

Development Management Delegated Decision Report

B/22/0459



SUMMARY OF APPLICATION			
Application Reference	B/22/0459		
Application Type	Listed Building Consent		
Proposal	Listed Building Consent for Proposed conversion and change of use to form hotel including demolition of rear chimney and reinstatement of shop front window to front elevation		
Location	Bambridge Solicitors, 27-29, Wide Bargate, Boston, PE21 6SW		
Applicant	Mr Smith, c/o Neil Dowlman Architecture Ltd		
Agent	Mr Neil Dowlman, Neil Dowlman Architecture Ltd		
Received Date:	03-Nov-2022	Consultation / Publicity Expiry Date:	14-Dec-2022
Valid Date:	03-Nov-2022	Statutory Expiry Date:	29-Dec-2022
Date of Site Visit:	26-Apr-2023	Extension of Time Date:	05-May-2023
Objections received?	None		
5 day notification record: Not applicable			
	Councillors notified	Date	Response received – date
Recommendation	GRANT listed building consent subject to conditions		
Report by:	Simon Eldred		
Date:	10-May-2023		

OFFICER REPORT

SITE AND SURROUNDINGS:

27-29 Wide Bargate are a pair of linked buildings, predominantly three-storeys in height but with single and two-storey elements, which are located at the corner of Wide Bargate and Threadneedle Street. They are unused, in a deteriorating condition, and appear to be a focus for rough-sleeping and anti-social behaviour.

They are grade II listed, and their list description reads “houses, now offices. Mid-late C18, altered C19 and C20. Stucco on red brick, pantile roof to No.29 and slate roof to No.27, with stone coped gables and 3 brick stacks. EXTERIOR: 3 storeys, 5-bay front arranged



2:1:2. 2nd floor band and wooden dentilled eaves cornice. The ground floor has an added mid C19 projection, with a plain frieze surmounted by cast-iron balcony divided by 6 small panelled stuccoed piers. A panelled door with plain overlight has to each side a shallow ornamental pilaster with console bracket to the frieze above, followed by a plain sash, and a further pilaster, the one to the right marking the corner of the building. To the left a C20 shop front. To 1st floor 5 margin light sashes and to 2nd floor 5 smaller similar windows. INTERIOR: not inspected."

They are also located within the Boston Conservation Area and form part of the settings to several other listed buildings (all grade II), including:

- 31 Wide Bargate;
- 33 Wide Bargate;
- 23 and 25 Wide Bargate;
- 19 and 21 Wide Bargate; and
- War Memorial.

DETAILS OF PROPOSAL:

The application seeks listed building consent for a series of works which are intended to facilitate the buildings' future use as a hotel. The works include:

- the demolition of existing internal walls, the construction of new internal walls, and the installation of new bathroom fittings;
- the removal of a chimney stack;
- the creation of new external window openings on the western elevation at both ground and first-floor level;
- northern elevation - the re-instatement of a shopfront at no. 29, replacement of existing pilasters and timber panelling, and redecoration of metal balustrade;
- the replacement of an existing second-floor external doorway on no. 29's southern elevation with a window; and
- the replacement of existing secondary glazing with new vertical sash units.

Full details of the proposed works are set out on:

- Drawing Number B/3638-1004: Site Location Plan;
- Drawing Number B/3638-3008: Block Plan – As Proposed;
- Drawing Number B/3638-3001 Revision B: Floor Plans (Ground Floor & First Floor) - As Proposed;
- Drawing Number B/3638-3002 Revision B: Floor Plans (Second Floor) - As Proposed;
- Drawing Number B/3638-3002 Revision B: Elevations (Wide Bargate & Threadneedle Street) - As Proposed;
- Drawing Number B/3638-3004 Revision B: Elevations (South East & North East) - As Proposed;
- Drawing Number B/3638-3005 Revision A: Shop Front Details - As Proposed;
- Drawing Number B/3638-3006 Revision A: Floor Plans - As Proposed; and
- Drawing Number B/3638-3007 Revision A: Fire and Drainage Floor Plans - As Proposed.

