

Report of the Chief Executive

APPLICATION NUMBER:	23/00511/LBC
LOCATION:	Willoughby Almshouses, Church Lane, Cossall, Nottinghamshire, NG16 2RT
PROPOSAL:	Residential extensions and refurbishments creating one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site. (Revised Scheme)

This application is brought to the Committee upon the request of Councillor D D Pringle.

1.1 Purpose of Report

1.1.1 This application seeks Listed Building to construct residential extensions to a Grade II* Listed Building and refurbishments to create one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site.

1.2 Recommendation

The Committee is asked to RESOLVE that listed building consent be refused for the reason outlined in the appendix.

1.3 Detail

1.3.1 This is a revised Listed Building Consent application since the granting of planning permission under reference number 21/00507/FUL by Members. A separate planning application under reference number 23/00510/FUL is also pending consideration. Members also granted Listed Building Consent under reference number 21/00508/LBC which was referred to The Secretary to consider a call in upon the request of Historic England. Whilst the Secretary of State did not call the application in, the decision to grant Listed Building Consent was quashed following a Judicial Review and the Listed Building Consent application was subsequently withdrawn.

1.3.2 In respect of the changes between the previous applications 21/00507/FUL and 21/00508LBC and the revised applications 23/00/510/FUL and 23/00511/LBC these are minor elevation changes to the rear.

Previous Plan 21/00507/FUL and 21/00508/LBC
Rear Elevation



Revised Plans
Rear Elevation



1.3.3 The main issues relate to whether the principle of the proposed extensions and refurbishment to create four dwellings is acceptable and the impact upon the Grade II* Listed Building.

1.3.3 The benefits of the proposal are that it would bring an existing vacant Grade II* Listed Building back into use which is falling into disrepair and has been vacant for a number of years. The negatives of the proposal are that the design of the proposed extensions are unacceptable and as the building is a Grade II* Listed Building for which both national and local planning policy protects these highly sensitive and important buildings against unacceptable extensions, on balance, the scheme is unacceptable and should be refused.

1.3.4 The Committee is asked to resolve that Listed Building Consent be refused as the reason for refusal outlined in the appendix.

1.4 Financial Implications

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets.

1.5 Legal Implications

The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

1.6 Data Protection Compliance Implications

Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

1.7 Background Papers
 Nil.

APPENDIX 1

2. Details of the Application

- 2.1 This application seeks full planning permission to construct residential extensions to a Grade II* Listed Building and refurbishments to create one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site.

3. Site and Surroundings

- 3.1 The application site is located within the Cossall Conservation Area and Nottinghamshire Green Belt and is located within the centre of Cossall Village. To the site there is a wall with an overgrown garden area to the front. To the rear there is also an overgrown garden area. The Almshouses currently consist of six, one bedroom dwellings and one, three bedroomed dwelling. The building has been extended in the past with the provision of small flat roof extensions to the rear. The site is located within a predominantly residential area with residential properties to the side and directly opposite, with the Parish Hall to the opposite side.

- 3.2 The Willoughby Almshouses and the adjoining boundary walls are a Grade II* listed building. The Grade II* listing reflects the more than special architectural and historic interest of the group. This places the Willoughby Almshouses within the top 8% of listed buildings in England. The Almshouses date from 1685. They were endowed by George Willoughby, a member of a wealthy local family, which included Sir Francis Willoughby, who built the nearby Wollaton Hall. The red brick with plain tile roof building originally consisted of a row of eight individual dwellings for four poor men and women, two of which have been merged. A central unit was designed with a ridged roof. The three to the left and four to the right were expressed with steep gables, which gives the building a wide and grand frontage, despite it being comprised of humble dwellings. The fenestration to the frontage mainly consists of stone chamfered mullioned windows with cast-iron leaded casements and flat drip moulds. The central section of the building has a sundial on the front façade. The principal façade has survived unaltered.

4. Relevant Planning History

- 4.1 Planning permission and Listed Building Consent was granted under reference numbers 10/00044/FUL and 10/00045/FUL to rebuild the front wall.
- 4.2 Planning permission was granted under reference number 21/00507/FUL to construct residential extensions to a Grade II* Listed Building and refurbishments to create one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site.
- 4.3 A Listed Building Consent application for the same description as 21/00507/FUL was formally withdrawn.

