

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0563-24 **Applicant:** Spalding Gentlemen's Society

Proposal: Remove leaded light windows to front and side elevation to repair and enlarge internal door opening to allow wheelchair access

Location: Spalding Gentlemans Society 9a Broad Street Spalding

Terminal Date: 22nd August 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
HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This Listed Building Consent application is for the removal of the leaded light windows to the front and side elevations, as well as internal alterations including enlargement internal door opening to allow wheelchair access, removal of partition within the ground floor bathroom and installation of secondary glazing.

It should be noted that removal of windows for the purpose of like-for-like repair, including

replacement of broken panes and re-leading, as well as the addition of secondary glazing are typically considered to be maintenance processes and therefore do not need listed building consent, having not presented a risk to the special character interest of the listed building.

As such, in effect, the only element of this proposal which strictly requires consent are the proposed changes to the layout.

Site Description

The Spalding Gentleman's Society, 9a Bond Street is one of Spalding's most historic and significant heritage structures. It is listed at a grade II level and makes extensive use of exemplar architecture from the turn of the 20th century. Historic England describes the building like so:

"Dated 1910. Architect, J B Corby and Sons. 2 storeys in red brick with ashlar dressings and hipped Welsh slate roof. Gabled centre section breaks forward. 1 window of 16 lights, mullion and transom, beneath rectangular dripmould with shield with coat of arms above. Also 3 labels with legends 'Literature' 'Art' and 'Science'. 2 plaques with monograms to sides and centre plaque with frieze of figures above door. Moulded string between storeys. The ground floor of this centre section has 2 windows of 4 lights under rectangular dripmoulds. Doorway in stone with carved spandrels and panelled door with mask in rectangular fanlight. The side sections have one 4-light window to each storey to the left, and 1 window of 2 lights to each storey to the right. 2 labels dated 1710 and 1910 respectively. Nos 8. 9 and the Museum of the Spalding Gentlemens' Society form a group"

The site is situated in a relatively central location within the Spalding Conservation Area (SCA). Numbers 8 and 9 Broad Street, as well as the Constitutional Club (and associated wall) and the Methodist Church on the opposite side of the road to the site are all similarly Grade II listed and within visual range, making this site an area of substantial concentration of characterful assets and therefore contribution to the conservation area. The immediate setting can be characterised as being mainly consisting of C19th and beyond architecture, comprising a mix of commercial, ecumenical and residential uses.

History

H16-0090-16

Proposed mounted cast metal plaque. Approved on 29-04-16.

H16-0932-22

Demolition of rear flat roof extension including making good existing building. Approved on 06-10-22.

H16-0933-22

Demolition of rear flat roof extension including making good existing building. Approved on 06-10-22.

Consultation Responses

Lincolnshire County Council Historic Environment Team

No further archaeological input is necessary for this application.

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.

Planning Considerations

The key planning considerations in this instance include, but are not limited to;

- Heritage Impact.

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".

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.

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. In this case, the material elements of this case amount to the widening of the doorway into the maples gallery and the removal of the partition wall in the ground floor W/C. The former proposal does lead to the removal of some original material and the narrow nature of the doorway is likely an historic

pattern, however, this doorway does not in any substantial manner contribute to the character of the interior of the property. The partition wall in the W/C is non original and of no significance and therefore its removal is of no consequence to the value of the building.

As such, the removal of some original material for the widened maples gallery door can be said to result in some extremely minor harm, categorised as 'less than substantial harm'. In line with the NPPF, any elements of 'less than substantial harm' must be weighed against the public benefits of a proposal. In this case, there is clear and substantial public benefit in creating a doorway that is appropriate for use by disabled members of the public to further appreciate and enjoy the collection of the Spalding Gentlemen's Society. As such, the harm in this case is fully outweighed by the benefits.

Regardless of their lack of requirement for consent, it remains valid to judge the proposals for the windows on the same criteria as above for the sake of fullness. With the details thus far provided, it is possible to determine that these proposals would not present any risk of harm at all. The proposal to repair the leaded windows is in a like for like fashion which should result in a fully restored appearance and condition, effectively enhancing the condition of the site. With regard the proposed secondary glazing, none of the reveals within which it is proposed to install these windows contain any details of particular significance to the asset and therefore, their installation would have a neutral impact, balanced against the clear benefit of enhancing the thermal efficiency of this publicly open building.

As such, the Local Planning Authority considers the proposal to not present a risk of harm to either the listed building or the conservation area against which to balance any consideration. Therefore, the proposal complies with Policy 29 of the SELLP.

Conclusion

For the reasons listed above, this 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. 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.