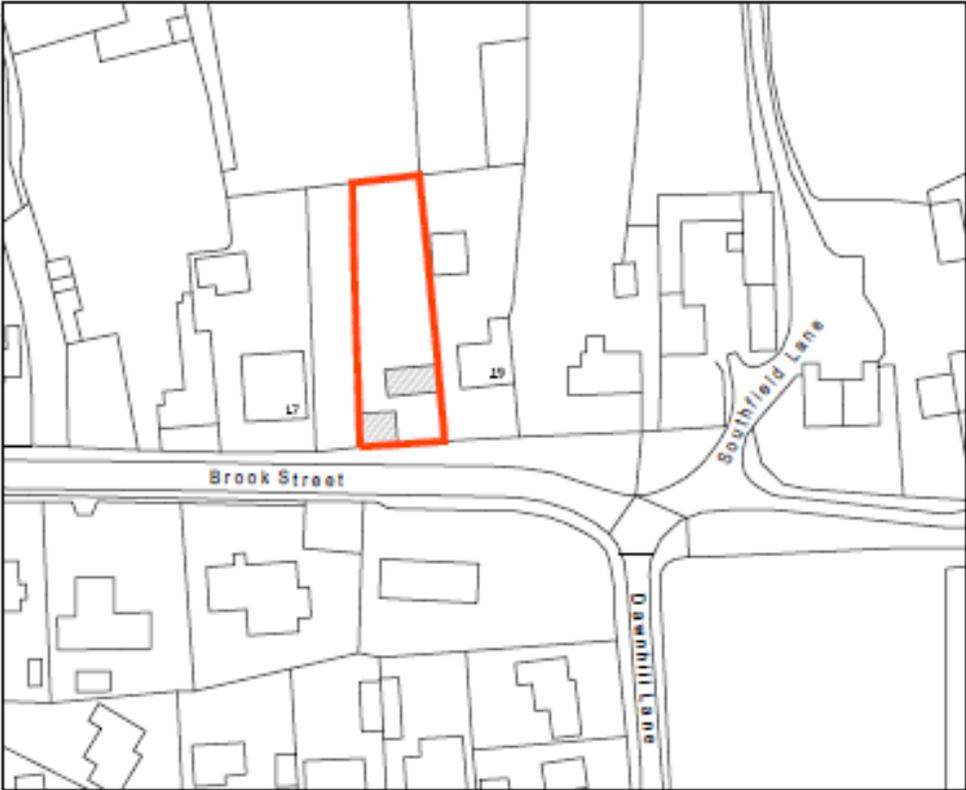


**Site Location Plan-141128**



## **Officers Report**

### **Planning Application No: 141128**

**PROPOSAL:** Planning application to demolish existing main building and replace with 1no. dwelling including landscaping, ancillary works and installation of solar panels to existing garage.

**LOCATION:** Land adj 19 Brook Street Hemswell Gainsborough DN21 5UJ  
**WARD:** Hemswell  
**APPLICANT NAME:** Mr and Mrs Morris  
**WARD MEMBER:** Cllr P Howitt-Cowan

**TARGET DECISION DATE:** 05/08/2020 (Extension of time agreed until 29<sup>th</sup> January 2021)  
**DEVELOPMENT TYPE:** Minor - Dwellings  
**CASE OFFICER:** Danielle Peck

**RECOMMENDED DECISION:** Refuse planning permission

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The application is referred back to Planning Committee for determination following the meeting held on 24<sup>th</sup> August 2020. At this meeting members requested that the application was deferred back to officers to carry out discussions with the agent/applicant to in relation to the design and retention of the original building (or elements of).

#### **Description:**

The application site comprises of an existing building, 'The Blacksmiths Forge' and a newly constructed detached double garage within the settlement of Hemswell. The existing building is constructed of local roughly coursed stone and pantile, the building is noted to be at the earliest C17. A residential property is located directly to the east of the site, to the west is a grassed track, the highway lies to the south with more residential properties beyond this. The site is within the Hemswell Conservation Area, an Area of Great Landscape Value and is also within a Limestone Mineral Safeguarding Area.

**Proposal:** The application seeks permission to demolish the existing building and replace with 1no. dwelling, including landscaping, ancillary works and solar panels to the existing detached garage.

The application was previously considered at the Committee's meeting of 24<sup>th</sup> August 2020. At that meeting, the minutes record "*With these details clarified and voted upon, it*

*was agreed that the application be **DEFERRED** for further discussion regarding design and retention of the original building [or elements of].”*

The following chronology of events, is provided as an update since the meeting of 24th August 2020:

- 25<sup>th</sup> August 2020 Email sent to Mr Morris (applicant) to confirm that Mr Andrew Ryley (agent) would be acting as agent for the application and confirmation that alternatives to the demolition of the building will be looked into;
- 3<sup>rd</sup> September 2020- Virtual meeting with Case Officer (Miss Danielle Peck) and Mr Ryley (agent). The types of reports required for the application, was discussed;
- 16<sup>th</sup> September 2020- Virtual meeting with case officer, Mr Ryley and WLDC Conservation Officer (Mrs Elizabeth Mayle). Possible methods of repair were discussed along with ways/options that the building could be extended to the rear;
- 7<sup>th</sup> October 2020 Email sent to Mr Ryley requesting update following meeting;
- 22<sup>nd</sup> October 2020 Further email sent to Mr Ryley as no response received from 7<sup>th</sup> October 2020;
- Email received from Mr Ryley on 28<sup>th</sup> October 2020 stating that a heritage consultant had been instructed to prepare a statement of significance, a new architect had been instructed and advice was being sought from various consultants on the structural integrity of the building. Extension of time agreed until 11<sup>th</sup> December 2020;
- Email sent to Conservation Officer from Mr Morris on 8<sup>th</sup> December 2020. The email advised that the heritage report would be delayed due to COVID19;
- Email sent to Mr Ryley on 9<sup>th</sup> December 2020 to see if a further extension of time was needed, this was agreed until 29<sup>th</sup> January 2021;
- Email received from applicant on 6<sup>th</sup> January 2021 to advise that the western side of the front elevation had collapsed due to a rotten timber lintel above the window failing. The applicant also advised that a further structural survey had been carried out on the building by Ward Cole. Mr Morris states that the survey concludes that the building cannot be saved and that the front elevation is the most structurally unsound part.

