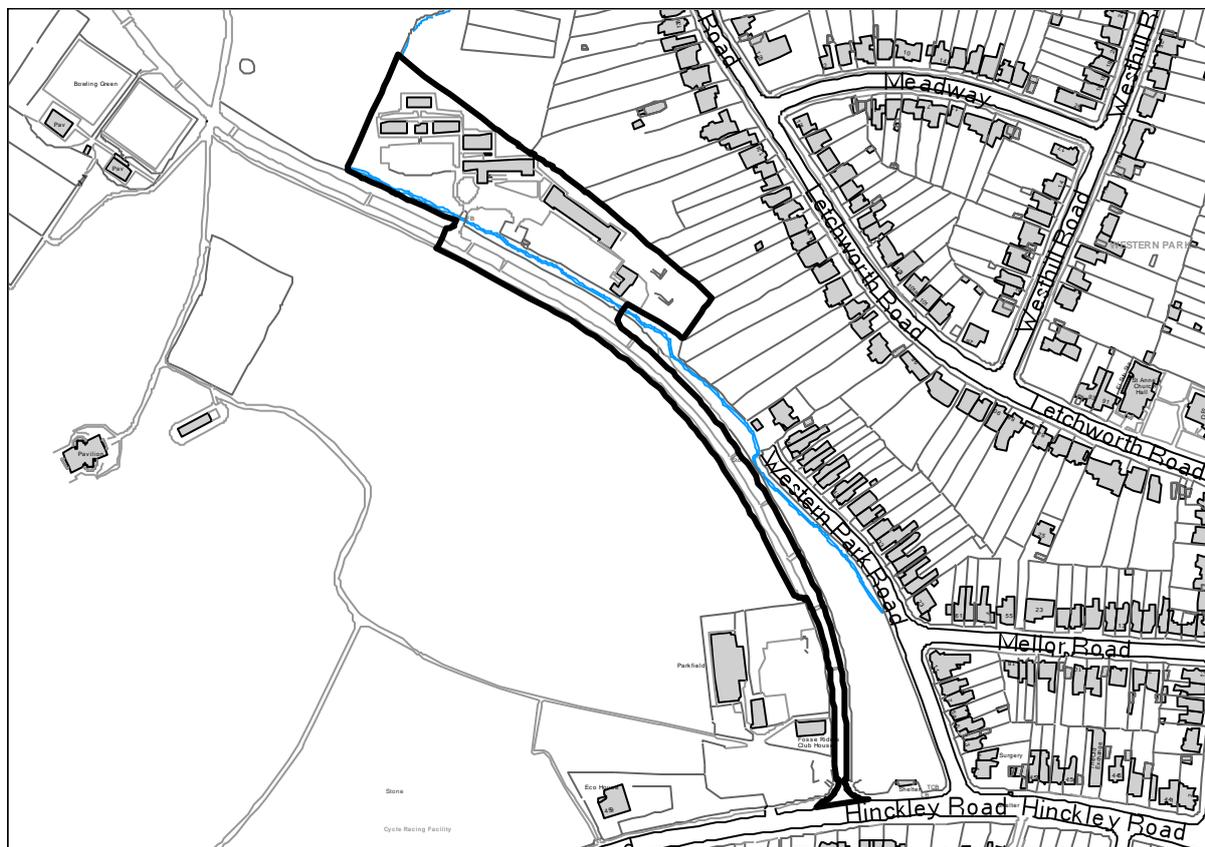


COMMITTEE REPORT

20202119	Hinckley Road, Western Park Open Air School	
Proposal:	Internal and external alterations to listed buildings to facilitate the change of use to office (use class E(g)(i)) and community building with cafe; demolition of two buildings and fire damaged elements; construction of three new elements/extensions; construction of bridge over watercourse; new internal driveway and external lighting (Amended plans 17.03.2022 and 25.03.2022).	
Applicant:	WPOAS Limited	
App type:	Listed building consent	
Status:	Other development	
Expiry Date:	30 August 2022	
LL	TEAM: PM	WARD: Western



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Summary

- This application is to be considered alongside an associated planning application ref 20202126.