5. Relevant Policies and Guidance

5.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

5.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy 11: The Historic Environment

5.2 **Part 2 Local Plan 2019**

5.2.1 The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 11: The Historic Environment

5.3 **National Planning Policy Framework (NPPF) 2023:**

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 16 - Conserving and Enhancing the Historic Environment

Paragraph 195: LPA should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise.

Paragraph 196: where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

Paragraph 199: when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation.

Paragraph 200: any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction) should require clear and convincing justification.

Paragraph 201: where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site;
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible;
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 203: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

6. Consultations

- 6.1 **Cossall Parish Council** – No objections, consider the development proposal will ensure the wellbeing of the valued historic building.
- 6.2 **The Coal Authority** – No objections.
- 6.3 **The Highway Authority** - No objections.
- 6.4 **Historic England** - Willoughby Almshouses are of national importance. Dating from the 17th century, the almshouses and boundary wall have strong ties to the Willoughby family and generations of Cossall villagers. The almshouses and boundary wall have been listed at Grade II* by the Secretary of State on the basis of their more than special historic and architectural interest. Grade II* listing places these almshouses within the top 8% of all listed buildings in England. The almshouses lie within Cossall Conservation Area and contribute positively to its character.

Almshouses are characteristically modest buildings with humble features, and a scale and regular pattern of design reflecting the status and community of the residents, it is important that this character is not overwhelmed by new works. The proposed scheme to convert the almshouses into four dwellings is a revision to that previously submitted. Having considered the revised scheme we continue to advise that proposed conversion of the almshouses to four dwellings would seriously and irreversibly harm their character as small single dwellings, which is a fundamental part of their significance. The proposed scheme involves a high proportion of intervention internally, externally and to setting, including hardstanding, internal floorplan changes, and large rear extensions.

Almshouses and the lives of poor men and women admitted were governed by the institution's rules. The almshouses were set within walls which divided the poor men and women from each other and from the world outside. The gardens provided them with a degree of self-sufficiency and labour, it appears the double walled arrangement to the front provided a space for limited and controlled contact. The proposed scheme would create a large opening in the boundary wall and subdivide the amenity space for gardens and hardstanding. This will seriously harm the character of these small, individual units and irreversibly impact upon their significance.

In relation to Paragraph 202 of the National Planning Policy Framework (NPPF), the proposal would cause a high level of less than substantial harm to the overall significance of this highly graded listed building and the contribution to significance made by its setting. Additionally, the proposals would result in harm to a key listed building within the Cossall Conservation Area.

We do not believe that a clear and convincing justification has been provided for the high level of harm that we believe would be caused by the proposal, as required by Paragraph 200 of the NPPF. Historic England objects to the applications on heritage grounds. If your authority is minded to grant consent for the LBC application in its current form, in light of our objection you should treat this letter as a request to notify the Secretary of State of the LBC application, in accordance with the above Direction.

- 6.5 **Conservation Officer** – Objects and advises now that the High Courts have overturned the previous Listed Building Consent, I do not see a way forwards without undertaking a detailed viability appraisal to show that the degree of harm is necessary to achieve a financially viable outcome.
- 6.6 **Society for the Protection of Ancient Buildings (SPAB)** - Remain of the view that the extent of change proposed to the building's historic plan form and fabric would result in a substantial level of harm that has not been adequately explained or justified in the application. We maintain our objection to the application.

One of our key concerns in relation to the previous application was that it failed to accurately assess the impact of the internal changes proposed. This remains the case. It would be a shame if this was to become a sticking point in what we hope can be a positive and productive discussion moving forward, so we think that it would be highly beneficial for the applicant to produce a more detailed impact assessment at this stage that can inform discussions. We would normally hope to see the following:

- drawings clearly showing the age and significance of the fabric and plan form that will be affected. These should use colour to demarcate the different building phases and clearly indicate demolitions and additions. While demolitions are shown on the proposal drawings, they are difficult to see and are not annotated. Some items have been omitted.

-an itemised list of each demolition/addition assessing the impact as clearly and objectively as possible. For instance, the stair tower window has been omitted from the current document, as has any analysis of the existing rear walls, which is to have both openings filled in and fabric demolished. These may or may not be original but it is not possible to tell from the information supplied.

-the extensions have seen some positive modifications (eaves height now aligns with the eaves line of the historic building, the central portion of the historic building is no longer obscured) and we are pleased that the front garden (current front garden) is no longer to be subdivided. However internally the proposals remain largely the same. The focus of the design would seem to be squarely on the open plan extension living areas, rather than appreciating and making the most of the

existing almshouses first. As previously stated, it seems a great pity that the obvious front doors are no longer to be used as such.