- On the 4<sup>th</sup> January 2021 an application to serve a Section 76 Urgent Works Notice in relation to the building was approved by the Secretary of State for Digital, Culture, Media & Sport (DCMS), on the advice of Historic England, in a letter dated 22<sup>nd</sup> December. Historic England advised *“Accordingly, we advise that the Old Blacksmith’s Forge makes an important contribution to the character and appearance of the Hemswell conservation area for the reasons given above. The loss of the Old Blacksmith’s Forge would remove that important physical and visual historic contribution to the character and appearance of the conservation area.* Advice was given to Mr Morris on the urgent works required prior to the serving of any legal notice.
- On the 25<sup>th</sup> January 2021 additional documents were received. These include an additional structural report by Ward Cole dated 7<sup>th</sup> October 2020, additional supporting document titled ‘Old Blacksmiths History’, a letter from the agent for the application Mr Andrew Ryley and an Historic Building Record from 2006 have been submitted.
- On the 9<sup>th</sup> February 2021, Officers visited the site with a Conservation-accredited structural engineer. The final report has now been received and is considered to be a relevant material consideration in the determination of the application.
- On the 17<sup>th</sup> February 2021 a Section 54 Urgent Works Notice was served. The notice contained details of the urgent works that are urgently necessary for the preservation of the building.

**Relevant history:**

**M04/P/0684-** Convert buildings to dwelling and garage. GC 06/08/04

**M03/P/0012-** Convert Blacksmiths Forge to single dwelling and erect new two storey dwelling. Withdrawn by applicant.

**M02/P/0186-** Conservation Area Consent to Demolish Buildings (2no. Brick and stone stables adjoining west end of Blacksmiths Forge, 1no. tin Lean to shed adjoining rear of Blacksmiths Forge, Brick garage, partial brick enclosure and 3 tin and timber lean to sheds. Formal Conservation Area consent not required 07/08/02.

**Representations:**

**Cllr P Howitt-Cowan:** This planning application is exercising the village which prides itself on Heritage. I appreciate it is not listed but rests within the conservation area. Is the conservation officer deputed to assess this application due to the location and sensitivity surrounding the application. If it is finely balanced the only route open is to the planning committee.

**Hemswell Parish Council:** The parish council has reservations regarding the proposed development as it will remove a non-designated heritage asset from within the conservation area and replace it with a character dwelling which will have no heritage value or functional links to the surrounding properties. The building to be demolished is the Blacksmiths Forge which sits adjacent to the Shoe House (same site) and the

Blacksmiths cottage (adjacent site). By replacing the forge with a new character property, a significant part of Hemswell history will be lost. The Council supports the need to deconstruct the property due to the instability of the structure but would rather see the exterior form of the building be reconstructed with sympathetic extensions created as necessary to support a modern sustainable dwelling. In this way the heritage of the site can be honoured.

**Local residents:**

**17A Brook Street:** The Old Forge has been a significant landmark in Brook Street for well over a century and was no doubt a focal point in the village when it was in use as a forge with horses queuing outside and being attended to in the Shoe House. However, these times are well beyond living memory and for many people in the village, their only view of this building is seeing it encircled by galvanised steel fencing as this is how it has been for the last 14 years. As part of the previous planning permission M04/P/0684, the former Shoe House was demolished and replaced with a significantly larger brand new garage. This building has retained the 'character' of the former Shoe House by virtue of its use of the original stone and replicating windows and installing other features from the original building. The Forge however has remained 'untouched' as it has proved to be something of a 'conundrum' for the previous developer. He had permission to 'convert' a building which was never really fit for conversion.

Unfortunately, when the original planning permission (M04/P/0684) was sought by the then owner, the planning authority failed to ask the question "how practical was it to convert this building into a new dwelling?" Shortly after the permission was granted, the plot was sold to the previous developer who then tried to engage the planning authority in a discussion regarding the feasibility of 'converting' this building. He engaged a surveyor who provided a report saying that the building was unfit for conversion. The current owners have also engaged another structural engineer who has also said that "given the magnitude and nature of structural defects, demolition and rebuild is considered a sensible approach".

It is clear to me, as I have looked at this building every day for at least the last 14 years that the wind and rain are taking their toll and it will soon fall down unless significant remedial work is carried out. The new garage is evidence that the 'character' of the former building can be re-created with the use of the original stone and the inclusion of key features from the original building.

**LCC Highways/Lead Local Flood Authority:**

**Highways:** No objections. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

**Internal Drainage Board:** If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore

essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

**Natural England:** No comments to make.

**The Lincolnshire Bat Group:**

**16/08/20-** Thank you for referring this report to Lincs Bat Group. It is perfectly satisfactory and we would endorse the recommendations in section 4.2.

**29/06/20-** Thank you for consulting Lincolnshire Bat Group regarding the ecology report for this application. This is a sound report but it should be noted that this is only an assessment, and that further survey work is needed during the summer to establish whether bats are using this building, which is classed as having medium potential for roosting bats. See section 4.2.1.

**Archaeology:** The proposed development involves the demolition of a non-designated heritage asset within the designated Hemswell Conservation Area. Previously planning consent has been given for conversion (with some rebuilding) of the historic forge, however, the current proposal is for complete demolition and construction of a new dwelling. The potential impact on the heritage asset itself and the surrounding Conservation Area is therefore very different to the previously consented scheme.

However, the application has not been produced in accordance with the National Planning Policy Framework (paragraph 189) or the Central Lincs Local Plan (LP25).

The application's heritage statement does not include any assessment of the significance of the historic forge that it is now proposed to demolish and replace. This is a minimum requirement of applications as stated in the NPPF (189), and is required to enable the local planning authority to make a reasoned decision. Nor is there any consideration of the impact of the demolition of the forge on the wider Conservation Area, or the impact of the proposed new build dwelling. This is not in accordance with local plan policy LP25.

There is also no justification as to why the historic forge cannot be dismantled and rebuilt, and why it is now proposed to construct an entirely new cottage, which does not preserve the form, character or appearance of the existing historic village forge.

Therefore insufficient information has been provided to enable the local planning authority to make any reasoned decision on the impacts of the proposal on non-designated and designated heritage assets.

The developer's attention is directed to Historic England's recent guidance on the production of heritage statements of this nature, which should be an objective assessment of significance, produced using appropriate expertise where necessary. It should not be confused with a planning justification statement.

<https://historicengland.org.uk/images-books/publications/statements-heritagesignificance-advice-note-12/>

Recommendation: it is recommended that this application should not be considered further until the additional information required has been provided. This is to enable the local planning authority to be able to make a reasoned decision on the impacts of the proposal on the historic environment as required by local and national planning policy.

**WLDC Conservation Officer:  
22<sup>nd</sup> February 2021-**

The final issue structural report is from Mason Clark Associates, and the inspection and report were completed by a CARE registered conservation accredited structural engineer. Although this report was obtained to ensure that if urgent works to preserve this building were needed, and before urgent works could be set out in section 54 Urgent Works Notice, under the LB&CA Act 1990, it was only fair (on both the owner of the building, and the local authority in terms of using public funds) to know whether the building was indeed capable of repair in the longer term.

The findings of this structural report conclude that some urgent works were necessary (and for which an Urgent Works Notice under section 54 of the Planning (Listed Buildings & Conservation Areas) Act 1990 was served last Wednesday) but that this was really only necessary to the areas that have recently suffered collapsed.

