



Appeal Decision

Hearing held on 25 January 2022

Site visit made on 26 January 2022

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2022

Appeal Ref: APP/G2815/W/21/3273263

Abbott House Residential Home Historic, Glapthorn Road, Oundle PE8 4JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by McCarthy and Stone Retirement Lifestyles Ltd against East Northamptonshire Council.
 - The application Ref 20/00173/FUL, is dated 31 January 2020.
 - The development proposed is demolition of historic care home and erection of retirement living apartments.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. As the proposal relates to listed buildings, I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Background and Main Issues

3. The appeal is regarding the Council's failure to give notice within the prescribed period of a decision regarding the planning application the subject of this appeal. However, as part of its submission the Council has submitted an application report, together with a draft decision notice, which details the reasons the Council would have refused the planning application if it had been in a position to do so.
4. The Council suggest two reasons for refusal. The first relates to the impact of the proposal on heritage assets as well as the general character and appearance of the streetscene. The second is regarding the lack of provision of affordable housing and developer contributions. However, the Council confirmed at the Hearing that its concern relates only to the provision of affordable housing. On that basis, the main issues are:
 - The effect of the proposal on the character and appearance of the area, having particular regard to the setting of nearby listed buildings (Oundle School Memorial Chapel, Yarrow Building, Science Building, Magdalene House) and the Oundle Conservation Area; and
 - Whether the proposal makes acceptable provision for affordable housing with particular regard to viability.

Reasons

Listed Buildings

Significance

5. Oundle School Memorial Chapel is a Grade II* listed building constructed in 1922-23 from coursed limestone ashlar with clay tile roofs. The chapel is set in a large lawned area and among the buildings of Oundle School, founded as a grammar school in 1556. The chapel was built after the First World War as a memorial to the fallen. It is among the last generation of archaeologically correct Gothic Revival churches and chapels in the country and is an expensive building which carefully recaptures the spirit and detail of such a building from the 15th century. The building is designated as Grade II* principally due to it being a notable example of the late Gothic Revival, faithfully reproducing Perpendicular themes as well as a notable example of a war memorial chapel, embodying attitudes to piety and loss in the wake of the First World War. Furthermore, the post-war stained glass by Piper and Reyntiens is of especial note.
6. The Science Building and Yarrow House are grade II listed buildings built in 1914 and 1918 respectively by the same architect and form two storeys in coursed stone with ashlar dressings and slate roof. Together with the Memorial Chapel they form an impressive group of buildings.
7. Given the above, the age and high level of surviving fabric contributes greatly to the architectural and historic significance of these buildings together with the buildings' relationships to each other, constructed originally for the school by the same architect. In addition, the association of the Memorial Chapel with the first world war contributes to its historic significance.
8. The setting of a heritage asset, which can contribute to its significance, is defined in the glossary to the National Planning Policy Framework (the Framework) as the surroundings in which a heritage asset is experienced.
9. The buildings were constructed as part of the school and are set within their own formal landscaped grounds forming the immediate open, verdant setting of the buildings. The open grounds are demarcated from the surrounding area mainly by a low hedgerow allowing views to the north and east. At my site visit I saw they are well used both by the children attending the school moving around and between the buildings and the general public. From further afield to the north, where the appeal site is located, views of the buildings are glimpsed from within the later built form, a mixture of commercial, institutional and domestic buildings of varying age and size on the edge of Oundle, separated from the school buildings by an adjacent open green space known as Flettons Field. There are some very fine examples of architecture together with more modern neutral development. Buildings are generally set back from the road behind landscaping and the street is tree lined. There are also some large open green spaces. A unifying characteristic is the predominant two storey domestic scale of architecture with pitch roofs and articulation within the built form. Together these factors give the area an open, spacious, verdant suburban character reinforcing and continuing the immediate open setting of the listed buildings.
10. I find that the setting of the buildings, insofar as it relates to this appeal, to be primarily associated with their visibility and prominence within their immediate green environs together with views from further afield within the historic

environment to the south and the more modern, suburban, but open built form to the north and east, and that this directly contributes to their significance and special interest.

11. Although now used as a private residence, Magdalene House to the north-west of the appeal site is a grade II listed building built as the workhouse chapel in coursed stone with a stone slate roof. Much of its significance derives from its architectural interest as an example of Gothic Revival ecclesiastical architecture together with the historic interest as a purpose built workhouse chapel.
12. Historically, Magdalene House would have been viewed within the complex of workhouse buildings. However, the main building, referred to in association with Magdalene House in the list description, has been demolished and replaced by modern institutional buildings together with a mass of car parking. The remaining historic buildings, the former Infirmary Wing and the former Lodge are located to the north and north-east of Magdalene House, effectively cut off from it by boundary hedging and car parking.
13. The historic setting has therefore been significantly eroded, instead now the immediate setting is characterised by domestic garden. Further afield views of the building are apparent through gaps in the later built form where the former use of the building as a chapel can be clearly appreciated from its external appearance, directly contributing to its significance and special interest.

