

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0338-23 **Applicant:** Mrs K Flower
Proposal: Reinstatement of Metal Railings
Location: The Chantry 7 Church Street Spalding
Terminal Date: 8th November 2023

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 (2023) (NPPF)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This planning application is for the installation of a metal railing fence to the front of The Chantry, 7 Church Street, Spalding.

It is proposed that the railings will be of a black powder coated metal, 2 rail and post design, featuring Georgian style railheads and finial details.

Site Description

The Chantry is a grade II listed, Georgian originally ecclesiastical building. Historic England describe the property like so:

"Late C18 or early C19. 2 storeys in brick with Welsh slate roof. 3 windows, hung sashes with glazing bars. Wood doorcase with panelled ingoes and reeded half-column pilasters and glazed fanlight. Open pediment. Door of 6 fielded panels. A small modern extension with 1 window above a segmental passage arch joins this building to No 8."

The building forms a part of a group of listed buildings, being an independent unit within a terrace of individually, grade II listed buildings. The site also sits within close visual range of the Grade I Church of St Mary and St Nicholas. The quantity of heritage assets in this locale, and the centrality of Church Street within the Spalding Conservation Area, make this setting perhaps one of the most sensitive and high value in Spalding and the wider SHDC area.

History

None relevant

Consultation Responses

Lincolnshire County Council Historic Places Team

No archaeological input required.

Planning Considerations

Heritage Impact

The Local Planning Authority does not consider there to be any risk presented to the value or significance of the Historic Environment by this application. Railings are a prevalent feature throughout this portion of the conservation area. It is a hyperlocal theme for historic properties along Church Street to host railings, and the proposed design is considered to be area appropriate, featuring C19th styled railheads etc. Overall, the proposal is minor and should not greatly alter the street scene or the general appreciation of the heritage asset. As such, via a lack of impact, the proposal is deemed to be in accordance with the requirements of Policies 2, 3, and 29 of the SELLP as well as Section 16 of the NPPF. It should be made clear for the avoidance of doubt that the applicant has not sought consent for a gate, and therefore, to eliminate any ambiguity, a condition shall be applied requiring the details of any proposed gate to be submitted.

Residential Amenity

The Local Planning Authority does not consider there to be any material risk of enhanced harm to residential amenity. The proposal does not seek consent for any dimensional alterations to the property, nor does it seek consent for any additional windows and doors. Finally, it is not considered that the addition of a fence to the frontage of the property would lead to a marked increase in noise generation on site. Therefore, the Local Planning Authority concludes that the proposal does not risk any material change in the status of overlooking, overshadowing or undue noise generation in the area.

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 2, 3 and 29 of the SELLP as well as Sections 12 and 16 of the NPPF. 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.