The list of works cited in 5.9 of that report for long term repair are relatively simple works. Other than localised reconstruction to those areas where sudden deterioration has recently occurred, that the remainder of the building requires repairs only and no demolition at all to give this building a new lease of life. Having inspected the building, external walls are approaching almost 20 inches in thickness. These are substantial walls, and as noted by our structural engineer with 'few signs of separation, bulging or cracking.

Works to repair the building consist of, in essence:

- Replacing rotted lintels to extant window and door openings (5 no.)
- Reinstating the two historic cast iron pattress plates (which are still securely attached by one end to the building (being set within around 20 inches of masonry),
- A small area of helical steel tie bar over a small window on the east gable and the corner adjacent to it. Helical steel tie repairs consist of slender helical stainless steel bars inserted into masonry joints using epoxy resin, and once complete, the joint is repointed. This is a standard and accepted method of repair for historic buildings.
- Possible repairs (note the word repair, rather than replacement or demolition) to roof timbers (inspection needed to confirm).
- Repointing the west elevation, and stone indents (new stones to the NW corner where currently missing, this north elevation was formerly an internal wall for the most part and is now exposed since a smaller addition to the building was demolished some years ago following the grant of planning permission to repair, convert and extend the former Blacksmith's Forge).
- Localised reconstruction of the recently collapsed SW corner masonry.

Other works to be expected are the reinstatement of rainwater goods, which have been missing for some years, and repair or replacement of external window and door joinery. Repointing in lime mortar is also recommended.

The above are considered to be completely achievable by any sympathetic owner of the building and the works are quite standard repairs for a suitably experienced building contractor.

My final conclusion in this matter, based on the findings of a conservation accredited structural engineer is that despite the very sudden and localised collapses that have occurred to this building in recent months, it is readily capable of sympathetic repair without demolition. We have already advised on how this very significant historic building to the Hemswell conservation area could also be sympathetically extended. Moreover, there is an extant and implemented planning permission in place right now (M04/P/0684) to continue those works of repair, and there has been since 2006.

#### **10<sup>th</sup> February 2021-**

Firstly, the Ward Cole Structural report states that the building has been repointed, albeit with cement, and that 'Generally, the roof timbers with the exception of the original truss bottom chords look in good condition' (paragraph 3.0). This latest report contradicts the G2 report which states the roof structure is poor condition. Other defects are noted, but all of these can be readily rectified through sympathetic repair. This report concludes that economic repair of the building is not viable. However, no costs are submitted to prove this point (for example, a priced tender for the repair of the building compared with its demolition, clearance and rebuilding). Unless costs are provided to demonstrate this, no credence can be given to this as a justification. The same report suggests that in the building cannot be safely accessed to undertake repairs. However, this seems to contradict entirely suggestions that the roof is in good condition (and since has been structurally propped) and does not take account of any urgently necessary works that could be undertaken to make the building safe, or indeed the use of standard scaffold access methods for historic buildings where specially designed access scaffolds are utilised. Secondly, the Letter from DBLP's Andrew Ryley again cites and commends the demolition of the building based on the report by Ward Cole dated 7 October 2020 and also cites Health and Safety.

The applicant has been advised on at least three occasions now that he should supply a structural report from a structural engineer who is on the Institute of Structural Engineers Conservation Accreditation Register of Engineers (CARE).

I took with me a CARE registered structural engineer, instructed by our council, to survey this building in relation to an approval from the Secretary of State, received January 4<sup>th</sup> 2021 allowing the local authority to serve an Urgent Works Notice to preserve this building. Although this report has been commissioned to assist the council in ensuring that urgent works to preserve the building are undertaken, there would be no point in doing this unless the building was actually capable of repair. The engineers

report is awaited. It is recommended that this is made available before a decision is made.

An application was made in July last year to the Secretary of State via the Department for Digital, Culture, Media & Sport (DCMS). The applicant was informed of the application made by the DCMS, who then advised me that he would not negotiate about the revisions to his application (as directed by planning committee) unless the council withdrew its application to the Secretary of State. We did not withdraw the application to the Secretary of State, which was approved on January 4<sup>th</sup> 2021.

The proposal to demolish this building should therefore be considered under paragraph 195 of the NPPF, which requires all possible options are considered to avoid demolition including finding a suitable use, marketing the building, securing grant aid to repair it, and that public benefit would result from the re-use of the land. None of these has taken place, and there is no public benefit accruing from this application. There is no public benefit arising from this application.

In conclusion, this locally cherished building is more than capable of sympathetic repair and demolition should not be supported. This council has taken all possible steps to secure a future for the building by:

- a. applying for and obtaining Secretary of State approval to serve a notice to preserve this building.
- b. encourage the owner to revise his proposals to retain and repair the building, consisting of at least a one hour meeting with [the agent] setting out the way in which a suitable extension to accommodate a family might be secured if the building could be repaired as part of the proposal, which was completely disregarded;
- c. we have encouraged the owner to undertake urgently necessary repairs of his own volition;
- d. we have instructed a CARE registered engineer to provide advice on both urgent works to preserve the building, and to ensure that the building is capable of long term repair before progressing to serve a notice to secure its preservation through urgently necessary works;
- e. we have surveyed this building and now await a report from the CARE registered engineer.

Finally, some further comments with regard to the proposed replacement building promoted by the applicant and his planning agent. The proposed replacement bungalow is [not considered to be of any] architectural merit, and certainly would not replicate the existing structure. I would therefore refer to a very recent planning appeal hearing at Reepham, which bears similes. The proposal included demolishing a historic barn located in the heart of the Reepham Conservation Area, and to 'relocate' the barn some 1.5 metres away from its original location in facsimile. The planning inspector agreed with the local authority that the loss of the barn, which is noted in the Reepham Conservation Area Appraisal as an important building (just like the former Blacksmiths' Forge at Hemswell) would result in harm to the conservation area and consequently he

dismissed the appeal. The proposed facsimile building at Reepham was much more authentic than that now proposed for Hemswell.

**Final Recommendation:** The application should be refused.

**3<sup>rd</sup> August 2020 (In summary)-** The external appearance of the extant building, which is the principal building on this site, is without alteration since construction and contains original windows, doors, ironmongery (and ties, where these have not been removed already) and is of sufficient architectural merit to be considered of high significance for its aesthetic vernacular architectural qualities. Its historic interest is also of high significance for its historic, social and evidential values.

There are no public benefits arising from this proposal. Citing the removal of some hoarding, which did not from what I see, obtain any planning permissions, is not a public benefit. It is open to the local authority to serve legal notices, should it prove necessary which could result in the betterment of the site (S.215 notice for example could result in the site being tidied up or an unauthorised works notice for the hoardings). Thus, the same result of tidying the site could, if the Local Authority chose to do so, be achieved by serving notices to improve the site rather than seeing the loss of the building because a neighbour has objected to the hoardings and the untidy nature of the site.