- This application is brought before committee as 12 objections have been received from 8 different City addresses and one address out of the city. Objections have also been received to the full planning application. Only objections relating to the listed building are reported here, other comments are addressed in the report on the planning application.
- The relevant objections relate to the demolition of the buildings and how the buildings and site should be re-used.
- The application is recommended for APPROVAL subject to conditions.

The Site

The site is within Western Park, about 270m-470m from the main entrance on Hinckley Road. The main driveway into the Park runs along the south-west side of a watercourse, the Western Park Brook, and the application site is on the other bank of the watercourse. The site slopes upwards towards its rear and this topography supports the layout of the buildings, which face either south or southwest. The Open Air School (OAS) was built in about 1930 as a facility for children with respiratory and similar problems, designed to enable children to benefit from fresh air and sunlight. It was used as a school until 2005 and has been closed since then.

The OAS was listed Grade II in 2011.

The entrance to the site is by way of a bridge over the watercourse with gates at the site side. There is a hard-surfaced area suitable for vehicles to park and turn just within the gates.

The site is on a slope and the largest main building, Building 5, the only building of more than one storey, addresses the site entrance. Leading to the right/south-east of this is a long, low building, with Building 6 being the end section which is severely fire damaged. Building 7 is another long, low building, and at the far right of the site is a smaller detached building (Building 8). All of these face onto a grassed area.

To the left of the main building there are ramped paths and steps leading up to the higher levels of the site. Immediately behind the main two-storey building is Building 4, Buildings 2 and 3 are slightly higher and to the left, and Building 1, behind, has been almost completely destroyed by fire. Buildings 1 - 3 were originally constructed as small pairs of classrooms and have large windows facing directly south.

The buildings are of brick (rendered or painted) with pitched or hipped roofs, covered in red or brown tiles. Windows are timber-framed casements and dormers, and many of the doors are part-glazed. The former school's list entry describes it as "a rare surviving example of an open air school", notable for its "intactness". Since it was listed in 2011, the buildings have fallen into disrepair and are included on Leicester's Buildings at Risk register (category 'A').

Background

Since becoming vacant the buildings on site have deteriorated and suffered from vandalism including arson as recently as May this year. Most recently, part of a tree fell onto one of the fire-damaged sections of the building.

Pre-application discussions took place over a period of about two years prior to this application being submitted.

The Proposal

The proposal is to restore and update the buildings on site in order to bring them back into use as small office units and a café/community room. Two elements of the original build have been fire damaged to the extent that they cannot realistically be restored, and these would be replaced with new buildings. These are Building 1, at the far north-east of the site, and Building 6. Two small structures which were constructed later than the main buildings, as sanitary facilities, would also be demolished.

Buildings 1 to 7 would be rebuilt or restored, fitted with sanitary facilities, and converted to small office units.

Building 8, at the far south-east, would be extended to the rear, restored, and converted to a café/community space.

The ramped path to the former playground would be extended to form a vehicular route, and the former playground would be converted to car parking. Ramps and steps would be altered to provide level access around the site.

An additional bridge would be put in over the watercourse, near to Building 8. This bridge would be for cyclists, pedestrians and wheelchair users only.

As the site would be used for employment purposes it would be necessary to secure a safe route for people going to and from the site mornings and evenings. The driveway is not currently lit, as people do not usually come to the Park during darkness, and lighting would be installed along the driveway.

Policy Considerations

National Planning Policy Framework (NPPF)

Para 197 – In determining applications LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets

Para 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

Para 200 – Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification

Para 201 – Proposals of substantial harm to or total loss of significance of a designated heritage asset should be refused, unless the harm or loss is necessary to achieve substantial public benefits

Para 202 – Proposals of less than substantial harm to the significance of a designated heritage asset should be assessed against the wider public benefits of the proposal

Para 203 – The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application

Para 206 – LPAs should look for new development to preserve or enhance significance of heritage assets.

Development Plan policies

Development plan policies relevant to this application are listed at the end of this report.

The most relevant Core Strategy policy is CS18.

Other legal or policy context

Listed Buildings and Conservation Areas Act

Consultations

Historic England

Do not wish to offer any comments.

