

## APPENDIX 2

## Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>21/00508/LBC</b>
<b>LOCATION:</b>	<b>Willoughby Almshouses, Church Lane, Cossall, Nottinghamshire, NG16 2RT</b>
<b>PROPOSAL:</b>	<b>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.</b>

1.1 Purpose of Report

This application is brought to the Committee upon the request of Councillor L A Ball BEM.

1.2 Recommendation

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

1.3 Detail

1.3.1 This application seeks Listed Building Consent 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.

1.3.2 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

- Design and Access Statement;
- Heritage Statement;
- Bat Survey;
- Tree Survey;
- Traffic Survey;
- Visual Images.

## APPENDIX

2. Details of the Application

2.1 This application seeks Listed Building Consent 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.

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.

5. Relevant Policies and Guidance5.1 **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 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- 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 8: Development in the Green Belt
- Policy 11: The Historic Environment
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity

5.3 **National Planning Policy Framework (NPPF) 2021:**

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 12 – Achieving Well-designed Places

- Section 16: Conserving and Enhancing the Historic Environment  
Paragraph 195: Local Planning Authority (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 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.

Paragraph 200: 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.

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**

**First Consultation**

The proposed conversion to 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 significant amount of intervention, including large, intrusive and inappropriate extensions, alterations to the listed building and harmful alterations to its setting.

In our view, 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.

**Second Consultation**

Having considered the revised plans, we still have serious concerns in relation to the proposed scheme and the resultant impact on the overall significance of this highly graded listed building. We believe that the proposed alterations and extensions to the historic almshouses would cause a high level of harm to the significance of this highly graded listed building and would erode its setting. As such, the proposals would result in harm to a key building within the Cossall Conservation Area and would have an adverse impact on its significance, character and appearance.

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 proposals. We strongly disagree with the conclusions in the accompanying Heritage Statement that the proposals would not result in harm to the appreciation of the significance of the heritage assets; that the proposed extensions would complement the existing building; and that the proposal would not adversely affect the setting of the adjacent listed buildings or the character and appearance of the conservation area. We note that the Heritage Statement has not been updated to reflect the amended scheme.

In relation to the paragraph 202 of the NPPF, we believe that the level of harm caused would be high level of less than substantial harm. We believe that other less harmful options exist to bring this important highly graded back into use. Furthermore, we are unconvinced by the viability argument put forward by the applicant. We would expect both the condition of the listed building and the constraints provided by the listed status to have been reflected in the purchase price. The argument put forward would not comply with the Historic England published guidance on enabling development.

### **Recommendation**

Historic England objects to the applications on heritage grounds. We believe that the revised proposal would result in serious harm to the special interest and significance of the Grade II\* listed Willoughby Almshouses. We continue to advise that proposals would also result in harm to the significance, character and appearance of 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.

We consider that the applications do not meet the requirements of the NPPF, in particular paragraph numbers 195,197,199, 200, 202.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) 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 and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

**Conservation Officer** - I have looked into this application in detail, it is certainly a complex one and I have the following initial observations to make:

- The Grade II\* listed building is not watertight at present and the building is on Historic England's Heritage at Risk (HAR) register. Something must be done about this and a viable solution must be found.
- There is clearly a degree of harm to this proposal that is at the higher end of less than substantial harm. Historic England (HE) do not approve and they recommend refusal.
- An argument has been made by the applicant's agent that the positive benefits of the conversion to the new arrangement of dwellings, with the parking at the rear, outweighs the disbenefits of the scheme and would take the building off the HAR register (which is a pressing issue and hence there are significant public benefits to this).
- It is important to determine how much the building has deteriorated since it was purchased in 2017. It is a statutory duty of a listed building owner to keep a building wind and water tight and Para 196 of the NPPF states that: *'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.'*
- HE also make reference to 'enabling development' which the applicant's agent does not.