Suitable repair methods not investigated include:

- 1.the use of localised crack stitching to cracks around and to the left of the window on south elevation (west side of principal front);
- 2.deep tamping and repointing using lime mortar, where necessary;
- 3.a small area of reconstruction about the large opening on the north elevation with a new window lintel;
- 4.reconstructing the removed stone quoins to the NW corner
- 5.re-fixing or replacing cast iron ties

I would advise that once lost, the heritage of Hemswell's Old Blacksmiths Forge (former Smithy) will be gone forever, along with its setting. Brook Street would have a very changed character as a result, and not for the better. Hemswell is one our best rural conservation areas. Every effort needs to be made to preserve the building through sympathetic repair. The proposed design doesn't even attempt to mimic the original design, even if the original building could be proven beyond repair, this proposal would still be unacceptable for its harm to a designated heritage asset due to the poor design of the proposed replacement.

My final advice reminds us what **the LPA is required to do:** Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires the Local Authority to 'pay special attention to the desirability of preserving or enhancing a conservation area when exercising its planning function. This proposal will not preserve a building of high significance within the conservation area, and it certainly does not enhance it. The proposal fails to comply with a number of criterion in policy LP25, and fails to meet policies in the NPPF.

**Final Recommendation:** Refusal.

**The way forward:** The applicant is welcome to discuss alternatives that include repair of the building. I will be happy to advise further if he contacts me to advise how this might be achieved.

**8<sup>th</sup> July 2020-**

Site: the Land adjacent 19 Brook Street contains one the old smithy, which is noted as an important building in the Hemswell conservation area appraisal. Constructed of local roughly coursed stone and pantile, this building is noted to be C17 according to the same appraisal. This earliest element survives, with later additions to the north (a tin roofed lean-to) and the west (a lower subsidiary brick range which was in a state of partial loss in any case) are no longer extant.

Significance: As an important building in the conservation area, and a building that contributes positively to the conservation area on a number of counts (assessed using Table 1 of Historic England's Conservation Area Appraisal, Designation and Management Historic England Advice Note 1 (Second Edition) published February 2019). The Old Smithy is considered to have a high level of significance for its architectural (aesthetic), historic, communal and evidential values.

Background: The building has not been used as a Smithy for many years and planning permission was granted to repair and extend the building under WLDC planning reference M04/P/0684 in 2004. A new garage is located on the site of an earlier outbuilding (shoe house) and is as approved under the above consent, which is considered implemented. A chimney stack has been demolished in the Old Smithy (and was advised as urgently necessary at the time) along with a small, later, brick addition and a tin-roofed lean-to. Despite a structural report at the time suggesting that the building could not be converted due to its poor condition (not a CARE registered engineer's report) consent was granted for the repair of the Old Smithy.

Condition of Building: The condition of the building is poor in places, but given that no maintenance or repair has been carried out since the approved plans of 2004, and considering this building is more than 300 years old, this is only to be expected. There has been a recent collapse of a small area of stone on the north (back) elevation, there is some removed stone quoins on the NW corner (west elevation) and there is a structural crack to the SW corner (front elevation). Notes on the original planning file note the west gable is in poor condition and the SW corner, but that the remainder of the building was in good condition (for its age). The original consent approved the repair of the building without any extensive demolition of the main 17<sup>th</sup> C building, but rather, its sympathetic repair and extension.

Proposed development: demolition of the Old Smithy, and replacement with a new bungalow, with large roof containing an attic bedrooms.

Advice: I have a number of very serious concerns in respect of the proposals. These are

1. The total demolition of the Old Smithy is proposed, but would lead to a total loss of significance of a non-designated heritage asset that makes a highly significant contribution to the Hemswell Conservation Area and would result in less than substantial harm to the designated conservation area. This proposal cannot be supported in its current form. Insufficient consideration has been given to its significance and to mitigate any harm to that significance. I will refer here to para 190 of the NPPF which states:

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal

And paragraph 193 which states:

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.

The proposal does not preserve the conservation area and would lead to less than substantial harm to the conservation area as a designated heritage asset, but would be substantial harm to the asset itself. The proposed replacement is little more than a stone built bungalow of modern and non-traditional form lacking in local distinctiveness (it takes more than local materials for a building to be locally distinctive). Brick quoins are proposed (which were advised against in the original application), the proposed windows are flush casement windows, and the building is littered with large roof lights. The pitch of the roof is non-traditional and bears no resemblance to the original form of the building, and others of the same build period in the village, and this is due to the width of the plan proposed.

2. The heritage statement element of the D&A does not adequately describe or assess the significance of the Old Smithy. The HER does not appear to have been used and there is no professional assessment by a suitable qualified person (as set out in section 11 of Historic England Advice Note 12 – Statements of Heritage Significance) of the building (and as per para 189 of the NPPF) and has made no attempt to consider properly the significance, instead, choosing to play down significance and the level of impact of the proposed development on both the asset itself and the conservation area. The content of the statement does not accord with Historic England's HEAN 12 (Historic England Advice Note 12 – Statements of Heritage Significance) or as an alternative method of assessing significance, with paragraph 4.3 of British Standards Institute (BSI) 7913:2013 A guide to the conservation of historic buildings.

3. I am seriously concerned that the structural report has not considered any alternatives to both the extent of repairs and how these might be achieved without resorting to total demolition. The structural report jumps to an economic conclusion to demolish the whole building, which is an approach that wholly disregards the significance of the building and does not conform to BS7913:2013 and a more sympathetic approaches. It is my view that the area requiring the most attention is the westerly gable and the SE corner crack. I would advise that further consideration is required with regard to localised structural works to this area and how structurally this may be achieved, setting out appropriate methods of repair, with shaded and annotated elevations showing exactly where repairs are needed.

What the LPA is required to do: Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 states when exercising its planning function that the LPA must pay 'special attention' to the desirability of preserving or enhancing a conservation area. This proposal would denude the Hemswell conservation area of an significant and important building, leaving in its place a very poor substitute. Policy LP25 of the adopted CLLP also states:

Paragraph 5.10.10 Demolition within a conservation area should only be allowed in exceptional circumstances, and will normally be permitted only if the Council is satisfied that the proposal for redevelopment is acceptable and there is an undertaking to implement it within a specified period.

Paragraph 5.10.11 Development within conservation areas must respect the local character and be carefully designed to respect the setting, through consideration of scale, height, massing, alignment, and use of appropriate materials. Keeping valued historic buildings in active and viable use is important for both the maintenance of the building concerned and the overall character of the conservation area. Proposals to change the use of a building might therefore be supported, where features essential to the special interest of the individual building are not lost or altered to facilitate the change of use.

And that: Development proposals will be supported where they:

d. Protect the significance of designated heritage assets (including their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, materials, siting, layout, mass, use, and views and vistas both from and towards the asset;

e. Promote opportunities to better reveal significance of heritage assets, where possible;

f. Take into account the desirability of sustaining and enhancing non-designated heritage assets and their setting.