- the application provides no information in relation to the interior in terms of surviving features of condition. As stated above, it does not adequately or accurately assess the impact of the proposals on the interior of the building. It continues to assert that the impact will be minimal, whereas close scrutiny of the plans reveal 24 areas where fabric will either be removed or openings infilled, as well as the subdivision of three of the rooms. The lack of analysis of the significance of the fabric, and particularly that in the original rear wall, makes it impossible to accurately gauge the impact of the proposals on the interior. In addition, the proposed excavation at what was the rear of the properties to raise the ceiling height in the extension areas may affect foundations at the original rear wall of the almshouses and the boundary walls. This has not been addressed in the application.

-the viability assessment provided as part of the Heritage Impact assessment is not sufficiently robust and lacks supporting evidence. Your Conservation Officer provided authoritative advice on drawing up an assessment of viability in an email of 22.06.22 but this is not reflected in the documentation. The assessment remains entirely subjective and without substantiation in its assertion that there is no market for smaller units. It refers to a lack of parking as a reason why small units would not be viable despite the fact that provision for parking forms part of the current scheme. It also relies heavily on the poor state of repair of the building and associated repair costs. However, as the building has been in the same ownership since 2017, any degradation in condition must be the responsibility of the current owner and the deteriorated state cannot be taken into account in any decision (NPPF para. 196). We welcome the fact that the building will be brought back into use but remain to be convinced that 4 units constitutes the optimum viable use.

We are of the view that the extent of change proposed to the building's historic plan form and fabric would result in a substantial level of harm that has not been adequately explained or justified in the application.

6.7 Historic Buildings and Place (hbap) - Recommend that the applicant submit an appropriate heritage impact assessment. Without this information the LPA does not have sufficient information to inform its decision-making regarding the level of harm to the significance of the designated heritage asset through changes to its historic building fabric.

We recommend the assessment is prepared by a suitably qualified conservation professional and refer the applicant to Historic England's guidance on Statements of Heritage Significance:

<https://historicengland.org.uk/imagesbooks/publications/statements-heritage-significance-advice-note-12/>.

Amended plans that reflect the findings should also be prepared.

If the current application is to be determined in its current form, HB&P recommend it be refused upon the grounds of insufficient information having been submitted. The relevant policies are Policy 194, 195, 199 and 200 of the NPPF (2021). It is

also contrary to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

- 6.8 **Council for British Archaeology** - The CBA **object** to this application as contrary to NPPF paragraphs 197, 199, 200 and 202. We recommend that paragraph 196 is pertinent when considering the costs of restoring the empty building to a liveable condition.
- 6.9 **Cossall Parish Council** – Fully supports the plans because their unique design maintains the historical front of the building and allows the building to become homes again.
- 6.10 Nine neighbouring properties were consulted on the application along with the posting of a site notice, with no comments having been received.

7. Assessment

7.1 The main issues relate to whether the principle of the proposed extensions and refurbishment to create four dwellings is acceptable and the impact upon the Grade II* Listed Building.

7.2 **Principle and Impact on a Grade II* Listed Building**

7.2.1 The Willoughby Almshouses and the adjoining boundary walls is a Grade II* listed building. The Grade II* listing reflects the more than special architectural and historic interest of the group. This places the Willoughby Almshouses within the top 8% of listed buildings in England. The Almshouses date from 1685. They were endowed by George Willoughby, a member of a wealthy local family, which included Sir Francis Willoughby, who built the nearby Wollaton Hall. The red brick with plain tile roof building originally consisted of a row of eight individual dwellings for four poor men and women, two of which have been merged. A central unit was designed with a ridged roof. The three to the left and four to the right were expressed with steep gables, which gives the building a wide and grand frontage, despite it being comprised of humble dwellings. The fenestration to the frontage mainly consists of stone chamfered mullioned windows with cast-iron leaded casements and flat drip moulds. The central section of the building has a sundial on the front façade. The principal façade has survived unaltered.

7.2.2 Notwithstanding the merger of two of the original dwellings, the Almshouses have largely retained their internal plan-form and small-scale character. Flat roofed extensions with modern casement windows were added in the twentieth-century, to provide kitchens and toilets for each dwelling. These utilitarian additions are small in scale and subservient to the original building. Flat roofed dormers and inappropriate windows have been inserted into the rear side of the original building.