Conservation Area

14. Oundle Conservation Area (CA) encompasses the historic main street within the town, with a high number of quality listed buildings set at the back edge of the pavement, within burgage plots, constructed of oolitic limestone and being of 2/3 storeys high. It extends along Glapthorn Road to include the environs of the listed school buildings mentioned above constructed of similar materials – a unifying characteristic of the CA. Here the character is different, being high value buildings set in spacious leafy grounds giving a more verdant open character to the CA in this area. The significance of the CA therefore is largely derived from the high quality buildings with a consistent materials palette and the relationship of the buildings with open space and the road network.
15. The setting of the CA is wide with views towards it being available from many vantage points within the surrounding, later, built form. Glapthorn Road forms a particularly open, verdant approach to the CA with distant views of it available along the length of the road. While this approach is no more important than any other within the setting as a whole, or identified as an important view, its general form and layout contributes positively to the significance of the CA.
16. The appeal site sits on the edge of the green space to the north of the Memorial Chapel, Yarrow Building, the Science Building and the CA boundary and to the south of Magdalene House. There is intervisibility between the appeal site and the heritage assets, such that it is in their setting. The views afforded between the heritage assets and the appeal site allow an appreciation of their special interest contributing to their significance.
17. The existing building on the site is two storey small scale, set well back from the road behind close boarded fencing and a hedge to the road frontage together with trees. It is a nondescript, institutional, vacant building, views of which are limited due to landscaping, together with its height, form and layout which

ensures it integrates with the general scale and form of the surrounding built form. As a result, although having been vacant for a number of years, it makes a neutral contribution to the setting of the heritage assets.

Effects on character and appearance and significance

18. The proposed building would be three storeys, dropping to two storeys at the southern end and flat roofed. The second floor would be recessed from the front elevation together with a glass balustrade. Although set forward of the existing building, it would be located on the established building line allowing the retention of a landscape strip to the front, both compensating for the loss of trees on the site and reflecting the character of the area.
19. The footprint would be no larger than some others in the local area and would only cover about 30% of the appeal site. Furthermore, even though three storey it would be of a similar height to Lamorna to the north and only slightly higher than Nos 1-3 Glapthorn Road to the south. In addition, it would only be 3 metres longer than the existing building on site. The appellant also highlights that the height to width ratio would be approximately 1:5 exceeding that recommended in Manual of Streets of 1:3.
20. In isolation all of these factors would perhaps be appropriate. However, when put together the individual elements produce a building that is of a design, scale and mass that is not reflective of the surrounding domestic scale of architecture. The length of the building, combined with its height and depth creates a boxy appearance with little, if any, variety or articulation creating a large bulky mass of building exacerbated by its flat roof which is not typical of the local area. While I acknowledge design amendments have been made to the proposal, given the overall scale and bulk of the building they do little to successfully integrate it into the existing built form. Although there would be landscaping to the front, this would not, given the size and scale of the building, be sufficient to filter or soften views to an acceptable degree as demonstrated in the submitted viewpoints either in the summer or particularly the winter when trees lose their leaf. As a result, the building would not sit comfortably or relate well to its open suburban landscape and would be a dominant and obtrusive feature which would significantly harm the character and appearance of the area harming the way in which the heritage assets are currently experienced.
21. The southern elevation would face the listed buildings and their immediate open surroundings as well as the northern boundary of the CA. Although reduced to two storeys, VP6¹ shows that the 3 storey element would be clearly visible. Its depth and scale would provide a lengthy blocky mass, which although separated by Flettons Field, would nonetheless be close enough to form a harsh edge and harmful incursion into the open aspect of the setting of all of the listed buildings to the south as well as the CA, giving a sense of enclosure to the open setting which does not currently exist. Although Nos 1-3 have intruded somewhat into the openness of this northern aspect, they are of a significantly smaller scale and mass than the appeal proposal. Furthermore, the size and form of the proposed building would have the potential to visually compete with Yarrow and Science buildings given their location close to Glapthorn Road within sightlines.
22. The proposal would not impact on the historic relationship between Magdalene House and the other historic buildings to the north. While views of the listed

¹ NPA 11133 143 MCS, NPA 11133 143 MCS Winter

building would still be available from Glapthorn Road, and its historic use would still be apparent, the appeal building due to its size and scale would dominate those views, competing with the more modest listed building to the rear harming its significance.