And that the change of use of heritage assets will be supported provided:

g. the proposed use is considered to be the optimum viable use, and is compatible with the fabric, interior, character, appearance and setting of the heritage asset;

h. such a change of use will demonstrably assist in the maintenance or enhancement of the heritage asset; and

i. features essential to the special interest of the individual heritage asset are not lost or altered to facilitate the change of use.

**Recommendation:** It is my professional view that this building is capable of repair, albeit with some minor localised dismantling and other conservation methods of structural repair, particularly to the western gable / SW corner. I would advise that if a smaller house than that already approved and implemented in part is now required by the new owner, that revised plans are supplied showing retention and repair of the existing structure with a smaller extension to the rear (and west side if desired) based on the already approved designs. Adding to the rear would solve any structural issues arising on the north elevation (as well might an extension on the west). Likewise, a revised structural report is advised to accord with either BS7913:2013 or that a CARE registered structural engineer's report is instead supplied.

If revisions as advised are not forthcoming, I would advise that the **application be refused** as it fails to meet the requirements of primary legislation, the NPPF and Local Plan policies.

### **Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

### Development Plan

- **Central Lincolnshire Local Plan 2012-2036 (CLLP)**

<https://www.n-kesteven.gov.uk/central-lincolnshire/>

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Settlement Hierarchy

LP3: Level and Distribution of Growth

LP4: Growth in Villages

LP10: Meeting Accommodation Needs

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, townscape and views  
LP21: Biodiversity and Geodiversity  
LP25: The Historic Environment  
LP26: Design and Amenity

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is in a Minerals Safeguarding Area and policy M11 of the Core Strategy applies.

#### National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

<https://www.gov.uk/guidance/national-planning-policy-framework>

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in February 2019. Paragraph 213 states:

*"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

- **National Planning Practice Guidance**

<https://www.gov.uk/government/collections/planning-practice-guidance>

- **National Design Guide (2019)**

<https://www.gov.uk/government/publications/national-design-guide>

#### Draft Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

*(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- **Draft Hemswell and Harpswell Neighbourhood Plan**

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/hemswell-and-harpswell-neighbourhood-plan/>

The consultation on the Pre-Submission (Regulation 14) Consultation Version of the Neighbourhood Plan and evidence based documents has now finished. The Steering Group will now work towards the submission (Regulation 16) version of the plan. Subject to NPPF paragraph 48, the plan may be given 'some weight' in the consideration of planning applications.

The most relevant policies are considered to be:

Policy 6: Design Principles-Parts 1 and 2

Policy 7: Protecting Non-Designated Heritage Assets

#### Other

Statutory duty under section 72 of the Town and Country Planning (Listed Buildings and Conservations Areas) Act 1990

<https://www.legislation.gov.uk/ukpga/1990/9/section/72>

#### Hemswell Conservation Area Appraisal

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/conservation-and-environment/conservation-areas/>

BSI Standards Publication: Guide to the conservation of historic buildings  
BSI:7913:2013.

#### **Main issues**

- Principle of development
- Heritage and Visual Impact  
*Proposed dwelling*
- Residential amenity
- Ecology
- Minerals
- Drainage
- Highways
- Section 54 Urgent Works Notice and Council's Structural Report.

#### **Assessment:**

Policies LP2, LP3 and LP4 of the CLLP set the strategic approach to the level and delivery of housing growth across Central Lincolnshire.

Policy LP2 designates Hemswell as a small village and states that in relation to development within small villages “Unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, the following applies in these settlements:

- they will accommodate small scale development of a limited nature in appropriate locations.
- proposals will be considered on their merits but would be limited to around 4 dwellings, or 0.1 hectares per site for employment uses.

‘Appropriate locations’ means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an ‘appropriate location’, the site, if developed, would:

- retain the core shape and form of the settlement;
- not significantly harm the settlement’s character and appearance; and
- not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.

Policy LP4 establishes the total level of % growth for each Small Village, and further policy requirements in respect of identifying whether a site would be suitable for development. Hemswell is allocated a 15% growth level, which equates to 18 new dwellings. In accordance with the LPA’s most recent ‘Monitoring of Growth in Villages’ document (05/02/2021), the settlement of Hemswell can still support 7 new dwellings before it meets its housing growth limit.

Policy LP4 also sets a sequential approach to the priority of potential development sites. Stating “*in each settlement in categories 5-6 [small and medium villages] of the settlement hierarchy, a sequential test will be applied with priority given as follows:*

- 1. Brownfield land or infill sites, in appropriate locations\*\*, within the developed footprint\*\* of the settlement*
- 2. Brownfield sites at the edge of a settlement, in appropriate locations\*\**
- 3. Greenfield sites at the edge of a settlement, in appropriate locations\*\**

*Proposals for development of a site lower in the list should include clear explanation of why sites are not available or suitable for categories higher up the list.*

*\*\* See definitions of ‘appropriate locations’ and ‘developed footprint’ in Policy LP2.”*

Planning permission was granted under ref M04/P/0684 for the conversion of the building to a dwelling and a garage. The new detached garage element of the application was implemented and therefore the permission is considered to be extant, the permission is included within the LP4 growth table. The permission is a material consideration in relation to the determination of this application.

The site is within the developed footprint of the settlement and retains the core shape of the village. The proposal is for the demolition of the existing building which is to be replaced with a single dwelling, consideration in relation to the loss of the building and other heritage matters is set out in the relevant sections below and for the reasons explained within these sections the principle of development cannot be supported.

It is considered that policy LP1, 2, 3 and 4 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight.

#### Heritage and Visual Impact

The proposal relates to the demolition of the existing Blacksmiths forge building and construction of a new dwelling. The building would be replaced by a bungalow style dwelling, 1.5 storeys, with rooms in the roof.

Paragraph 40<sup>1</sup> of The National Planning Practice Guidance gives guidance on what should be considered to be a non-designated heritage asset:

*There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.*

*In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations. It is helpful if plans note areas with potential for the discovery of non-designated heritage assets with archaeological interest. The historic environment record will be a useful indicator of archaeological potential in the area*

The existing building is listed on the Lincolnshire Historic Environment Record (HER).

It is also within the Hemswell Conservation Area and is also noted as an important building in the Hemswell Conservation Area Appraisal.

it is therefore considered to be a non-designated heritage asset.