Conservation Advisory Panel (CAP)

The panel focussed on the poor condition of the buildings on site and their long term vacancy, offering support to the principle of a development that brought the site back into use. They considered that there was a lack of three-dimensional imagery of how the new structures would look in relation to the existing older ones and requested that some new drawings be produced. These could be ‘part elevations’ to reduce the cost. Some concerns expressed about window detail and materials, but these were considered best negotiated via the Planning Officer and colleagues. Amendments sought. *[officer’s note: the requested images were later provided and assessed by officers.]*

Twentieth Century Society

No objections to the scheme in principle but would like to be assured that points of detail are being carefully considered to ensure the new work has as minimal an impact as possible on the significance of the Grade II buildings.

Concerns expressed regarding limited information in the Heritage Statement, and also concerned that the timber windows should be retained and restored with replaced glazing, as windows and doors are a key part of the buildings’ special interest as a former open air school. The new work should be conservation-led.

Representations

Representations have been received for this application and for the associated application for planning permission. Twelve objections were received to this application, also four “no objections/support” and 2 comments, however some responses included non-heritage matters which are reported under the application

for planning permission. Only those comments relevant to the Listed Building as such are reported here.

Objection

- Demolition of the fire damaged original house should not be necessary. Should be rebuilt
- Should remain part of Leicester's architectural heritage and continue to benefit the lives of the Leicester public
- Council has neglected it; comments made about the timing of various actions related to the sales contract
- Demolition and rebuilding, presumably with new materials is NOT conservation and is NOT a sustainable practice
- Would be better if National Trust or English Heritage could take it on, may be the only one left in the country
- Like the Corah building, important parts of Leicester's history being sold off for commercial use
- Support listed buildings being brought back into use if we can make sure that the use does not have a negative impact on the surrounding environment
- Buildings have been left empty for too long
- Why were walkways demolished without listed building consent
- Suggestion that the site of the open air school is levelled to all but a few buildings and the land turned into a community orchard/allotment space for locals and local schools
- One objector has referred to a petition, but no petition has been submitted to the LPA

Support

- Pleased to see the plans for the old open air school, it is heart-breaking to walk through the park every day and see the buildings deteriorating and the level of vandalism getting worse all the time.
- Look forward to the buildings being brought back into use and restored

Consideration

Heritage Impact – Open Air School

The building has been empty for several years and is deteriorating. Policy CS18 states that the LPA will "... *support the sensitive reuse of high quality historic buildings and spaces, promote the integration of heritage assets and new development to create attractive spaces and places, encourage contemporary design rather than pastiche replicas...*".

The National Planning Policy Framework states that LPAs should consider “... *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation ... [and] the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality...*”.

The principle of the proposed use of the buildings is considered in the planning application being considered alongside this application. This application for listed building consent relates to the works proposed and their impact on historic fabric and the setting of the buildings.

This application is for a comprehensive redevelopment of the site comprising conversion into office and café, partial demolition, internal and external refurbishment / restoration, extensions and landscaping works.

The principle of re-use and conversion is strongly supported and is considered advantageous to the survival and preservation of the site. The work offers an opportunity to improve its condition and enhance its significance.

The loss of some elements through demolition, with most such elements being of limited merit and/or in critical condition, is outweighed by the benefits of retention of most of the built heritage on site including the most well-preserved and architecturally distinguished sections of the complex. On balance the level of demolition as proposed is considered acceptable.

The contemporary style of the extensions is supported. The visual representations requested by the CAP have now been submitted as part of the supporting information, which is welcomed. They help provide a greater understanding of the potential impact on the significance of the Grade II listed complex.

Schedule of Works details have been provided for most of the buildings. There are no such details for the upper floor of building 5 as, due to the condition of the building, it cannot presently be accessed. I recommend that these details are secured by condition.

There is some concern about the installation of double glazing to existing windows. Section drawings show that the existing timber window profiles are capable of an additional depth, totalling 12mm for the glazing. There remains a concern that this approach could lead to all glazing bars being remade to this profile, rather than being adapted. Where they survive in good condition existing glazing bars and other joinery elements should be retained, and if it is found to be unviable to adapt surviving glazing bars to take the double glazing, then alternative means of improving the thermal efficiency of single glazing should be considered. I recommend a condition to secure a sample of one existing unit with double glazing installed, to assess this part of the proposal, prior to the work being carried out across the whole site.

