SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 20 July 2022**

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

Purpose: **To consider Planning Application H16-0495-22**

Application Number:	H16-0495-22	**Date Received:**	12 May 2022
Application Type:	FULL		
Description:	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		
Location:	Ayscoughfee Hall Museum & Gardens Church Gate Spalding		
Applicant:	South Holland District Council	**Agent:**	Oglesby and Limb Ltd
Ward:	Spalding St Marys	**Ward Councillors:**	Lord Porter Cllr H T Drury

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0495-22

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 South Holland District Council is the applicant.

2.0 PROPOSAL

2.1 This planning application is for retrospective emergency repair works to the boundary wall between Ayscoughfee Hall Museum & Gardens and 12 Church Gate including reducing the height of the wall.

2.2 The works carried out to the wall include the reduction of height of the wall and the partial rebuild of that structure. Recently, the wall partially collapsed and a 9 metre long section of the wall, at a height of up to 3.75m had to be reduced to 2.55m after it was deemed that such a high wall was unstable. The collapse also necessitated some rebuilding efforts and as such the wall has been levelled at its new height with a coping course of bricks. This included some new pointing work.

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 proposal site specifically is at the South West Corner of the Ayscoughfee complex, situated within the listed gardens of the hall. The wall in question forms the boundary between the Grade I listed Hall, Grade II listed gardens and the Grade II listed 12-13 Church Gate. The similarly Grade II listed 14-15 Church Walk are also in very close proximity.

3.4 The walling surrounding the Ayscoughfee gardens varies drastically in age and style. Whilst much of the wall can be considered exemplars of 15th Century Architecture, archaeological surveys carried out of the site in 2000 by Glenn and Anderson and Headland Design concluded that this section of wall is more likely late C18th or Early C19th - contemporaneous to the adjacent listed buildings.

3.5 From photographic evidence presented by the applicant from prior to the collapse, it is clear that the wall was in a poor condition and also impacting upon the integrity of the adjacent private residency. It is thought that in previous times, outbuildings were attached to the Southern side of this wall which would have provided the necessary buttressing to facilitate such a high wall. These structures have subsequently been removed which, combined with nearby tree root growth destabilised the wall and caused the eventual collapse. It is also visually obvious that several alterations including previous height reductions have been conducted upon this section of wall.

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

3.7 *"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 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

National Guidance

National Planning Policy Framework (NPPF), 2021

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 H16-0624-22

Repair and redecoration of the gates to the north of Ayscoughfee Hall at the east end of The Chestnut Avenue. Undecided.

5.2 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. Undecided.

5.3 H16-0493-22

Repair works to shelter and demolition of dwarf walls adjacent to former paddling pool - retrospective. Undecided.

5.4 H16-0494-22

Repair works to shelter and demolition of dwarf walls adjacent to former paddling pool - retrospective. Undecided.

5.5 H16-0497-22

Demolition of C20 greenhouse, erection of timber fencing, erection of timber pergola & replacement door to gardeners store building - retrospective. Undecided.

5.6 H16-0498-22

Demolition of C20 greenhouse, erection of timber fencing, erection of timber pergola & replacement door to gardeners store building - retrospective. Undecided.

5.7 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

5.8 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

5.9 H16-0058-20

Gazebo style seating area for cafe. Approved on 30-11-20

5.10 H16-1202-18

Internal and external works to Ayscoughfee Hall. Approved on 15-02-19

5.11 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

5.12 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

5.13 H16-0471-08

Dismantle and rebuild of gate pillar at Ayscoughfee Hall. Approved on 04-07-08

5.14 H16-0280-04

Details for supporting vaulted undercroft below room F13 (Condition 2 of H16/1034/02). Approved on 10-03-04.

5.15 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.

5.16 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 Lincolnshire County Council Historic Environment Officer

No Archaeological input required.

6.2 Lincolnshire County Council as Local Highway and Lead Local Flood Authority

No Comment.

7.0 CONSIDERATIONS

7.1 **Planning Considerations**

7.2 Heritage Impact

7.3 Whilst not listed in its own right, by virtue of its containment within the Listed Gardens and because it was present in 1947 and at the time of listing of Ayscoughfee Hall, this wall is considered to be listed in association to the designated heritage assets. These works represent an alteration of the structure and as such would fall under the controls of Policy 29 of the South East Lincolnshire Local Plan (2019), specifically Section A, Paragraph 1 which states that;

7.4 *"Proposals to change the use of a Listed Building or to alter or extend such a building will be granted where the Local Planning Authority is satisfied that the proposal is in the interest of the building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting"*

7.5 Whilst the elevated height of the wall was characterful to a certain extent, it had become clear that the wall was no longer safe, and following the collapse, it would not have been possible to reconstruct the wall like-for-like without substantial unsympathetic supports and alterations required to meet modern standards of construction. As the wall is not-original to the site and already contained visual evidence of alteration and height reduction throughout the years, it is deemed that this necessary works represents the preferable outcome which strikes a balance between privacy for the adjacent residency, structural stability and aesthetic authenticity. The works have been conducted using reclaimed bricks and an appropriate lime mortar mix.

7.6 Because of the recent collapse it was obvious that remedial works were required, therefore, having reconstructed the wall in a safe manner which will not necessitate further alteration and using appropriate materials, the applicant has proven satisfactorily that these works assist in conserving the historic environment by stabilising a damaged asset in a sensitive manner.