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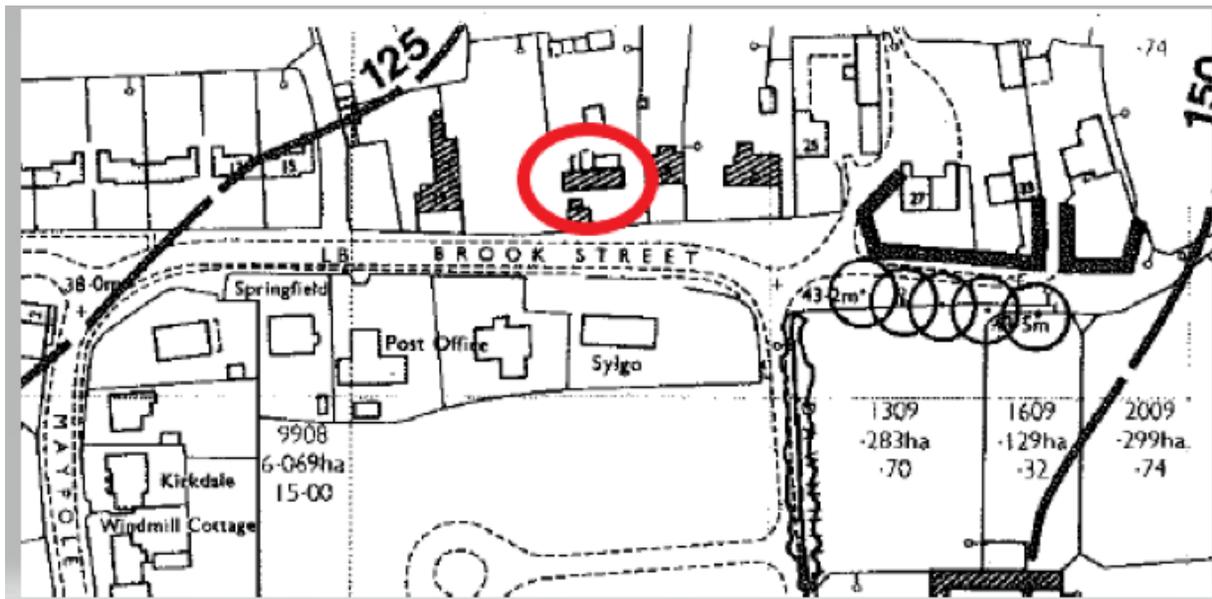
<sup>1</sup> <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment#non-designated>

Within the Hemswell Conservation Area appraisal the Blacksmiths Forge is noted as making a positive contribution to the conservation area. Historically outbuildings of no architectural interest on the site have been removed (as detailed within the planning history section of this report). The site, contained within an extract of Plan 1 contained within the appraisal is shown below, the key that accompanies the plan is also shown.

Main Features of Interest

PLAN 1

-  Listed Building
-  Buildings of Interest (see schedule)
-  Significant Tree
-  Significant Group of Trees
-  Contours (in feet).
-  Hedgerow
-  Stone Wall
-  Maypole (Listed as being of Architectural and Historic Interest).



The application site is circled in red and the plan key shows the Blacksmiths Forge is a building of interest within the conservation area.

Supporting paragraph 5.10.10 of LP25 of the CLLP states that:

*Demolition within a conservation area should only be allowed in exceptional circumstances, and will normally be permitted only if the Council is satisfied that the*

*proposal for redevelopment is acceptable and there is an undertaking to implement it within a specified period.*

Policy LP25 states that: *In instances where a development proposal would affect the significance of a heritage asset (whether designated or non-designated), including any contribution made by its setting, the applicant will be required to undertake the following, in a manner proportionate to the asset's significance:*

- a. describe and assess the significance of the asset, including its setting, to determine its architectural, historical or archaeological interest; and*
- b. identify the impact of the proposed works on the significance and special character of the asset; and*
- c. provide clear justification for the works, especially if these would harm the significance of the asset or its setting, so that the harm can be weighed against public benefits.*

Policy LP25 then goes on to say:

*Development proposals will be supported where they:*

- d. Protect the significance of designated heritage assets (including their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, materials, siting, layout, mass, use, and views and vistas both from and towards the asset;*
- e. Promote opportunities to better reveal significance of heritage assets, where possible;*
- f. Take into account the desirability of sustaining and enhancing non-designated heritage assets and their setting.*

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 states when exercising its planning function that the LPA must pay 'special attention' to the desirability of preserving or enhancing a conservation area.

Paragraph 189 of the NPPF states that: *In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*

It is recognised that the building is in poor condition in some places, there is visible damage and collapse of the stone work to the north elevation, there is also damage to

the north west corner and south west corner. Planning permission was granted in 2004 for the conversion of the building to a dwelling with modest extensions and alterations under reference M04/P/0684.

A structural report by g2 Structural has also been submitted with the current application. A visual survey was carried out by g2 structural on the 14<sup>th</sup> November 2019. The report lists a number of defects with comments in relation to each one.

In summary the report concludes that:

*“Given the magnitude and the nature of the structural defects identified, demolition of the former Blacksmiths Forge building and a rebuild to current building regulations is considered a sensible approach. It is recognised that the building is of significant local interest so a rebuild sympathetic to the surrounding area should be forward in consultation with the planning department”*

The report then goes on to say:

*This is due, primarily as a result of the following proposed structural repair work:*

- *Replacement roof structure and cladding.*
- *Rebuild of the west elevation due to stone masonry deterioration and mortar loss.*
- *Removal or rebuild of the chimney breasts due to their current condition.*
- *An inspection of the existing foundations throughout. It is likely that due to the absence of a gutter to both roof slopes, continuous rainfall over the years will have caused localised soil washout to the foundation soil. This may require underpinning to several areas.*

However it is considered that the report has not fully considered any other alternatives to total demolition and rebuild, and why the building cannot be dismantled and rebuilt in some areas using appropriate conservation methods, it must also be noted that no works to attempt to stabilise the building have been carried out since the application in 2004. Since this structural report at the end of 2019 was carried out stone has fallen away from the north elevation leaving a large hole.

Comments from WLDC’s conservation officer has advised that suitable repair methods that have not been investigated include:

1. The use of localised crack stitching to cracks around and to the left of the window on south elevation (west side of principal front);
2. deep tamping and repointing using lime mortar, where necessary;
3. a small area of reconstruction about the large opening on the north elevation with a new window lintel;
4. reconstructing the removed stone quoins to the NW corner
5. re-fixing or replacing cast iron ties

The structural report submitted with the application does not appear to take account of or conform to BSI:7913:2013 which advises in paragraph 6.2 that condition surveys and

inspections should “be performed by competent persons with knowledge of traditional materials, construction techniques and decay processes”.

In support of the demolition of the Blacksmiths Forge the applicant has also submitted a report from 2006 by Ward and Cole that was submitted to the LPA in connection with the discharge of conditions of the 2004 application.

The report concluded that:

*“Given the significant nature of the distortions and misalignments which are present, coupled with the inadequate and/or deteriorating nature of the various elements of construction, it is our opinion that purely on health and safety ground, refurbishment of this property should not be contemplated.”*

No further information in regard to the discussion between the planning officer at the time of the submitted structural and the applicant has been found on the historic planning file.

A further structural survey was carried out on the building by Ward and Cole on 7<sup>th</sup> October 2020 with a copy of this provided to the Local Planning Authority on 25<sup>th</sup> January 2021.