The proposed pergola and seating to the south of Building 7 would be an addition into the open space which forms part of the setting of the buildings, however the car parking has set a precedent for intrusion into the space, the trees that have grown over the years have altered the space, and the proposed attenuation features will also alter the space. Historic buildings have to be used in order for them to survive and this inevitably means some degree of change. I do not consider that the pergola and its associated surfacing would cause substantial harm to the site.

The location of the office bin store, next to the vehicle bridge, is not ideal however there are limited options to locate this. The location of the bin store for the café in Building 8 is also not ideal however it could not be located behind the building as there would not be space to move the large bins around past the side of the building. The details of the bin stores will be secured by condition.

I recommend further conditions to secure details of the external cleaning, the replacement roof timbers, new and replacement materials and details of any additional flues/extracts.

Paragraph 201 of the NPPF has been quoted by one of the objectors. This is a relevant paragraph, and reads as follows:

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

The proposed works would not lead to substantial harm to the heritage asset – on the contrary, they would be restored and further deterioration prevented. The interventions to provide double glazing and modern facilities are not considered to constitute substantial harm. This means that paragraph 202 comes into consideration, this paragraph states that less than substantial harm should be weighed against “...*the public benefits of the proposal including, where appropriate, securing its optimum viable use.*”

The proposal would secure the building in use and the proposals allow for retention of historic features and contemporary rebuild of elements that are severely fire-damaged.

Heritage Impact – Western Park

Western Park as a whole is locally listed. I do not consider that the proposed works would affect the value of the park in this respect.

Other matters

An objector has asked why some walkways around the site were demolished without listed building consent (LBC) several years ago. The external walkways were added in 1973 and although they were in situ in 2011 when the buildings were all listed, and are identified in the Official List Entry on the Historic England website, they are described as, “of plywood construction with plastic glazing... which are of no special interest”.

LBC is required for works which would alter a listed building in a way that “affects its character or appearance as a building of special interest”. Historic England states in their guidance on the topic that it is possible to undertake work to a listed building which would have no impact on its special interest.

It is therefore not considered that LBC would have been required for the works.

Conclusion

- The proposed works would restore the buildings and bring them back into beneficial use
- The demolition of certain elements that are either beyond reasonable repair or of less heritage interest is acceptable
- The construction of new elements is acceptable as these sections are of a suitable design and respect the original layout and massing of the site.

I recommend that this application is APPROVED subject to conditions

CONDITIONS

1. The works to which this consent relates shall be begun within three years from the date of this consent. (To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.)

2. Before any works take place a full internal schedule of works shall be submitted to and approved in writing by the local planning authority. The Schedule shall include:

(a) a detailed schedule confirming the extent of works to all walls, floors, ceilings and historic features to the first storey of Building 5/6;

(b) floorplans confirming the location, scope and method of the installation of all new plumbing and pipework;

(c) full details including relevant sectional drawings at an appropriate scale (1:10, 1:5, 1:2) of the location and methodology of any fire protection and acoustic/thermal separation works (ceilings, walls and floors) to all retained buildings on site;

(d) full details of the new staircase to Building 5/6

(e) details of the condition and appropriate repair or replacement of the lift doors in Building 5/6.

A photographic record of works carried out, and retained historic features, shall be kept during the works, and a copy provided to the local planning authority after the completion of works.

(In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)

3. Prior to the cleaning of the exterior brickwork, stonework and/or render, a patch test shall be undertaken in accordance with details that have previously been submitted to and approved in writing by the local planning authority. In the event that the exterior cleaning of brickwork/stonework/render is to be carried out using any other system than DOFF, details shall be submitted to and approved in writing

by the local planning authority prior to the work being carried out. The exterior cleaning shall be carried out as approved.

(In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)

4. Before any work takes place details of materials to be used on all new and existing external surfaces shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The details shall include:

(a) specification and sample of roofing;

(b) specification and sample of wall cladding;

(c) specification and sample of brick;

(d) specification and sample of rainwater goods and details of where existing rainwater goods have to be replaced;

(e) a joinery schedule showing full details including elevation and section drawings at an appropriate scale (1:10, 1:5, 1:2 or 1:1), material and surface finish for all new external windows and doors cross-referenced with their location;

(f) any exterior paint to be used.

Development shall be carried out in accordance with the approved details.