The application is also accompanied by:

- Drawing Number B/3638-1001: Floor Plans - As Existing;
- Drawing Number B/3638-1002: Floor Plans Showing Levels of Historic Significance;
- Drawing Number B/3638-1003: Room Elevations High Historic Significance - As Existing;
- Drawing Number B/3638-1004: Elevations - As Existing;
- Unnumbered Drawing: Proposed Shop Front Details (which does not appear consistent with the proposals as set out in other drawings);
- Statement of Heritage Significance (September 2022);
- Design and Access Statement (August 2022); and
- Flood Risk Assessment (September 2022).

RELEVANT HISTORY:

- B/00/0402 – listed building consent was granted on 22nd September 2000 for retrospective alterations to fascia signage and ground floor front elevation glazing.
- B/09/0023 – listed building consent was granted on 17th March 2009 for the replacement of frosted glass with clear glass.
- B/13/0038 – listed building consent was granted on 22nd March 2013 for the reinstatement of party walls to form two separate offices, installation of new doorways and internal staircase, and removal of an external rear stairway and a door and its replacement with a window.
- B/13/0040 – full planning permission was granted on 26th March 2013 for subdivision of building into two separate offices, including new external entrance door, and removal of an external staircase and a doorway and its replacement with a window.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The **South East Lincolnshire Local Plan 2019** shows the application site as being: within Boston's Settlement Boundary; within Boston's Town Centre Boundary; within Boston's Primary Shopping Area; and partly within the Boston Conservation Area. The following Policies are relevant to this application:

- Policy 3 – Design of New Development; and
- Policy 29 – The Historic Environment.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework (2021)

At the heart of the 2021 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 12 – Achieving well-designed places; and
- Section 16 – Conserving and enhancing the historic environment.

CONSULTATION RESPONSES:

Heritage Lincolnshire identifies that the building is grade II listed and is located within the Boston Conservation Area, and that it *“is a pair of former Georgian townhouses that has periods of alteration and most recently was used as a solicitor’s office. The buildings are in significant disrepair and many of the alterations are unsympathetic and obtrusive to the character of the buildings. Above ground floor the rooms have seen some alteration also and comprise of former office/storage space and toilet/kitchen facilities. They also retain some significant historic decorative features. The application is accompanied by a detailed and thorough Heritage Statement which allows a good understanding of the special interest of the listed buildings.”* It goes on to indicate that:

- the building was unsympathetically altered in the 19th and 20th centuries to install a projecting ground-floor extension on the northern (front) elevation with domestic scale windows. The current proposals involve alterations to this elevation (including a sympathetic new shopfront – the details of which will need conditioning) which are welcomed;
- the proposed alterations to the buildings’ plan form will not unacceptably impact upon the ability to understand the significance of the majority of the spaces;
- significant internal features are clearly identified, but it is unclear how these features are to be treated. *“The protection and continued visibility of cornices, doors, staircases, etc. are all significant elements of the building which should be retained, the detail of protection during works should be conditioned.”*
- *“There are a number of elements of the building in poor repair. Windows and the cast iron balustrade are the most significant. The detail of the repair should be conditioned.”*

THIRD PARTY REPRESENTATIONS RECEIVED:

A resident of Anton’s Gowt asks that 3 swift nesting bricks should be installed in the building.

EVALUATION:

Policy 3 of the Local Plan requires development to create distinctive places through the use of high-quality and inclusive design, and indicates that design which is inappropriate to the local area will not be acceptable. Policy 29 seeks the conservation and enhancement of the historic environment, and requires that proposals affecting a listed building must not harm the building’s special architectural or historic interest.

The Planning (Listed Buildings and Conservation Areas) Act 1990 confirms the duty of the Local Planning Authority to have special regard to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest. In the context of Section 66 of the Act, the objective of preservation is to cause no harm. The courts have said that this statutory requirement operates as a paramount consideration - ‘the first consideration for a decision maker’. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

This statutory duty sits above the policy objectives identified above. In this context, 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.

In practice, this requires a methodical approach to be followed wherein the relevant assets which would be affected need to be identified, along with their significance. Consideration can then be given to any effects on this significance resulting from the proposals, which may be reduced through mitigation. If harm is identified, it is then required to establish the scale and extent of such harm, before moving on to matters such as the planning balance and weighing the public benefits arising against any identified harm.

