

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H16-0377-24      **Applicant:** R N Wooler & Co. Ltd.

**Proposal:** Replacement of window, replacement/works to further sash window and minor repairs/maintenance to building

**Location:** Ye Olde White Horse 2 Church Gate Spalding

**Terminal Date:** 20th June 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) (NPPF)

### Representations:

|                         | Object | Support | No Obj. | Comments |
|-------------------------|--------|---------|---------|----------|
| WARD MEMBER             | 0      | 1       | 0       | 0        |
| HIGHWAYS & SUDS SUPPORT | 0      | 0       | 0       | 1        |

### CASE OFFICER ASSESSMENT

#### Proposal

This Listed Building Consent Application is for the replacement and repairs to the windows at Ye Olde White Horse Public House, 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

H16-0094-24

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. Approved on 18-03-24

## Consultation Responses

Cllr Ashby - Ward Member

Supports the proposal

Lincolnshire County Council Lead Local Highways and Flood Authority

No objections subject to imposition of standard Highways Informative 08

## Planning Considerations

### Evaluation

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.

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.

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.

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.

### 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.

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.

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.

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".

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.

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. The proposal consists of 2 separate phases spread out across the majority of the windows throughout the proposal as identified under the supplied site survey. Some windows require repairs as verbally outlined under that document - largely via splicing or like for like replacement of minor sections of the frames. In the case of other, more seriously degraded windows, full replacement is required. Whilst no details have been provided of the proposed replacements, it has been concluded that appropriate replacements which are like for like in appearance and construction may be ensured by means of an appropriately worded condition. 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, resulting in a completed project that .

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.

### Planning Balance

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.

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.

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.

## **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.