DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0058-20**	**Applicant:**	**Harringtons**
Proposal:	Gazebo style seating area for cafe		
Location:	Ayscoughfee Cafe Ayscoughfee Hall Church Gate		
Terminal Date:	4th December 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
09	Promoting a Stronger Visitor Economy
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	1	0	1
OTHER STATUTORY BODIES	1	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

Gazebo style seating area for cafe to the rear of the Hall, within the gardens.

SITE DESCRIPTION

Ayscoughfee Hall Museum is a Grade I Listed Building, set in 5.5 acres of Gardens that forms the public park in Spalding. The Hall was built in the 1450s (the original roof timbers have been dated to 1451), and was continuously lived in as a family home until 1902. The Hall was designated as Grade I Listed by Historic England in 2012. The Hall was remodelled and developed by several of its owners, particularly between 1781 and 1808 and again c1834. The Hall opened as Spalding's town museum in 1987.

Ayscoughfee Hall has extensive formal gardens that are included within the Register of Parks and Gardens (Grade II). The gardens are also the site of the Spalding War Memorial, designed by Edwin Lutyens which is a Grade I listed structure. The Hall and gardens sit within the Spalding Conservation Area.

Within the gardens is a small cafe and outdoor seating area.

RELEVANT HISTORY

H16-1107-15. PLANNING PERMISSION Proposed new pavilion. Approved 02-02-16.

H16-1108-15. LISTED BUILDING CONSENT Proposed new pavilion. Approved 02-02-16

CONSULTATION RESPONSES

SHDC Conservation Officer

No concerns with the proposal from a conservation perspective.

The proposed 'gazebo' makes effective use of traditional materials which match the setting of the proposal site. In addition, whilst the proposal is within a prominent location, its open sided nature and modest scale, blended with the use of appropriate materials should mean that its positioning will have no material impact upon the appreciation, value or significance of Ayscoughfee Hall itself or its gardens.

Furthermore, providing an 'all weather' seating area for the associated cafe should help to widen the appeal of the amenities offered on site, enhancing the potential public interest and use of this historic community asset.

SHDC Environmental Protection

No objection.

Spalding & District Civic Society

No response received.

LCC Historic Environment Officer

The proposed development is located in the only Registered Park in South Holland (Listed at Grade II), and within the setting of the Grade I Listed Hall, and the Grade I Listed War Memorial designed by Sir Edwin Lutyens. Any permanent interventions here therefore need to be very carefully considered. Some 20th century interventions that did not necessarily receive such consideration may now detract from the park's character.

This office understands the need to keep the business and park operational and welcoming to visitors during the current crisis and therefore a quick solution is desirable. We would however recommend that the local planning authority consider time limiting the grant of any permission to 3-5 years so that its impact on the historic park and the setting of the Grade I Listed buildings can be reviewed, and if necessary a more permanent purpose built garden shelter could be designed specifically for the space if still required. It is unlikely that the lightweight structure currently proposed would have an impact on any below ground archaeological remains, therefore we would not recommend any archaeological input be required.

The Lincolnshire Gardens Trust

Objection:

In the opinion of Lincolnshire Gardens Trust this proposal for a gazebo would have a negative and inappropriate impact not only on the gardens but also on the setting of the Lutyens WWI Memorial.

PLANNING CONSIDERATIONS

Principle of Development, national and local policy guidance

The NPPF 2019 is clear that in looking at proposals affecting heritage assets, *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.* (Para 190 of the NPPF).

Paragraph 192 of the NPPF sets out 3 helpful criteria, as follows:

In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

The NPPF goes on to set out that

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

Policy 29 of the SELLP sets a framework to consider development that would impact on listed buildings, conservation areas and Registered Parks and Gardens.

Impact of Setting of the Listed Building, structures and Parkland/garden

In the context of the above, it is considered that the siting of the proposed gazebo would have an impact on the setting of the listed Hall, and the war memorial, as well as on the historic garden, however given the temporary nature of this structure it is not considered that the impact would amount to substantial harm; the structure could be easily removed without lasting or permanent impact. It is also considered that the proposal would have a neutral impact on the character and setting of the conservation area.

National guidance sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Given the temporary nature of the gazebo and the exceptional public health circumstances the UK is currently impacted by, it is considered on balance that a temporary consent could be looked upon favourably, in accordance with the national and local policy framework, especially Policy 29 of the SELLP.

Tourism and local facilities

It is considered that the gazebo would support the ability of the cafe and the Hall to function, especially at these current Covid-19 related restrictions regarding the serving and consumption of food in in-door spaces, and would have a significant impact on the continuation of the Hall and gardens as a visitor destination, which assists in the upkeep and maintenance of the site.

Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies. It is not considered that the gazebo would be enabling development per se, but the support of facilities that promote a stronger visitor economy at this time are to be supported.

It is considered that the gazebo would assist in in the support of the site, in accordance with Policy 9 of the SELLP.

Conclusion

On balance it is considered that the proposal, provided given a temporary consent for a period of 5 years, would accord with the guidance of the NPPF 2019 and the provisions of Policies 2, 3, 9 and 29 of the SELLP.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to

respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

RECOMMENDATION

Delegated approval for a temporary permission.

Note: This application was referred to Chairman's Panel on 27 November 2020, where it was agreed the decision could be delegated to officers.