7.2.3 The frontage to the building comprises an unusual historic high double-wall, the origins of which are obscure. Openings have piers with ball finials. To the north of the building is a single grassed open space, enclosed by walls, and beyond is open fields. Consequently, there is a strong contrast between the heavily enclosed

streetscene setting and the open, verdant nature of the setting to the rear of the building.

- 7.2.4 The building and attached walls is highly significant, reflected by its grade II* listed status. It is an architecturally fine building dating from the C17, which has an important historic connection to the Willoughby family and Cossall village. Almshouses from the C17 are relatively rare. Nicolaus Pevsner describes the Almshouses as a 'delicious group'. The building retains much of its architectural and historic character as a row of small individual dwellings. Notwithstanding the merger of two of the eight Almshouses, and the addition of kitchens and bathrooms, the plan form and internal spatial character of the original building has survived relatively unaltered. A fundamental characteristic of Almshouses is that they are modular with a repeating form, and modest in scale.
- 7.2.5 The Almshouses are located within Cossall Conservation Area and make a strong positive contribution to its character and appearance and the significance of the streetscene. The Almshouses were used for sheltered/community housing up until relatively recently when the properties were sold at auction to the current owner. The continuity of use as small dwellings serving the local community for over three-hundred years is part of the significance of the building. The building is included on Historic England's 'Heritage at Risk' register as it is currently vacant and its condition is deteriorating.
- 7.2.6 In terms of design, concerns were raised with the gent in respect of the plans originally submitted, specifically the size of the extensions proposed to increase living accommodation at the Grade II* Listed Building. Whilst the principle of a form of development is considered acceptable, the proposed scheme involves significant intervention, including;
- Large intrusive and incongruous extensions altering the character of the Listed Building;
 - Substantial Internal and layout alterations to the Listed Building;
 - Harmful alterations to the setting, requiring areas of demolition to Listed structures to provide vehicle access.
- 7.2.7 In view of this both the Officer and Historic England and the Amenity Bodies have raised objections, in relation to Paragraph 202 of the National Planning Policy Framework (NPPF), that the proposal would cause a high level of less than substantial harm to the significance of this Grade II* Listed Building; its character, appearance and setting.
- 7.2.8 The above concerns have been forwarded onto both the agent and the applicant along with the comments received from the Conservation Officer advising a proper residual appraisal should be submitted as part of the application process, because without it Historic England's concerns, the Conservation Officer's and the Amenity Bodies cannot be overcome. However, no further amendments or supporting information have been submitted and the applicant has advised he wants the applicant assessing in its current form. It is therefore considered the proposal would cause a high level of less than substantial harm to the significance of this Grade II*

Listed Building; its character appearance and setting. Additionally, the proposals would result in harm to a key Listed Building within the Cossall Conservation Area. Furthermore, it is not considered that a clear and convincing justification has been provided for the high level of harm that would be caused by the proposal, as required by Paragraph 200 of the NPPF.

