

CORRECTION/CLARIFICATION

It has been stated elsewhere that the **Suffolk Preservation Society** – concluded that ‘demolition is necessary’.

In fact, it was the **Sudbury Society**, and that society actually conceded that demolition of Victoria Hall was necessary, but objected to the proposal to demolish the Conservative Club.

A message has been received from the applicant’s Heritage Consultant Details below., following comments from our Heritage Consultant (whose comments are in **bold**), as follows:

I would like to take this opportunity to comment on the observations made as per the extract below from an email sent by yourself to Nick Peasland on March, 4th 2021.

‘In response to Nic Joubert’s comments, the following observations are offered:

Para.197 says ‘the scale of any harm’. It does not exclude the opportunity to describe the harm to a non-designated heritage asset using the scale of ‘less than substantial harm’ – and so for the purposes of clarity and common sense the Heritage Team ascribes a scale of harm to the significance of a non-designated asset in the same way as it does for designated assets. And, in extending the point, it is also clear that there can be substantial harm to a non-designated asset (in cases of demolition etc).’

*My understanding is that it is clear from the NPPF that the terms ‘substantial harm’ and ‘less than substantial harm’ are components of specific policy for works affecting **designated** heritage assets (paragraphs 195 and 196, in conjunction with paragraphs 193 and 194). These terms are not used in the NPPF in conjunction with **non-designated** heritage assets (paragraph 197).*

Similarly, the NPPG (the guidance accompanying the NPPF) only states the following:

*‘Where potential harm to **designated** heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) in order to identify which policies in the National Planning Policy Framework (paragraphs 194-196) apply. Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated The National Planning Policy Framework confirms 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). It also makes clear that any harm to*

a **designated** heritage asset requires clear and convincing justification (NPPG paragraph 018; revised 23.07.2019)'.

None of this is stated with regard to **non-designated** heritage assets in the guidance. Only the wording of paragraph 197 is repeated, ie. it is a straight-forward balancing exercise of all material considerations. Thus I believe that the 'extent' of the harm to a non-designated heritage asset should not be articulated in terms of 'less than substantial' or 'substantial harm' rather in terms of low/medium/high level of harm. I am not aware of any publication from central government or Historic England which states otherwise?

I have concerns about the adoption of such an approach as it appears unnecessary and not proper in this context and could potentially result in an incorrect decision being made in performing the balancing exercise under paragraph 197 of the NPPF.

OFFICER COMMENT – This issue will be discussed in more detail at Committee.

Morning Lynda

We have now had sight of the Committee report.

Nic Joubert (the applicants Historic Buildings Consultant) has provided the following information relating to the Heritage comments ;

Non-designated heritage assets are subject to paragraphs 184, 189, 192, and 197 of the NPPF (2019).

Locally listed buildings are non-designated heritage assets. These buildings have not met the national threshold for designation and therefore their heritage value is relatively low.

They are not subject to the requirement in law to afford 'considerable weight and importance' to the desirability of preservation, as with listed buildings and conservation areas (1990 Act). They are also not subject to the policy that their conservation should be afforded 'great weight', as with designated heritage assets (2019 NPPF).

They are a material consideration in the determination of a planning application and that consideration includes that they are 'an irreplaceable resource' and that they 'should be conserved in a manner appropriate to their

significance'. There is also 'the desirability of sustaining and enhancing their significance'. This needs to be placed in the context that their heritage value is low.

Harm to heritage value will range from low to high, ie. a Council could conclude that a proposal would result in a high level of harm to a non-designated heritage asset of low heritage value.

Paragraph 197 is then engaged and a simple balancing exercise needs to be performed (ie. not one which is weighted in favour of preservation and one where the harm is weighed against the public benefits of the proposal).

So my interpretation is that you cannot apply paragraph 196 (less than substantial harm) on a non-designated or locally listed heritage asset.

We would welcome your thoughts on the above.

Kind regards,

Nick Peasland

Nick Peasland Architectural Services Limited
Belmont House
Hall Street
Long Melford
Sudbury
Suffolk
CO10 9JF

Mobile: **07966 152864**

Please Note: We have a new email address: info@nickpeasland.co.uk

The information contained in this e-mail and any files transmitted with it are confidential and intended for the addressee only. If you have received this e-mail in error, please accept our apologies and notify the originator or call 01787 211567. Any disclosure, copying or distribution is strictly prohibited and may be unlawful.

This e-mail has been scanned for viruses before transmission; however you should carry out your own virus check as Nick Peasland Architectural Services Ltd accepts no liability for any loss or damage caused by software viruses.

*Nick Peasland Architectural services Ltd is a company registered in England under number 8047465
Vat No. 786 4710 92
Registered office : 22 Friars Street, Sudbury, Suffolk, CO10 2AA*