- HE state that they do not consider this application to be in accordance with their enabling development guidelines. This is clearly a case of enabling development, as whatever works are carried out are going to be harmful to the character of the GII\* listed building, thus the harmful conversion will 'enable' the restoration of the building. The Heritage Statement does provide detailed costs, a GDV and the original purchase price, but the figures are not put together properly in a residualised appraisal.

(Gross Development Value - (Existing Use Value + Development Costs) = conservation deficit)

- Once the conservation deficit figure is reduced to zero, the scheme becomes viable and every effort should be made to find a solution in accordance with these figures (thereby 'enabling' the development). If we are working on the basis that it is nobody's fault that the building is in such a poor condition, then the above calculations should be submitted as a residual appraisal by the applicant. This should then be scrutinised independently by an RICS accredited valuer.

-There are two key issues here, firstly the Existing Use Value (EUUV) which is not necessarily the £250,000 price paid for the property in 2017. If it was purchased in 2017 as a building that was not watertight and had significant defects, then it should have had a much lower nominal value and the developer over paid for the site. HE have also noted this when they state: *'furthermore, we are unconvinced by the viability argument put forward by the We would expect both the condition of the listed building and the constraints provided by the listed status to have been reflected in the purchase price.'*

- The second key issue is the developer's profit margin. This should be included as a development cost. HE have become ambiguous about this in their revised Enabling Development Guidance (revised 2020). Their previous document stated 15-20% profit on development costs as acceptable, but now they do not mention a figure. I consider 15-20% profit margin to be an acceptable development 'cost'.

In conclusion, I think a proper residual appraisal should be submitted as part of this process, because without it HE's concerns (and my own) cannot be overcome. It should also be demonstrated that the property was purchased in its present state and it was not allowed to degrade over the period 2017-2022 willingly. Once the figures are made crystal clear, we can look at how much needs to be generated in the GDV to determine how much intervention is required. For example, a comparative residual appraisal showing the scheme with parking and another without parking, will very quickly show that a development without parking is simply not viable and this would address HE's concerns. HE have offered their observations without fully addressing the viability issues at stake and it is for the applicant to highlight this. The applicant has already collated many of the development costs (which are increasing at an unprecedented rate, the BCIS index reflected a 19.7% increase in material costs 2020-21), so it should not take them much to compile all of this in a residual appraisal.

- 6.5 Eight neighbouring properties were consulted on the original application and amended plans along with the posting of a site notice, with no letters of objection 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 17<sup>th</sup> century, which has an important historic connection to the Willoughby family and Cossall village. Almshouses from the 17<sup>th</sup> century are relatively rare. Nikolous 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 involved 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 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 Following on from the objection amended plans were submitted, however the amendments are not considered enough to overcome the objection from both the Officer or Historic England. The concerns are as follows:

- It appears that it is now proposed to block up existing doorways on the front elevation and also the central passage way to the rear. This is considered to be harmful to the character of the principal elevation of the Almshouses, the most visible elevation in the Cossall Conservation Area and is not supported by the Council;
- Whilst the bulk of the extensions have been scaled back and this is considered an improvement, it is considered that the continuous block of extensions across the entire north elevation is over dominant and harmful to the view of the Grade II\* Listed Building;
- The use of materials proposed are not considered acceptable in terms of the relationship with the Listed Building.

7.2.9 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 and the Conservation Officer's cannot be overcome. However, no further amendments or supporting information have been submitted and the applicant has advised he wants the applicant assessing in it's 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**

