

Online Comment

Application H16-0923-25
Location The Sessions House Sheep Market Spalding PE11 1BB
Proposal Erection of a freestanding, fully reversible outdoor servery unit to function as a coffee/bar area within the rear courtyard

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Date Submitted 22-01-26
For/Against Comments

I write to confirm my view of the proposed development, which whilst including some caveats, should be taken as no objections at this stage.

Para. 212 of the NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset (DHA), great weight should be given to the asset's conservation. It furthermore categorises harm as 'substantial', 'total loss', and 'Less than substantial'

Para. 213 of the NPPF confirms that any harm to or loss of the significance of a DHA, should require clear and convincing justification.

Para. 215 of the NPPF later confirms 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.

Furthermore, in relation to development concerning Listed Buildings, Policy 29 of the SELLP confirms, at section A(3), "Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building."

In assessing this case, it is quite clear that the development comprises a form of harm, owing to the construction of a modern and aesthetically commercial temporary building in the grounds of a listed building in a location which is visible from the public realm, and to a lesser degree also blocks views of the former police station (also listed) from the sheep market (although the primary view - through the side gate - remains intact, and the affected views were already partially obscured by the original courtyard wall). In this case, I would ascribe the level of 'less than substantial harm' as 'substantial harm' is a high test, not met by a relatively small, temporary structure, which although negatively impacts upon the setting of the Listed Building(s), is partially hidden from public view to the best of the site's capacity and is relatively minor in the overall scale of the site. However, It should be made clear that under typical circumstances, such a proposal would be outright refused consent as a result of this harmful character effect.

In strict accordance with Para. 213 of the NPPF, it would appear that no justification for these works has been provided. I would therefore suggest we would need the applicant's justification and rationale for needing / wanting this development to be formally submitted.

However, on the basis of Para. 215, and the importance of this site to the town centre's character, I might suggest that the less than substantial harm identified could be mitigated via this development contributing to the optimum viable use of the site, allowing the operating commercial enterprise to develop a foothold whilst wider works are carried out to the main listed building.

With the above in mind, I would suggest that a temporary consent, of no more than 3 years could be justifiable if all else is satisfied, although this will require the applicant's justification in line with Para. 213 of the NPPF. There is harm identified and it is therefore imperative that the development not be allowed to become a permanent addition to the townscape, and so I would also advise that the applicant be made aware that the LPA would be extremely unlikely to support any additional extension or renewal of that consent if granted. Moreover, I would recommend an additional condition requiring the removal of the temporary structure and utility connections and the making good of remaining external surfaces before a date no later than the expiry of the consent.