The report states that the building has been repointed, albeit with cement and that ‘*Generally, the roof timbers with the exception of the original truss bottom chords look in good condition*’ (paragraph 3.0). This latest report contradicts the report by G2 which stated that the roof structure is in poor condition.

The report concludes that ‘*Based on our observations we consider the building to be beyond economic repair and believe that it is currently in a precarious state.*’ However, no costs have been submitted to prove this point, for example, a priced tender for the repair of the building compared with its demolition and rebuild.

The applicant has been advised that a structural report should be supplied from an engineer who is on the Institute of Structural Engineers Conservation Accreditation register of Engineers (CARE). This has not been carried out by the applicant. The suggested methods of repair have also not been investigated.

The Council instructed an independent CARE registered structural engineer to survey the building. The survey was carried out on 9<sup>th</sup> February 2021 and the Council has now received the final structural report.

The structural report considers the previous reports that have been carried out on the building and despite the findings of these reports the CARE accredited engineer concludes differently to the demolition of the building, instead recommending and advising on its full repair.

The report describes the structural state of the building as the following;

*“Despite the recent collapses around window openings, the walls are in a reasonably sound condition. There was extensive weathering to the west gable and slight outward bulging to the east gable. Generally, however, the remaining walls were plumb with few signs of separation, bulging or cracking. The brick arches over the remaining south elevation openings were intact and undistorted with no movement or cracking above.”*

*“The ridge line remains straight with no significant signs of spreading at eaves level. Internally, although we were not able to inspect at high level, the roof timbers appeared in reasonable condition with no generalised decay or wholesale failure of the rafters, purlins or collar ties.”*

*“The masonry walls, while not of the highest quality, have withstood the localised collapses. The rubble core will deteriorate while exposed to weather and water ingress, and this should be minimised where possible. The loss of the outer face around the northwest corner may be related to the demolition of the abutting former stable / store building.”*

In Section 5.9 of the report a list of full repair works is given, the list details the repairs the building needs in the long term.

It is considered that the latest Structural Survey is a relevant material consideration in the determination of this application. This is the most recent structural survey of the building and has also been completed by a CARE registered engineer, considered the most appropriate person to survey an historic building, and which has taken into account the earlier surveys. It is advised that greater weight may therefore be given to the findings in the report by Mason Clark Associates.

The proposed demolition of the building is considered under paragraph 195 of the NPPF. Public benefit is defined in the NPPG Paragraph: 020 Reference ID: 18a-020-20190723 as<sup>2</sup>:

*“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework ([paragraph 8](#)). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.”*

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<sup>2</sup> <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>

This requires that all possible options are considered to avoid the demolition, including finding a suitable use, marketing the building, securing grant aid to repair it and that public benefit would result from the re-use of the land. None of these have taken place and there is no public benefit arising from this application.

A heritage statement contained within the Design and Access statement has been submitted with the application and a further document titled 'Old Blacksmiths History' by Mr and Mrs Morris was submitted on 25<sup>th</sup> January 2021. Concerns in relation to the submitted heritage statement and the lack of assessment of significance of the Blacksmiths Forge has been expressed by the Historic Environment Officer at Lincolnshire County Council and WLDC's Conservation Officer.

In the document submitted on 25<sup>th</sup> January 2021 it states that: *'It is claimed that the forge has a high level of significance for its architectural, communal and evidential values. It is in our opinion that this is not the case as all of the architectural features which identify this building as a blacksmiths forge have already been demolished by previous owners'*

The statements provided with the application do not include any full assessment of the historic significance of the Blacksmiths Forge, this is a minimum requirement of applications as stated within paragraph 189 of the NPPF, and is required in order for the LPA to make a reasoned decision.

The statements do not consider the impact of the demolition of the Blacksmiths forge on the wider conservation area except to say that the features in paragraph 4.6 of the conservation area appraisal as contributing to the character and appearance of the conservation area will not be harmed (point 43 of the submitted Design and Access statement).

It is therefore considered that insufficient information has been provided to enable the LPA to make any reasoned decisions on the impacts of the proposal on non-designated and designated heritage assets.

It is considered that policy LP25 is consistent with the historic environment guidance of the NPPF and can be attached full weight.

#### Proposed Dwelling

Within Conservation Areas local policy LP25 of the CLLP requires development to preserve the setting of the conservation area and has a set of criteria that proposals should meet. In particular the following criteria are considered relevant:

- j. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;*
- k. Retain architectural details that contribute to the character and appearance of the area;*

*l. Where relevant and practical, remove features which are incompatible with the Conservation Area;*

*m. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and lot widths of the existing built environment;*

Policy LP26 of the CLLP has a set of design principles that development proposals must take into consideration. The criteria that are most relevant in this case are as follows:

*c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;*

*j. Duly reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which sympathetically complement or contrast with the local architectural style;*

*k. Use appropriate, high quality materials which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability;*

The Hemswell Conservation Area appraisal recognises that what little modern development there has been in Brook Street has not respected the established properties.

Policy 4 Part 2 of the Draft Hemswell and Harpswell Neighbourhood Plan specifically relates to residential development in Hemswell only. The first criteria of Part 2 states: *Proposals for residential development within Hemswell should demonstrate a high design quality that enhances the distinctiveness and quality that contributes to its rural quality.*

The proposed dwelling which would be built in replacement of the existing building is of a bungalow style, 1.5 storeys with rooms in the roof.

The existing building is approximately 5.2 metres in height, the proposed height of the dwelling will be approximately 6.8 metres, an increase of 1.6 metres (measurements taken from existing and proposed plans). The roof pitch of the proposed dwelling along with the gables are not traditional and are not akin to the original scale and form of the building.

There are five roof lights proposed to the front and the rear roof slopes, a total of ten. These are particularly large in size and are not what is found on similar buildings within such a sensitive area.

Solar panels are also proposed on the existing detached garage, to provide power to an air source heat pump for central heating and a private electric charging facility. The panels are located on the southern roof slope adjacent to the highway, a prominent position with views into the conservation area particularly when approaching from the east.

Materials to be used in the development of the new dwelling include the re use of the stone from the original building (Ancaster Stone). Brick quoins and flush casement windows which are also not appropriate or traditional additions that reflect the buildings original form and character.

Since the planning committee meeting on 24<sup>th</sup> August 2020 and despite two meetings with the agent for the application where advice was given on how the building could be repaired, converted and extended sympathetically, no amended plans for the replacement dwelling have been forthcoming.

It is therefore considered that the design of the proposed dwelling would not meet the design criteria contained within policies LP25 and LP26 of the CLLP nor would it preserve or enhance the Hemswell Conservation Area as required by the statutory duty, the proposal lacks local distinctiveness and traditional style which bears no resemblance to the original Blacksmiths Forge.

It is considered that policy LP17 and LP26 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

#### Residential Amenity

Local Plan Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance.