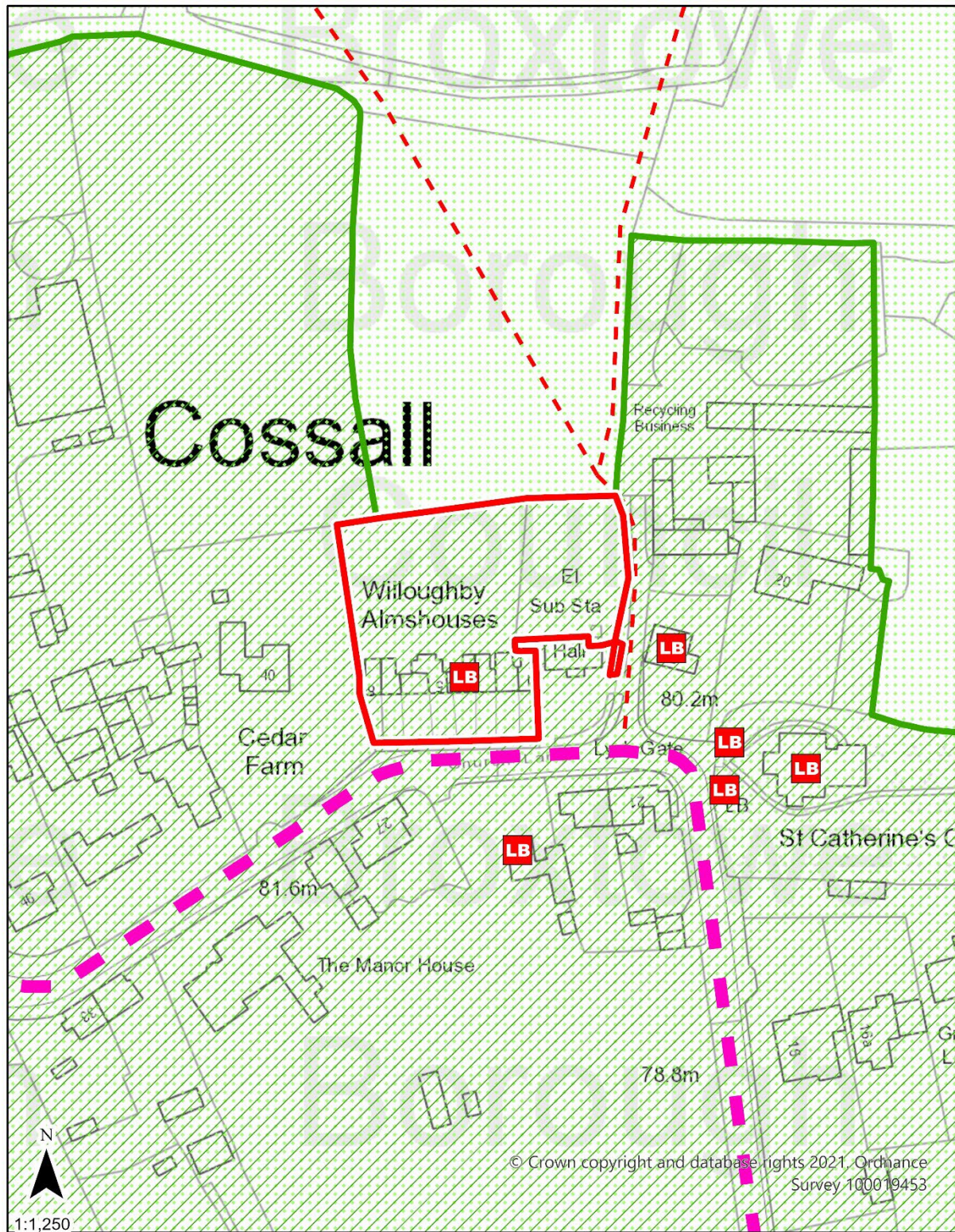
8.1 The benefits of the proposal are that it would bring an existing vacant Grade II\* Listed Building back into use which is falling into disrepair and has been vacant for a number of years. The negatives of the proposal are that the design of the proposed extensions are unacceptable and as the building 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 (2021) 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 (2021) 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 (2021).