23. The appellant uses the Oundle CA Character Appraisal 2009 (CACA) to assess how the development might impact on the understanding or appreciation of the listed characteristics of the CA. Many of those characteristics relate to the centre of the CA and it is agreed that the development of the appeal site would not harm those characteristics. Furthermore, the proposed materials palette would be consistent with those used in the CA. I have found that the site in its current form has a neutral effect, and the proposed redevelopment presents an opportunity to regenerate the site and reinstate an appearance that complements the vitality of the nearby school site and its listed buildings as well as the historic core to the south. Nevertheless, I have found that the specific design and form of the building would not integrate well, or sit comfortably within the existing local context harming the setting and significance of the CA.
24. Mr Brown for the appellant made much of the alleged similarities with Sanderson House on the opposite side of the road, as well as the Oundle School science building further south. While Sanderson House is a large, three storey building it is set well back from Glapthorn Road and its front and side elevations have articulation, not only in the elevation, but on the side elevations through different roof heights, together with a pitched roof. It is not therefore read as a solid block as the appeal building would be.
25. The Oundle school science building is a fine flat roofed large building. However, it is set down within the site, so presents limited height to the streetscene. In addition, it is set end on to the street, so its presence is not dominant, particularly given its location opposite the listed school buildings. I am of the view therefore, that these buildings do not set sufficient precedent for the appeal proposal.
26. My attention is drawn to an application for outline planning permission and one for reserved matters permission granted consent, by the Council, on the appeal site in 2005 and 2009 respectively². The committee reports for both applications confirm that the Council considered at that time that the proposal was not in the setting of either the CA or any listed buildings. Furthermore, the approved building is large, three storey and covers much of the appeal site. However, the building has a pitched roof with some articulation. Moreover, the southern elevation does not have the bulk and mass that the appeal proposal would have.
27. Those earlier decisions were made prior to the adoption of the Council's current development plan and the publication of the Framework. The Government attaches great importance to the design of the built environment. In particular, Section 12 of the Framework requires that developments add to the overall quality of the area, referring to the need to be sympathetic to local character and history, including the surrounding built environment and landscape setting. This is also reinforced by the Government's publication of the National Design Guide. This policy thrust is reflected in the Council's Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 adopted 2016 (the Core Strategy) regarding place shaping principles. The fact that the Council now finds the appeal site to be in the setting of heritage assets also reflects emerging

² 2005/01333/OUT and 08/01651/REM

guidance on this issue since the time of determination of the previous applications within the Framework.

28. As a consequence, therefore, while in 2005 and 2009 a subjective assessment of the proposals by the Council, together with consultation with local residents, at that time resulted in a permission being granted, some 13 years later in the context of a different policy background where the importance of design has been elevated, a different decision has been made. My findings have supported that decision. Those previous permissions, which have expired without implementation, are not, therefore, a consideration of sufficient weight to outweigh the harm that I have identified.
29. For the reasons above, I conclude that the proposal would be harmful to the character and appearance of the area as well as the setting and significance of heritage assets (Oundle School Memorial Chapel, Yarrow Building, Science Building, Magdalene House and the Oundle Conservation Area). There would therefore be conflict with Policies 2 and 8 of the Core Strategy. These require that development responds to the sites immediate and wider context and local character and should conserve and where possible enhance the heritage significance and setting of an asset or group of assets in a manner commensurate to its significance.

Affordable housing and viability

30. Policy 30 of the Core Strategy requires that affordable housing be provided at a rate of 40%. For the proposed scheme that would be 12.4 dwellings. However, the existing building on the site means that Vacant Building Credit applies reducing the total to 8 dwellings. Given the format of the housing to be provided the Council has agreed that the requirement could be secured via an off-site contribution.
31. There have been various iterations of viability reports and responses from both parties with the appellant's final position at the Hearing being that they were unable to provide any off-site contribution. The Council however considers that a contribution of £288,938 could be achieved if ground rents are not banned and £107,594 if they are, to be secured via a S106 agreement. The appellant subsequently confirmed that ground rents would not be charged on this development and no S106 agreement would be submitted.
32. By the time of the Hearing the issues at conflict within the viability information between the parties had been narrowed to just the level of the construction costs. Within that, it is agreed that the appropriate index to adopt is the BCIS 10-year data set rebased for Northamptonshire. Further, it is agreed that 'Supported Housing: 3-Storey' should be the primary basis. The area of dispute relates to whether the lower quartile cost of £1,417/m² should be used (the Council) or the median quartile cost of £1,617/m² (the appellant).
33. The Council's case is that as the design of the building is efficient and externally relatively simple, without detailing or use of materials that would elevate the cost to the median quartile. This together with economies of scale both in purchasing power, the use of sub-contractors and through the familiarity of the processes and having the right people in the right roles to ensure efficient delivery would justify costs being at the lower level. Furthermore, as the project is one of the top 15 largest projects at the 70% percentile of the size within the BCIS data, the costs should be expected to be at the lower end of the spectrum. Moreover,

an example of a 58 dwelling extra care scheme is proffered which used more expensive materials and had more detailing, where the costs rebased to North Northamptonshire would equate to £1,374/m², which is below the lower quartile cost.