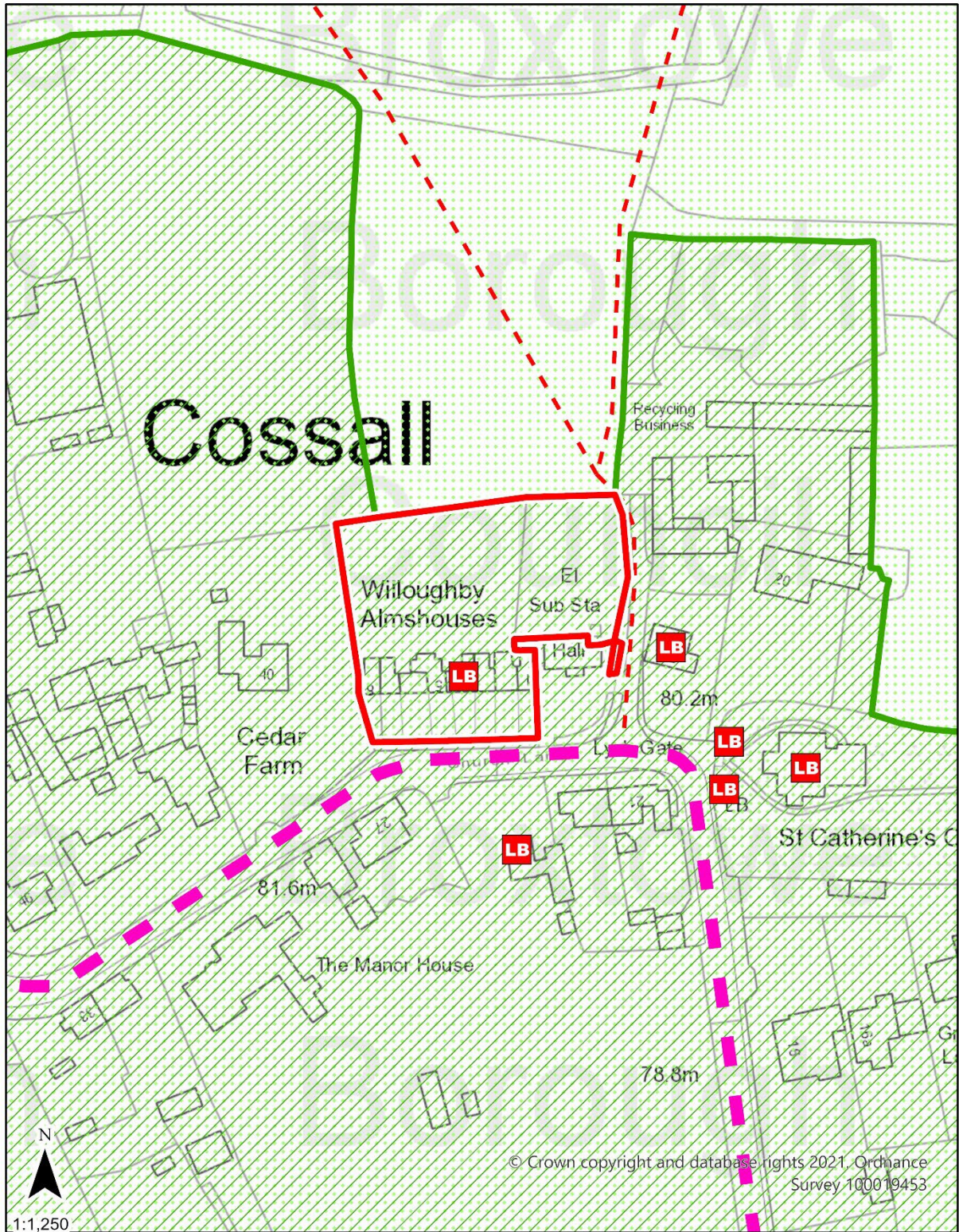
8 Planning Balance

- 8.1 The benefits of the proposal are that it would bring an existing vacant Grade II* Listed Building back into use which is falling into disrepair and has been vacant for a number of years. The negatives of the proposal are that the design of the proposed extensions are unacceptable and as the building is a Grade II* Listed Building for which both national and local planning policy protects these highly sensitive and important buildings against unacceptable extensions, on balance, the scheme is unacceptable and should be refused.

9 Conclusion

- 9.1 To conclude, for the reasons set out above, the scheme is considered to directly contravene the terms of paragraph 200 and 201 of the NPPF (2023) which state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction), should require clear and convincing justification and that substantial harm to a grade II listed building should be exceptional. Furthermore, it is considered the scheme directly contravenes with paragraph 201 of the NPPF (2022) which states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The proposal would therefore be contrary to Policy 11 of the Broxtowe Aligned Core Strategy (2014), to Policy 23 of the Part 2 Local Plan (2019) and the NPPF (2023).

<u>Recommendation</u>	
The Committee is asked to RESOLVE that listed building consent is refused subject to the following reason.	
1.	A clear and convincing justification for the proposed harm to the Grade II* Listed Building and its setting that will result from the works to create four dwellings including significant extensions to the rear has not been provided. The proposal would cause a high level of less than substantial harm to the overall significance of this highly graded II* listed building and the contribution to the significance made by its setting and the Cossall Conservation Area, by virtue of the design of the proposed extensions and internal alterations. Accordingly, the proposal is contrary to Policy 11 of the Broxtowe Aligned Core Strategy (2014), Policy 17 and Policy 23 of the Part 2 Local Plan (2019) and the NPPF (2023).
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.