<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission is refused subject to the following reason.</b>	
<b>1.</b>	<b>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 listed building and the contribution to significance made by its setting and the Cossall Conservation Area. Accordingly, the proposal is contrary to Policy 11 of the Broxtowe Aligned Core Strategy (2014), Policy 23 of the Part 2 Local Plan (2019) and the NPPF (2021).</b>

	<b>NOTES TO APPLICANT</b>
<b>1.</b>	<b>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</b>



**Legend**

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

**Photographs**

**Front elevation**



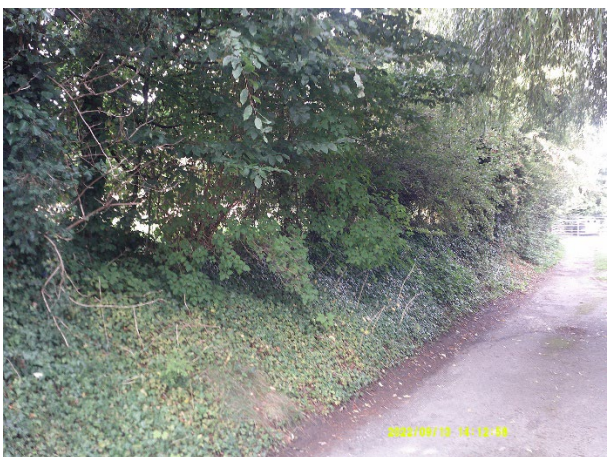
**Side view**



**Access Road**



**Point of access for driveway**



**Location of driveway behind Parish Hall leading to rear parking**

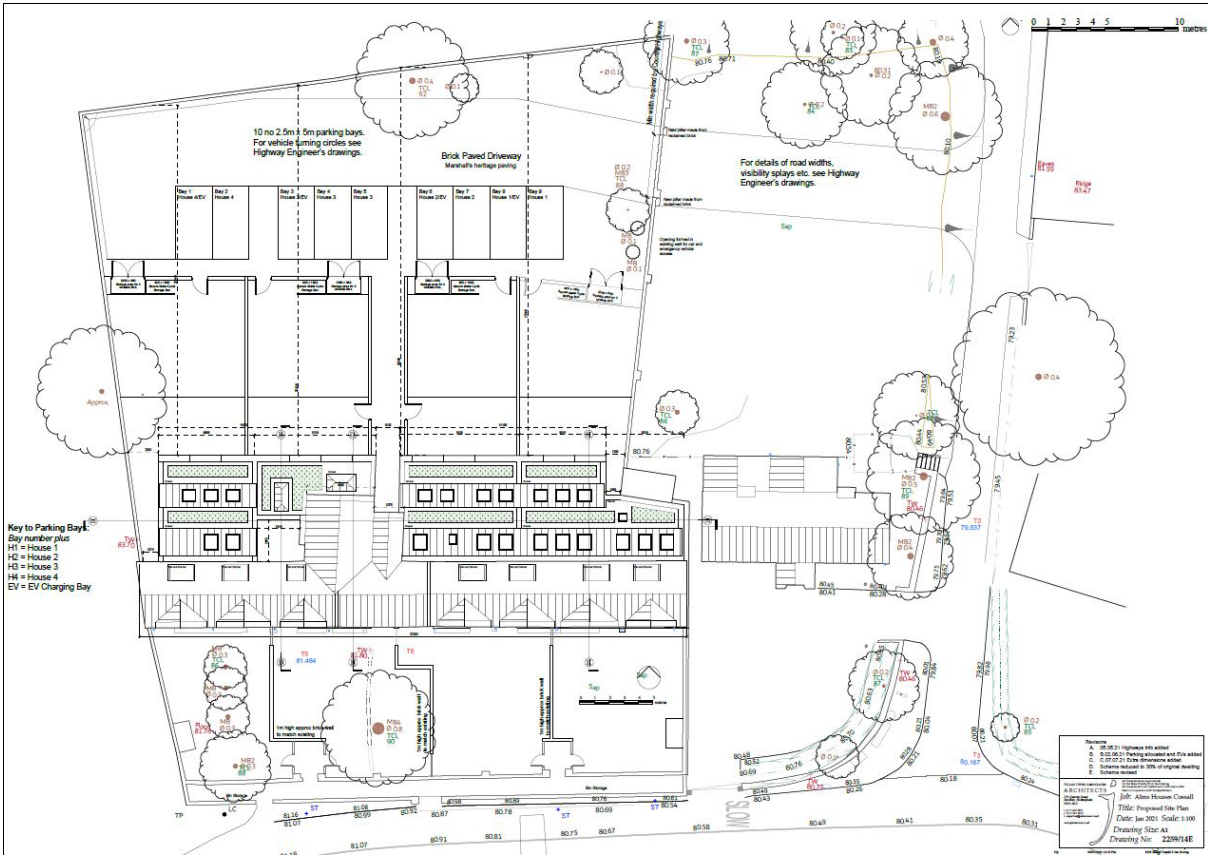


Rear Elevation

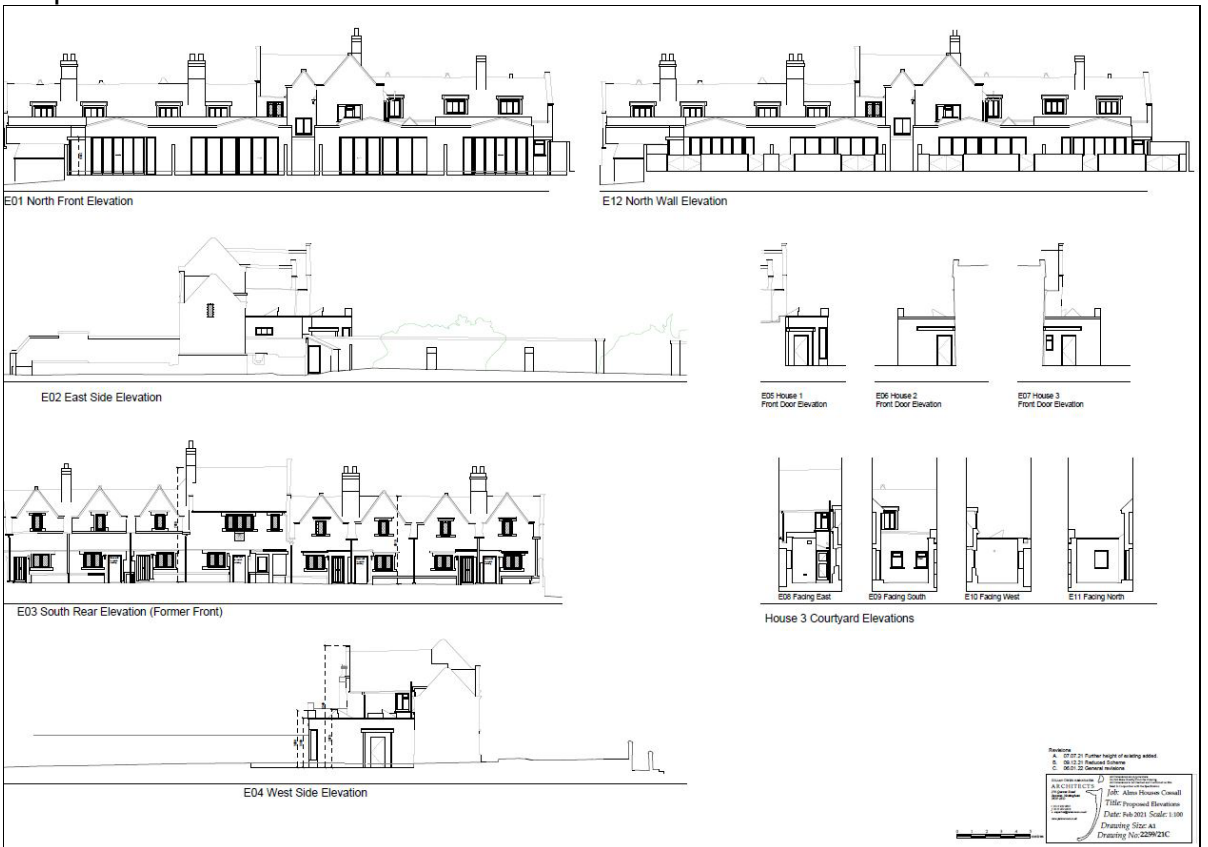


Plans (not to scale)

