SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 08 May 2024**

(Author: **Greg Watkinson - Planning Conservation Officer)**

Purpose: **To consider Planning Application H16-0355-24**

Application Number: H16-0355-24 **Date Received:** 17 April 2024

Application Type: LISTED BUILDING

Description: Installation of CCTV camera and transformer box

Location: AYSCOUGHFEE HALL CHURCH GATE SPALDING

Applicant: South Holland District Council **Agent:** South Holland District Council

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=H16-0355-24

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 installation of a CCTV camera and associated transformer box.

3.0 SITE DESCRIPTION

3.1 Ayscoughfee Hall is a Grade I listed Manor House, originally built by Sir Richard Aldwyn dating back to the 1450s (according to dendrochronological survey of the roof timbers). The building has historically been remodelled on several occasions throughout its history, most recently in 1845, by architect William Todd, who was also responsible for the design of Gamlyn's Almshouses (to the north of Ayscoughfee, along Church Street). The Property sits on roughly 5.5. acres of protected park and garden, which is itself listed to a Grade II level, and contains the also-seperately-listed Lutyens War Memorial.

3.2 Ayscoughfee Hall was upgraded from Grade II* level of listing to Grade I (most important) in 2012, and has been in the ownership of the Local Government since 1902, when it was donated to the people of Spalding by the Bonner family as a celebration of the coronation of George VI, since operating as a school, and a museum. The site was most recently refurbished 2003-2006.

3.3 The wall which contains the gate which is the subject of this proposal runs along Love Lane and is dated from the late C18th, although has been subject to much patchwork repair and rebuilding over time. The boundary walls, as a whole, span an extremely large period of time, and this is evident in the patchwork of separate designs, styles and materials used throughout.

The buttresses found throughout are thought to have been added as part of the 1845 remodelling of the Hall.

3.4 The Historic England listing description describes the external elements of Ayscoughfee like so:

3.5 *"the entrance front (west elevation) has a five-bay, two-storey central range with advanced gables to the north and south cross-wings. Linking the cross-wings at the front of the central range is a five-bay loggia with pointed arch-headed openings and arcade piers with shallow stepped buttresses. These extend upwards through a shallow ashlar parapet pierced by quatrefoils to form low domed pinnacles. Behind the loggia are tall pointed arched windows which flank a centrally-placed doorway with slender attached columns to its surround and two-panelled double doors beneath an arched head. Above are five, two-light Y-traceried windows with cusped heads to the lights, set below a corbelled string course. Above this is a low crenellated parapet with a wide shallow broken pediment to its centre which supports a coat of arms surmounted by a stone eagle. The crenellated parapet is returned along the inner side walls of the advanced cross-wings which have elaborate Dutch gables. These have full-height canted bays incorporating mullioned windows with ogee-headed lights and shallow crenellated parapets. To the north of the north cross-wing is a substantial C15 tower which is square in plan and of three storeys, with a much taller stair turret at its south-west corner. The turret, extended in the C19, has a crenellated parapet set above machicolations. The tower's west elevation has a tall transomed C19 two-light window to each of the upper floors below a deep parapet. Its north wall has a wide projecting chimney breast supported by stone corbels. The rear (south) elevation is more representative of the building's many phases of development. The steeply-pitched gables of the cross-wings are plainly detailed, that to the north end now partially hidden behind mid-C19 extensions to the east of the cross-wing and to the tower further to the north. The gable has a first-floor three-light mullioned window set beneath a hood mould. To the left is a section of the rear wall of the former open hall and a much-restored medieval canted oriel window which originally lit the upper 'high' end of the open hall. The surrounding medieval brickwork here rises from a shallow and now much-decayed stone plinth and C19 crenellations have been added to the wall head and to the oriel. Further to the left is an advanced C19 extension to the hall with an ashlar turret to the right-hand corner, a ground floor doorway and an upper floor two-light mullioned window. To the left of this is a wide Tudor-arch-headed doorway with a three-pane rectangular over-light. The east gable of the south cross-wing has a ground floor Venetian window with narrow side lights and intersecting glazing bars to the central section and an enlarged and altered window opening at first-floor level which retains elements of the surrounds to two earlier openings, including a hood mould. The south elevation to the seven-bay two-storied section of the south cross-wing rises from a much earlier low stone plinth. It has late-C19 two-pane sash windows to the five western ground-floor bays and C19 two-light mullion and transom windows with hood moulds to the upper floor, all beneath a crenellated parapet. The remaining two-bay section has no visible openings, a single-storey garden room having been built against the east end of the cross-wing in the late C19."*

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

01 - Spatial Strategy
02 - Development Management
03 - Design of Development
29 - The Historic Environment

National Guidance

National Planning Policy Framework (NPPF), December 2023

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

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 None received at the time of writing this report.

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 this propsoal, 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

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.

7.8 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.

7.9 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.

7.10 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".

7.11 As such, the NPPF sets out that where proposals could lead to 'less than substantial harm' to a designated heritage asset, the consideration of such an application must be weighted against the public benefit.

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 significant weight must be given to the preservation and conservation of the asset. It is a clear truth that CCTV cameras and their associated accoutrements are not a traditional addition to a historic building, and as such, given the minor scale of the proposal, the case officer determines the nature of harm to be classified as 'less than substantial harm' as per Para. 208 of the NPPF.

The desirability of preserving the asset in this instance, should of course be given extremely great weight; however, the proposal is positioned in such a location that it would not be readily visible from public realm views and as such should not alter the manner in which the heritage

asset is appreciated. Moreover, the proposals are fully reversible, and indeed, should consent be granted, a condition shall be applied necessitating the removal of the CCTV camera and associated transformer box once no longer required, with all external surfaces made good. However, neither of these points alone justify harm to the listed asset, and as per the NPPF, the harm must be weighed against the public benefit.

In this instance, the very low intensity of harm is outweighed by the benefit, which is manifested in the form of providing safety and security for the historically significant collection and materials proposed to be located at Ayscoughfee Hall as a part of the Spalding Gentleman's Society's temporary relocation to the site. Therefore, the weight of public benefit, and the minor risk of harm to the heritage asset mean that the proposal satisfies policy 29 of the SELLP in addition to Section 16 of the NPPF.

7.14 Planning Balance

7.15 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.

7.16 The proposal can be considered to risk less than substantial harm to the extremely important, Grade I listed asset. However, as the proposal is located in a discrete position, is fully reversible and the resulting public benefit of securing the site's collection outweighs the risk of harm, the proposal is deemed to fall into accordance with Policy 29 of the SELLP as well as Section 16 of the NPPF. Therefore, the planning balance is in favour of the development.

7.17 **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.

8.0 RECOMMENDATIONS

8.1 Approve the application subject to the conditions listed at Section 9.0 of this 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 works hereby consented shall be carried out in accordance with the following approved plans and/or documents:

   Application Form
   Location Plan
   Heritage Impact Assessment
   Junction Box
   Parapet Mount Bracket
   4MP 25x Starlight IR 4G PTZ AI Network Camera
   Internal Photograph
   Block Plan
   Photograph showing location of CCTV Camera

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

3. At such a time that the proposed CCTV cameras and associated transformer box are no longer needed or are in need of replacement, they are to be removed from the building and all external surfaces are to be made good.

   Reason: To protect the visual and structural amenity of the property which is of Historic value, in accordance with Policy 29 of the South East Lincolnshire Local Plan (2019) and Section 16 of the National Planning Policy Framework (December 2023).

4. 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

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Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post:	Mark Simmonds; Development Manager (Interim)
Telephone Number:	01775 764444
Email	mark.simmonds@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



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MAP SCALE 1:1000
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