34. The appellant reports that the extra care scheme referred to by the Council contains a large amount of unusable area within the basement, it being used only as supporting structure. This, together with the provision of affordable housing within the scheme, which would be of a different specification, would justify the lower figure. I consider this a reasonable assumption given the reduced emphasis on marketability for affordable housing unlike the scheme before me now. Furthermore, of the total sample projects within the BCIS sample, floorspace figures range from 711 to 10,000m². Therefore, while at the 70% quartile, in reality the scheme would not be considered large. Moreover, while the company would achieve economies of scale, these would not match those achieved by volume housebuilders developing large and more standardised housing across the country to justify lower figures.
35. Both parties agree that the decision is very much one of professional judgement based on the individual projects involved and the actual substantive evidence before me on this issue is limited. The BCIS guidance note "Which Average Prices figure should I use? 2018" states that the median figure can reasonably be used as a typical rate in most cases and is probably the best figure to use when choosing a rate for a typical building. It notes that the lower quartile figure should be used if the user judges the project to be below average cost.
36. While the building is relatively simply and efficiently designed, I have seen or heard nothing to suggest that the proposal before me is anything other than a typical building, particularly for this type of housing which is reflected in the BCIS data used. Therefore, the appellant's use of median quartile cost figures is appropriate for the viability assessment. As such it follows that the proposal would not be able to deliver an off-site contribution to affordable housing and remain viable. Both the Framework and Planning Practice Guidance allow for viability testing. Therefore, for the reasons above, I conclude that although there would be no provision of affordable housing, as this would be due to viability, there would be no conflict with Policy 30 of the Core Strategy.

Other Matters

37. There have been a number of letters of support for the proposal and indeed I heard from an interested party at the Hearing who was very supportive of the principle of the provision of retirement housing. However, there is no objection to the principle of the development in this location, but I have found harm caused by the design within the local context and its effect on nearby heritage assets.

Planning Balance and Conclusion

38. Given that setting is just one part of the significance of each asset then I am of the view that the harm would be less than substantial no matter where in the spectrum the harm falls. While the Council has sought to quantify the scale of level of harm on a sliding scale assigning a range of medium to low harm to individual assets, I am mindful that less than substantial harm does not equate to a less than substantial planning objection and that any such harm is to be given considerable importance and weight. I am also mindful that one of the

heritage assets involved is Grade II* and the Framework states that the more important the asset, the greater the weight should be. I therefore afford very considerable importance and weight to the harm to the listed buildings and the CA.

39. As required by paragraph 202 of the Framework where development would 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.
40. There is no dispute between the parties that there are many benefits associated with this proposal. It would provide much needed specialist accommodation in an accessible location as well as providing health and wellbeing benefits for older people of safety, security and companionship.
41. The proposal would also generate many economic benefits of job creation, both short term during construction and long term during the life-time of the development. In addition, the report "Silver Saviours for the High Street" confirms that people living in each retirement development generate £550,00 of spending per year much of which is on the local high street, which in this case is within a convenient walking distance. Furthermore, the proposal would release under occupied housing stock. Even though some of these benefits may be short term, they are nevertheless important.
42. There is an inherent tension in the environmental benefits of the proposal. Although the proposal may make effective use of land it does so in a way that would not protect or enhance the built and historic environment. There is nothing before me to suggest that a scheme could not come forward which achieves all the benefits but with much less or no harm to heritage assets. Nevertheless, the Framework states that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes.
43. Taking all the above into consideration, the benefits are substantial. However, I am of the view that they do not outweigh the harm I have found to the heritage assets whether balanced on an individual basis or cumulatively.
44. Overall, I have identified that there would be conflict with the development plan as a whole, as there would be less than substantial harm to the significance of heritage assets which latter harm is not outweighed by public benefits. Neither would the proposal accord with policy regarding place shaping principles causing significant harm to the character and appearance of the area. Considered in total, the material considerations referred to above do not outweigh the conflict with the development plan and therefore the appeal is dismissed.

Zoe Raygen

INSPECTOR

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Interested Parties

Avril Andrews

Local resident

Mr Boyle

Local resident

DOCUMENTS SUBMITTED AT THE HEARING

1 Statement by Avril Andrews

DOCUMENTS SUBMITTED AFTER THE HEARING

A Agreed list of revised conditions