additional Considerations**
- 7.20 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.

8.0 RECOMMENDATIONS

- 8.1 To grant listed building consent in accordance with the Conditions listed at Section 9.0 of the report.

9.0 CONDITIONS

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

Reason: As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 and/or documents:

A1606-06 P1

A1606-05 P1

A1660-01 WS P1

Heritage Impact Assessment- Oglesby & Limb - April 2024

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

3. 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 subsequently determining to grant planning permission.

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

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