There will be no new openings in either gable end of the dwelling, roof lights are proposed in the front and rear roof slopes at first floor level. There are no existing first floor openings, however first floor windows are a common occurrence in residential areas. The building is almost in line with no. 19 Brook Street. It is considered that the proposed dwelling would not cause an unduly harmful impact on the amenity of the neighbouring occupiers in terms of overlooking, dominance loss of light or overshadowing.

There is also a large amount of outside amenity space allocated for the proposed dwelling.

It is considered that policy LP26 is consistent with the residential amenity guidance of the NPPF and can be attached full weight.

#### Ecology

Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System<sup>2</sup> advises that it is essential that the presence or otherwise of protected species and the extent to which they might be affected by the proposed development, is established before planning

permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision.

Policy LP21 of the CLLP states that “*All development should:*

- *protect, manage and enhance the network of habitats, species and sites of international, national and local importance (statutory and non statutory), including sites that meet the criteria for selection as a Local Site;*
- *minimise impacts on biodiversity and geodiversity; and*
- *seek to deliver a net gain in biodiversity and geodiversity”.*

Guidance contained within paragraph 170 of the NPPF states that ‘*when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying*’ certain principles including:

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *‘planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats’*
- *‘opportunities to incorporate biodiversity in and around developments should be encouraged’.*

A Bat Building Assessment and Bat Survey have been submitted as part of the application. The surveys also refer to birds.

The building was found to have “moderate” potential to support roosting bats due to features in the external walls of the building and the free access to the interior

In relation to bats paragraph 4.2.1 concluded that:

*“As such should bats be present within the building a licence from Natural England will be required prior to its demolition which will involve mitigation to minimise the risk to individual bats and compensation for the loss of roosting features. In order to inform these requirements it is recommended that a minimum of two nocturnal surveys for roosting bats be undertaken during the active seasons for bats (May to September) in line with current best practice guidance.”*

There are currently multiple bird’s nests within the building. In relation to this the report concludes that;

*The building should be demolished between October and February inclusive, outside of nesting bird seasons in accordance with the general protection afforded to wild birds and their nests under the Wildlife and Countryside Act 1981. If this is not possible, a check for nesting birds should be undertaken prior to the removal of the building. Where active nests are identified all work within the vicinity of the nest must cease and working*

*restrictions put in place until a follow up survey can demonstrate that the nests are no longer active.*

Enhancement recommendations have also been provided within the report.

Following on from the recommendations within the first survey, a further Bat survey was submitted by the applicant on 22<sup>nd</sup> July 2020, a further consultation on the report was sent to the Lincolnshire Bat Group on 23<sup>rd</sup> July 2020, to date no further comments have been received.

Two nocturnal surveys were undertaken during the active seasons. Paragraph 4.2.1 ii states that; *During these surveys no baths were identified roosting within or utilising the building in any way.*

At paragraph 4.2.2. ii the report states that; *A number of common pipistrelle bats were observed passing through/close to the site during the nocturnal surveys”*

Overall, it is considered that the development can be completed without an adverse impact on ecology subject to the development proceeding in strict accordance with the measures and method statement outlined within the ‘Bat Building Assessment and Bat Survey’. If permission were to be granted appropriate conditions on the decision notice would secure this. The proposal therefore accords with policy LP21 of the Central Lincolnshire Local Plan, Circular 06/2005 and guidance within the NPPF.

It is considered that policy LP21 is consistent with the natural environment guidance of the NPPF and can be attached full weight.

#### Minerals

The site is within a Limestone Mineral Safeguarding Area and therefore policy M11 of the Core Strategy applies. As there is an existing building on site it is considered that the proposal would not lead to further sterilisation of minerals.

It is considered that policy M11 is consistent with the minerals guidance (chapter 17) of the NPPF and can be attached full weight.

#### Drainage

The applicant has stated that that surface water is to be disposed of via soakaway and foul drainage to connect to the mains. In order to assess the suitability of these proposed methods, if permission were to be granted a condition would be added to the decision notice requesting further information.

It is considered that policy LP14 is consistent with the drainage guidance of the NPPF and can be attached full weight.

#### Highways

Access to the site will be utilised via the existing drop kerb access off Brook Street. The Highways department have been consulted on the application and have no objections to the proposals. The proposal is acceptable in highways terms.

It is considered that policy LP13 is consistent with the highway safety guidance (paragraph 109) of the NPPF and can be attached full weight.

#### Other Matters - Section 54 Urgent Works Notice

As a separate matter to the planning application an application was made to the Secretary of State via the Department for Digital, Culture, Media and Sport (DCMS) under Section 76 of the Planning (Listed Buildings & Conservation Areas) Act 1990, seeking permission to serve a Section 54 Urgent Works Notice for the purposes of securing urgently necessary works to the building.

The application to serve the notice was approved by the Secretary of State on 4<sup>th</sup> January 2021. This allows the Local Planning Authority, for the purposes of securing urgently necessary works, to treat the building as if it were a listed building under Section 54 of the Act. Accompanied with the email from the DCMS was a letter from Historic England in their capacity as special advisors to the Secretary of State, in the letter Historic England advised “...we advise that the Old Blacksmith’s Forge makes an important contribution to the character and appearance of the Hemswell conservation area for the reasons given above. The loss of the Old Blacksmith’s Forge would remove that important physical and visual historic contribution to the character and appearance of the conservation area.”

Advice has been given to the applicant in relation to undertaking some urgent structural propping. To date, one element of the three which were advised has been carried out, this is propping of the roof above the south west corner of the building where masonry above a window has collapsed.

The Council served a Section 54 Urgent Works notice on 17<sup>th</sup> February 2021.

#### Conclusions and reasons for decision:

The proposal has been considered against policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Settlement Hierarchy, LP3: Level and Distribution of Growth, LP4: Growth in Villages, LP10: Meeting Accommodation Needs, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, townscape and views LP21: Biodiversity and Geodiversity, LP25: The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan and policies Draft Hemswell and Harpswell Neighbourhood Plan in the first instance and guidance contained within the National Planning Policy Framework and National planning practice guidance. In light of this assessment it is considered that the application should be refused for the following reasons:

1. Insufficient evidence has been submitted to the Local Planning Authority in order to justify the loss of the non-designated heritage asset and the impact of this loss on the wider Hemswell Conservation Area, a designated heritage asset. The structural reports submitted provide insufficient evidence in regards to any other alternative other than demolition of a non-designated heritage asset contrary to policy LP25 of the Central Lincolnshire Local Plan, the statutory duty under section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Paragraph 189 of the National Planning Policy Framework.
2. The Old Blacksmith's Forge is considered to make an important contribution to the character and appearance of the Hemswell conservation area. It's loss would amount to substantial harm. By virtue of its scale and appearance the design of the proposed replacement dwelling would fail to preserve or enhance the character and appearance of the Conservation Area. The loss of the existing building and its proposed replacement would cause harm to the Hemswell Conservation Area contrary to local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan in the first instance, the statutory duty under section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as well as guidance contained within the National Planning Policy Framework and National Planning Practice guidance.