

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0406-24 **Applicant:** Mr J Cresswell
Proposal: Reinforcement of fence by affixing to Listed Building - Retrospective
Location: 4 Victoria Mews Spalding
Terminal Date: 24th July 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	0	0	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This Listed Building Consent application is for the affixing of a pre-existing fence to the Grade II listed 4 Victoria Mews. This application is made retrospectively.

Site Description

4 Victoria Mews is a grade II listed former Police Station, split into two properties and converted to residential use.

Historic England describes the block like so;

"2 storeys in brick with ashlar dressings and rusticated quoins. Hipped Wesh slate roof with centre stacks. 2 windows on 1st floor, flat painted lintels, hung sashes with glazing bars, 3 to ground floor. Side elevation has 4 windows to centre and 2 to projecting ends. 2 doors with flat hoods on brackets. Modern brick section of 1 storey links to Sessions House"

It should also be noted that this property is listed, and forms a group of listings with the adjacent sessions house and Nos 32 and 33 The Crescent.

In general, the site opens onto the Sheep Market which is one of the principle character zones of the Spalding Conservation Area, and is principally influenced by the adjacent Sessions House. More broadly, this setting is largely characterised by C19th commercial and municipal development.

History

None relevant

Consultation Responses

Local Resident

1 resident objection was received; which can be summarised like so:

- Proposal breached listed building control
- Proposal presents a risk of water ingress and also increased wind-based load upon the structure.
- Proposal is not necessary

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 this proposal, 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.

Section 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".

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.

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.

The desirability of preserving the asset in this instance, should be given extremely great weight. In this case, the proposal for the affixing of the fence represents no alteration to the previously extant visual qualities of the listed asset, and is proposed simply to prevent further damage to the homeowner's fence after repeated weather-caused collapses. The intervention made to fix the fence in place is extremely minor and fully reversible and has been implemented in a manner which does not in any appreciable sense alter the character of the site.

Therefore, this proposal is deemed to be in accordance with the requirements of Policy 29 of the SELLP in addition to Sections 12 and 16 of the NPPF.

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 represents no risk of harm to the historic environment and does not seek to effect any change to the visual aspects of the site or its surroundings. As such, there are no negative aspects of the proposal against which to balance and as such, the planning balance is in favour of the development.

Conclusion

For the reasons listed above, the application is deemed to be in accordance with Policies 1, 2, 3 and 29 of the SELLP, as well as Sections 12 and 16 of the NPPF. The recommendation is therefore 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.