Heritage assets affected

27-29 Wide Bargate are grade II listed. The list description is set out in an earlier section of this report. The Statement of Heritage Significance which accompanies the application identifies that *“the interior of 27 and 29 Wide Bargate has suffered through alteration and loss of typical internal features such as fireplaces. Much intervention occurred during the latter years of the 20th century when the buildings were joined to create a large series of offices as a solicitors. However, historic plan form can be read and where this is intact, particularly where this represents the solid partition wall which once divided the two buildings, is of significance. The few surviving original and historic features are also precious to these buildings having lost many other original features. The exterior of the building is mainly intact and the principal frontage, although the front elevations have been unified later, the buildings retain historic evidence that these were once separate buildings. Each is treated slightly differently historically in terms of roof covering and chimney stacks. There have been losses, including replacement of windows to the rear, and the loss of a shopfront. Whilst the enlarged circa 1940’s enlarged windows on the rear of the c.1730 original range of 27 Wide Bargate have replaced what would have been a traditional vertical sliding sash window, there is some limited merit to the c.1940 windows. Secondary glazing has a serious impact on the fenestration of the first and second floors as seen from the front.”*

Impacts of the proposed works on these assets

Looking in detail at the major items of proposed work:

Demolition of existing internal walls, construction of new internal walls, and installation of new bathroom fittings – these works affect nos 27 and 29, and it is considered that they will have harmful impacts upon the listed buildings’ special interest in that they will involve both some loss of historic fabric and obscure the historic plan form. Heritage Lincolnshire indicates that these works *“will for the most part retain the understanding of the significance of some of the majority of the spaces”* It is therefore considered that the impacts will be ‘less than substantial’ - indeed, that they will be towards the lower end of the spectrum of ‘less than substantial harm’. In these circumstances, the provisions of the NPPF indicate that the *“harm should be weighed against the benefits of the proposal including, where appropriate, securing its optimal viable use”*. In this case, the works will facilitate the change of use of the buildings to become a hotel, i.e. will secure their long-term use and ensure their conservation. It is therefore considered that the benefits outweigh the relatively minor harm to the listed building’s special interest.

Heritage Lincolnshire does note, however, that although there *“is a good identification of significant features in the heritage statement, how these features will be treated isn’t explicit in the proposals. The protection and continued visibility of cornices, doors, stair cases etc are all significant elements of the building which should be retained, the detail of the protection during works should be conditioned.”* It is considered appropriate for such a condition to be attached.

Removal of a chimney stack – these works will impact both upon no. 27’s external appearance and upon its historic plan-form on all three floors. It is considered that these works will have harmful impacts upon the listed building’s special interest. However, given that no historic fireplaces or other features of significance will be lost, it is considered that the impacts will be ‘less than substantial’ - indeed, that they will be towards the lower end of the spectrum of ‘less than substantial harm’. In these circumstances, the provisions of the NPPF indicate that the *“harm should be weighed against the benefits of the proposal including, where appropriate, securing its optimal viable use”*. In this case, the removal of the chimney stack will create a significant amount of ‘additional’ internal floorspace, with obvious advantages for the introduction of a new and viable use to the building – which can ensure the building’s long-term conservation. Heritage Lincolnshire has no specific comments on these works, but it is considered that the benefits outweigh the relatively minor harm to the listed building’s special interest.

Creation of new window openings on the western elevation at both ground and first-floor level – these windows will light new rooms within no. 27 created by the removal of the chimney stack, and their design and materials will match those of existing windows. Heritage Lincolnshire has no specific comments on these works, but it is considered that they will have neutral impacts upon the listed building’s special interest.

Re-instatement of a shopfront at no. 29, replacement of existing pilasters and timber panelling, redecoration of metal balustrade, introduction of contrasting render – these works affect the buildings’ principal, northern elevations onto Wide Bargate. These elevations are of high architectural and historic significance, and it is considered that the proposals will be a significant enhancement to the listed buildings – i.e. they will have positive impacts upon their special interest.

Heritage Lincolnshire welcomes these works, but asks that the details should be secured by condition to ensure that they are of the appropriate quality. However, it is considered that the details provided in drawings ‘B/3638-3002 Revision B: Elevations - As Proposed’, and ‘B/3638-3005 Revision A: Shop Front Details - As Proposed’ provide all necessary details concerning the proposals’ design, materials and finish, and that such a condition is therefore unnecessary.

Heritage Lincolnshire also indicates that the approval of the details of proposed repairs to windows and the cast-iron balustrade should be required by condition, and it is considered that such a condition is required.