Legend

-  Site Outline
-  Classified Road
-  Footpath
-  Conservation Area
-  Green Belt
-  Listed Building

Photographs

Front elevation



Side view



Access Road



Point of access for driveway



Location of driveway behind Parish Hall leading to rear parking

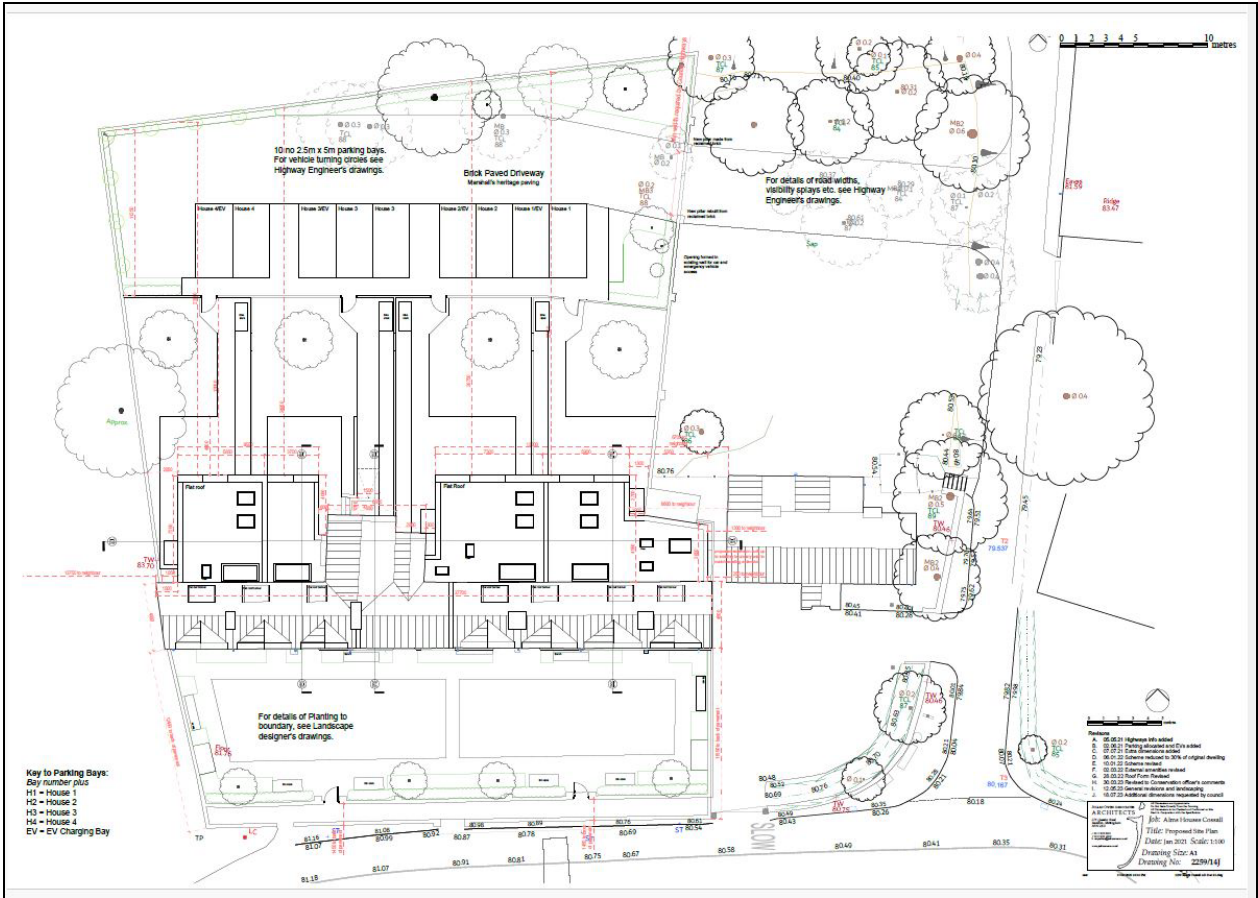


Rear Elevation



Plans (not to scale)

