

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0697-21 **Applicant:** Spalding Gentlemen's Society

Proposal: Removal and rebuild of The Cottage chimney stack and pots and make good and removal of chimney stack on outhouse extension and make good

Location: 9 Broad Street Spalding

Terminal Date: 1st September 2021

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 2021

Sections 12 and 16 of the National Planning Policy Framework (2021)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This Listed Building Consent application is for the removal and rebuilding of the chimney stack at a lower level on the Southern gable of 9 Broad Street, and also the full removal of another lone chimney stack atop the modern rear extension.

Both chimneys have been assessed by a structural engineer and have been found wanting of rectification. The rear chimney is now redundant, with the lower fire box section having been removed many years ago. It now sits proud of the mid-C20th extension by some way, looking at odds with its surroundings and visibly unstable.

Site Description

8 and 9 Borad Street are 2 properties listed as a block. Historic England describes the properties like so;

"Mid C18. Houses of 2 storeys, rendered, with slate roof with end stacks. 3 windows, 1 blocked, no glazing bars. Good moulded wood eaves cornice. No 9 has good simple doorcase with reeded pilasters and open pediments, glazed fanlights and panelled ingoes. No 8 has modern window and shop front on ground floor. Sundial inset in modern brick to side."

The area in general is a highly prominent portion of the Conservation Area for Spalding, and is characterised by a mix of historic residential and commercial properties.

History

H16-0219-09

Proposed railings and gates. Approved on 22-05-09.

H16-0220-09

Proposed railings and gates. Approved on 22-05-09.

H16-0460-09

Details of sample of hoop railing and stanchion supports (Conditions 2 and 3 of H16/0219/09). Approved on 07-02-12

Lincolnshire County Council Historic Environment Officer

No archaeological input required.

Planning Considerations

Heritage Impact

The Local Planning Authority does not consider there to be any risk presented to the value or significance of any heritage asset, including the host property. The loss of any original material is always regrettable, however, the reconstruction of the gable chimney stack is supported by the comments of a structural engineer and will be reconciled via a like-for-like scheme of reconstruction that differs only by slightly reducing the height of the finished stack to enhance its stability. The works will be made good using matching bricks - reclaimed where possible and then painted white to match.

The rear freestanding stack is to be removed, and not replaced. This chimney is not original to the site and has undergone extensive unsympathetic alteration and is now visually unstable. The building and fire section that this chimney once serviced is long since been demolished and as such, it now stands awkwardly proud of a more modern single storey extension by several meters. In its present condition it is of absolutely no value to the character of the site whatsoever, and its loss will not be detrimental to that character and is supported by the comments of the structural engineer.

For the reasons listed above, by restoring structural integrity to the listed building whilst causing minimal impact upon the character of the site, this application is considered to help to enhance the historic environment in accordance with Section 16 of the National Planning Policy Framework (2021).

Conclusion

For the reasons listed above, it is determined that this application is in accordance with Sections 12 and 16 of the National Planning Policy Framework (2021) as well as Policies 1, 2, 3 and 29 of the South East Lincolnshire Local Plan (2019). Therefore, this application is recommended for approval.

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.