Replacement of an existing second-floor external doorway on no. 29’s southern elevation with a window – the existing doorway is considered to be of very low architectural or historic significance, whilst the replacement window is considered to be authentically detailed. Heritage Lincolnshire has no specific comments on these works, but it is considered that they will have positive impacts upon the listed building’s special interest.

Replacement of existing secondary glazing with new vertical sash arrangements – windows in the buildings' principal, northern elevations onto Wide Bargate are fitted with modern secondary glazing units, which detract from the buildings' significance. It is proposed to remove these units and to fit new units with one central horizontal division to match the form of the existing windows. Heritage Lincolnshire has no specific comments on these works, but it is considered that these works will improve the visual appearance of the principal elevations, and will have positive impacts upon the listed buildings' special interest. However, no detailed drawings have been provided of the proposed new units, and it is considered necessary for a condition to be attached to require their submission.

Other matters

A respondent has asked that 3 swift nesting bricks should be installed in the building.

Whilst considerations of this sort are potentially relevant in an application for planning permission, it is not considered that they are relevant to an application such as this, which seeks listed building consent.

CONCLUSION:

Taking into account the duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 it is considered that, whilst some of the proposed works will have harmful impacts upon the buildings' special interest, these impacts will be 'less than substantial' and will be outweighed by the benefits they will provide by securing the buildings' on-going use. The remaining works are either neutral in their impacts or positive (particularly those affecting the buildings' principal elevations onto Wide Bargate).

In these circumstances, and subject to conditions, it is considered appropriate for listed building consent to be granted.

RECOMMENDATION:

GRANT listed building consent subject to conditions.

CONDITIONS / REASONS			
Pre-commencement conditions?	Yes	Agreed with applicant/agent?	E-mail dated 9 th May 2023 from agent
1	<p>The works hereby permitted must be begun no later than the expiry of three years beginning with the date of this permission.</p> <p>Reason: Required to be imposed subject to Section 18 of the Town and Country Planning (listed Buildings and Conservation Areas) Act 1990.</p>		
2	<p>The works hereby permitted shall be carried out in strict accordance with the application received on 03-Nov-2022 and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none"> • Drawing Number B/3638-1004: Site Location Plan; • Drawing Number B/3638-3008: Block Plan – As Proposed; • Drawing Number B/3638-3001 Revision B: Floor Plans (Ground Floor & First Floor) - As Proposed; 		

	<ul style="list-style-type: none"> • Drawing Number B/3638-3002 Revision B: Floor Plans (Second Floor) - As Proposed; • Drawing Number B/3638-3003 Revision B: Elevations (Wide Bargate & Threadneedle Street) - As Proposed; • Drawing Number B/3638-3004 Revision B: Elevations (South East & North East) - As Proposed; • Drawing Number B/3638-3005 Revision A: Shop Front Details - As Proposed; • Drawing Number B/3638-3006 Revision A: Floor Plans - As Proposed; and • Drawing Number B/3638-3007 Revision A: Fire and Drainage Floor Plans - As Proposed. <p>Reason: To ensure that the works are undertaken in accordance with the approved details and to accord with Policies 3 and 29 of the South East Lincolnshire Local Plan 2019.</p>
3	<p>Prior to the commencement of works to fit new secondary glazing units, details of the proposed units shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: To ensure the preservation of the special interest of the listed buildings, in accordance with Policy 29 of the South East Lincolnshire Local Plan 2019.</p>
4	<p>Prior to the commencement of works involving the repair of existing windows, roofs and balustrade, a schedule of works shall be submitted to and approved in writing by the Local Planning Authority describing how these works will be carried out. The works shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: To ensure the preservation of the special interest of the listed buildings, in accordance with Policy 29 of the South East Lincolnshire Local Plan 2019.</p>
5	<p>Prior to the commencement of works affecting the stair and hallway, and rooms FF1, FF2, FF3, SF1, SF2 and SF4, a schedule of works shall be submitted to and approved in writing by the Local Planning Authority describing how the features within these rooms and identified in the tables on Drawing Number B/3638-1002: Floor Plans Showing Levels of Historic Significance will be preserved. The works shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: To ensure the preservation of the special interest of the listed buildings, in accordance with Policy 29 of the South East Lincolnshire Local Plan 2019.</p>

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE

STATEMENT OF PROACTIVE WORKING:

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

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