Site Plan



Proposed Elevations

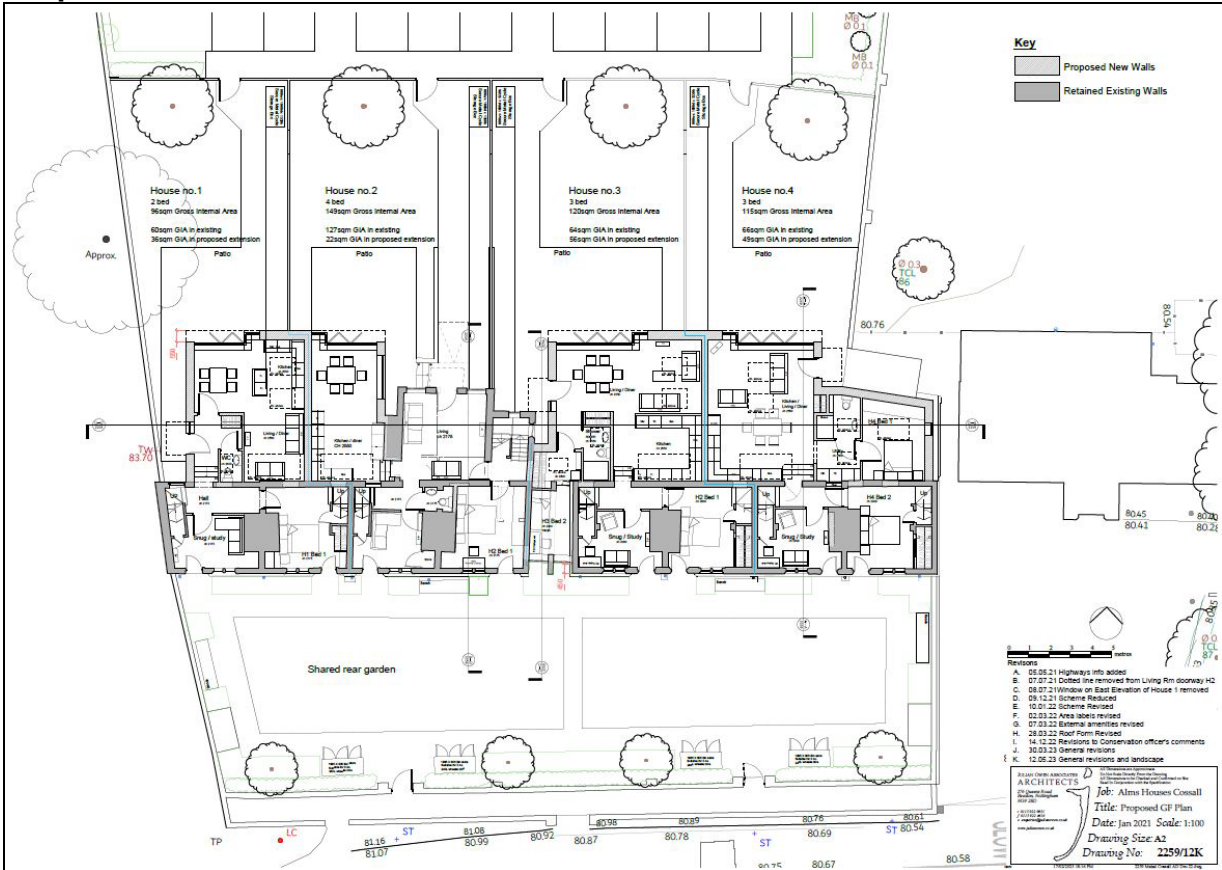
Front



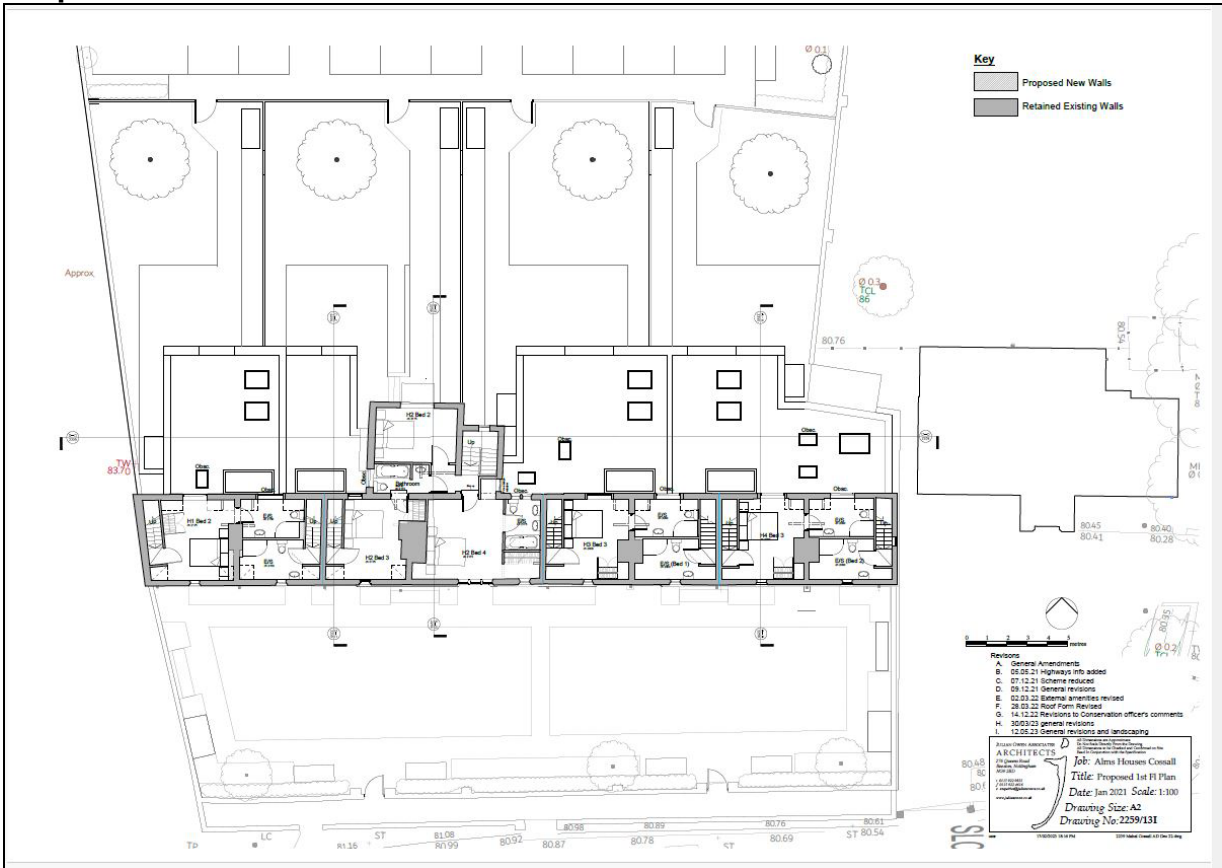
Rear



Proposed Ground Floor Plan



Proposed First Floor Plan



Coloured Images

Front



Proposed restoration works to the historic southern elevation - Existing fabric to be restored and upgraded with minimal changes

The Existing Elevation



1. Windows

The window frames have been painted many times and some no longer open. Windows to be removed, paint to be stripped to check the condition and any required repairs are to be undertaken. Windows to be repainted and reinstalled in openings.



2. Doorways & doors

Previously blocked up door to be reinstated to match existing. The original doors had been replaced during the life of the building. The existing red painted doors would be replaced with high quality doors in a timber finish and a style suited to the time period of the building.



3. Alleyway

The existing alleys are to be closed to provide accommodation. The infill will be made using metal framed windows in order to contrast to the building and ensure it is clear which parts are original. The infill will be set back from the line of the existing facade to maintain the appearance of the alleys.



Other Restoration works

The roof tiles will be stripped and reinstalled to check for any damage to the structure. Any additional tiles required will be salvaged to match. The top 6 courses of brickwork on the chimneys will be removed and rebuilt to repair the damage. The stonework including the stone copings to the gables and stone detailing will be replaced to match where required.

Gutters and downpipes are to be removed, the paint stripped and check for damage. Any damage rainwater goods are to be replaced with new to match existing. To be repainted to match existing.

Damaged bricks are to be replaced and the brickwork is to be repointed. Weeds & plant growth on external wall surfaces to be removed, existing landscaping to be removed and new landscaping is to be planted in accordance with landscape plan.

For further information see the survey & restoration report provided by Birmers Restoration.



Rear



North Elevation as Existing

Existing flat roof brick extensions to be demolished and replaced with new higher quality extensions. The verahs are to be removed. The dormers would be reinstated and finished in timber rolled lead to match the traditional style of the building.



North Elevation as Existing

Plant room vent to be removed. Stone copings to the existing parapet walls to be restored. Existing modern windows to be switched for modern grey frames to distinguish original features from modern interventions.



Proposed Materials

Vertical charred timber cladding to proposed extensions with metal coping. Doors and windows to have anthracite grey frames. Anthracite canopies over north side front doors. Existing 20th century dormers to be re-insulated and clad in timber rolled lead. Flat roof finish to be single ply membrane. Garden walls to be brick to closely match existing. Rainwater goods to be steel in textured heritage black finish. Paving to be from marshall's heritage range.

All extensions are to be below eaves line