7.7 Residential Amenity

7.8 Whilst the wall has been reduced in height, it still stands fairly tall at 2.55m which easily protects the privacy of 12 Church Gate from members of the public in the Ayscoughfee Gardens. Furthermore, as Ayscoughfee Hall is not a residential building and there is no structure on the Ayscoughfee side of the wall within close proximity to this site, it is deemed that there is no increased chance of overlooking or overshadowing presented by the reduction in the size of the wall.

7.9 Planning Balance

7.10 Whilst the loss of historic material is always regrettable, in this instance, a structural collapse necessitated action. To rebuild like for like, several substantial alterations would have been required which likely would have further impacted upon the character of the site. The manner in which this work has been carried out eliminates the need for further alterations, matches various alterations which have been made historically and utilises reclaimed materials and an appropriate form of mortar. Therefore, on the balance of probabilities, this proposal is deemed to be acceptable.

7.11 Conclusion

7.12 Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2,3 and 29 of the South East Lincolnshire Local Plan, 2019, plus advice within the National Planning Policy Framework, 2021.

7.13 **Additional Considerations**

7.14 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.

7.15 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 **Grant Permission subject to those conditions listed at Section 9.0 of this report.**

9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

   Application Form
   A1572W-HIA Rev P1
   A1572-30 Rev P1
   A1572W-01 Rev P1

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

2. 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

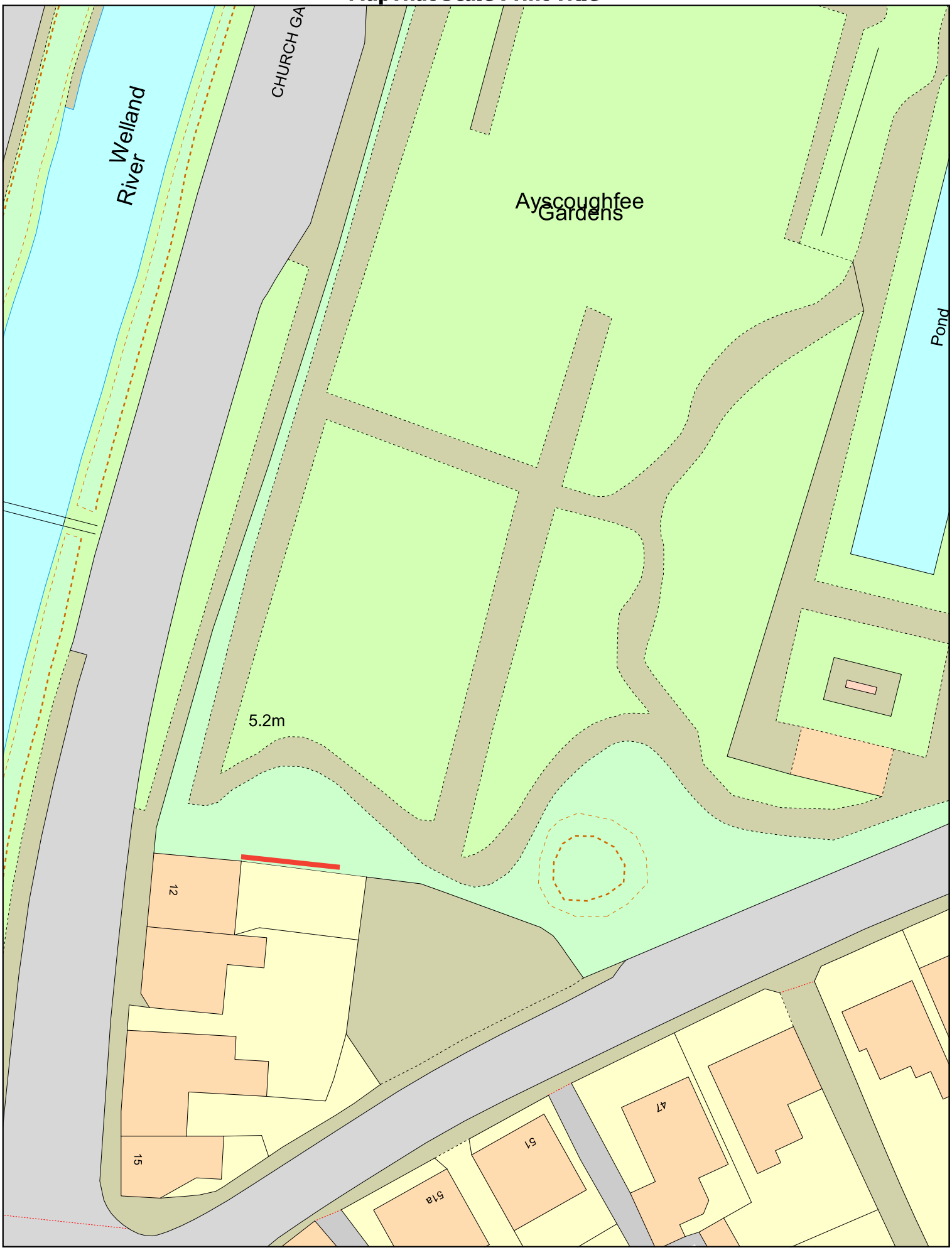
Lead Contact Officer
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Appendices attached to this report:

Appendix A PLAN A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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MAP SCALE 1:500
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