Site Plan



Proposed Elevations



Rear Colour Elevation

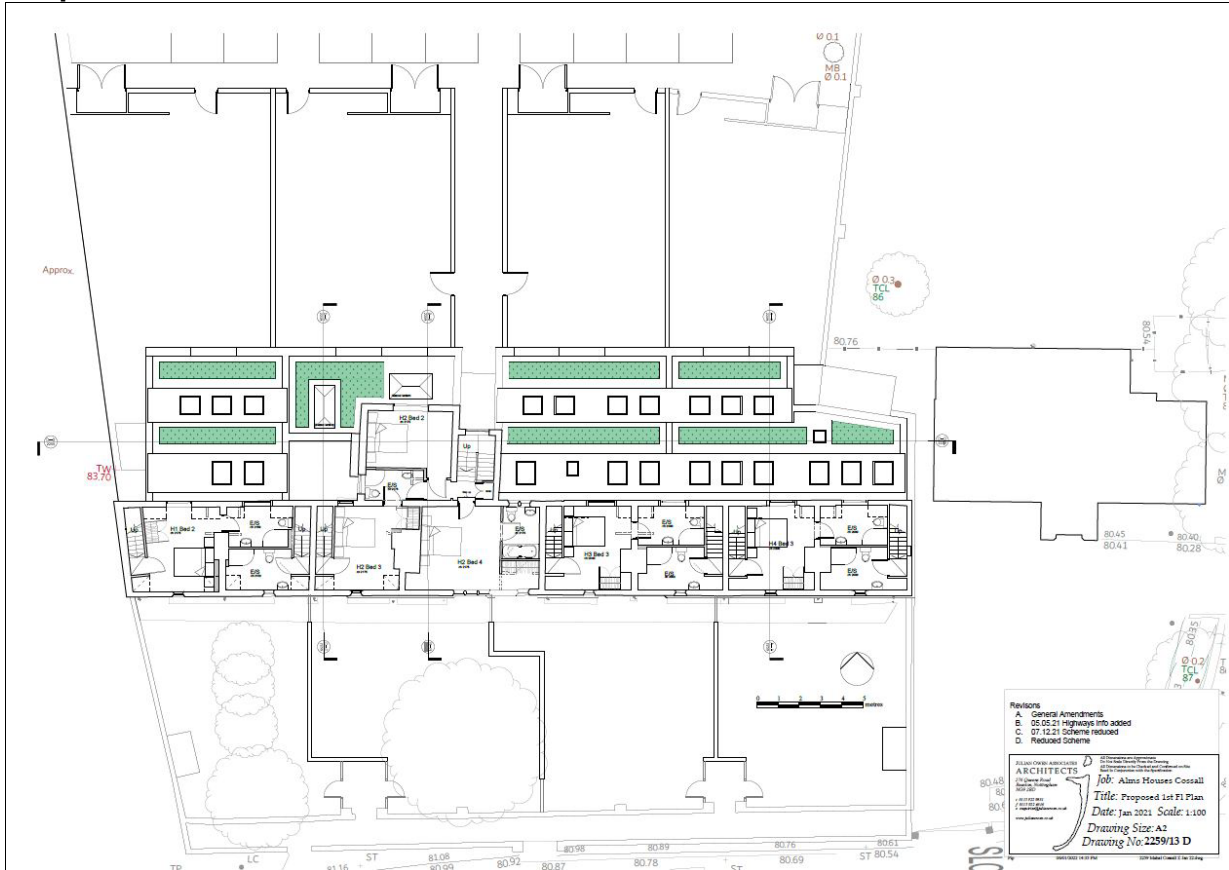


Proposed Ground Floor Plan





Proposed First Floor Plan



Rear Visual