(In the interests of preserving the character, appearance and setting of the listed buildings, and in accordance with Core Strategy policy CS18.)

5. Before the double glazing is installed to the retained timber window frames, a sample of one existing window with double glazing fitted shall be prepared for inspection and approved in writing by the local planning authority. Double glazing shall be installed to other windows and doors in accordance with the approved sample.

(In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)

6. Before any work is carried out to the roof timbers the scope of the works and details of replacement timbers shall be submitted in writing to the local planning authority, and arrangements made for a site inspection. No work shall be carried out until approval has been issued in writing by the local planning authority and the work shall take place in accordance with the approved details.

(In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)

7. Prior to the installation of any mechanical and electrical services with external elements including but not limited to vents, extracts, flues, soil pipes, external lighting, security cameras/alarms, telecommunication aerials and fibre optic/telecommunications cables (where visible) details including material, colour, surface finish and scaled elevation drawings (1:50) showing the location and design shall be submitted to and approved in writing by the local planning authority.

No additional such external elements shall be installed unless details of their design and location have first been submitted to and approved in writing by the local planning authority.

Development shall be carried out in accordance with the approved details.

(In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)

8. Before any work takes place to the floor of Building 8 (to facilitate drainage works if required) details of the condition and materials of the floor and details of the proposed restoration shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

(In the interests of preserving the character and appearance of the listed building, and in accordance with Core Strategy policy CS18.)

9. Development shall be carried out in accordance with the following approved plans.

Proposed site layout, drawing no 28806(P-20)101 revision S received 17/3/2022

Site layout including Hinckley Road, drawing no 28806(P-20)107 revision F, received 17/3/2022

Building 1 floor plans, drawing no 28806(P-20)203 revision C, received 2/9/2021

Building 1 elevations and sections, drawing no 28806(P-20)205 revision C, received 2/9/2021

Building 1 Schedule of Works floor plans, drawing no 28806(P-08)101 revision D, received 2/9/2021

Building 1 Schedule of Works elevations and section, drawing no 28806(P-08)102 revision D, received 2/9/2021

Building 2 floor plans, drawing no 28806(P-20)206 revision D, received 2/9/2021

Building 2 elevations and sections, drawing no 28806(P-20)207 revision D, received 2/9/2021

Building 2 Schedule of Works floor plans, drawing no 28806(P-08)103 revision D, received 2/9/2021

Building 2 Schedule of Works elevations and sections, drawing no 28806(P-08)104 revision D, received 2/9/2021

Building 3 floor plans, drawing no 28806(P-20)208 revision D, received 2/9/2021

Building 3 elevations and sections, drawing no 28806(P-20)209 revision D, received 2/9/2021

Buildings 1, 2, 3 floor layout, drawing no 28806(P-20)201 revision D, received 2/9/2021

Buildings 1, 2, 3 front elevations, drawing no 28806(P-20)202 revision C, received 2/9/2021

Building 3 Schedule of Works floor plans, drawing no 28806(P-08)105 revision D, received 2/9/2021

Building 3 Schedule of Works elevations and section, drawing no 28806(P-08)106 revision D, received 2/9/2021

Buildings 2 and 3 Schedule of Works: window and door Sections, drawing no 28806(P-20)221 revision A, received 2/9/2021

Building 3 Schedule of Works floor plans, drawing no 28806(P-08)105 revision D, received 2/9/2021

Building 3 Schedule of Works elevations and section, drawing no 28806(P-08)106 revision D, received 2/9/2021

Building 4 floor plans, drawing no 28806(P-20)210 revision C, received 2/9/2021

Building 4 elevations, drawing no 28806(P-20)211 revision C, received 2/9/2021

Building 4 elevations and sections, drawing no 28806(P-20)212 revision E received 21/10/2021

Building 4 Schedule of Works floor plans, drawing no 28806(P-08)107 revision D, received

Building 4 Schedule of Works elevations and section, drawing no 28806(P-08)108 revision D, received 2/9/2021

Building 4 Schedule of Works window and door sections, drawing no 28806(P-08)241 received 1/3/2021

Building 5/6 floor plans, drawing no 28806(P-20)213 revision C received 2/9/2021

Building 5/6 elevations and sections, drawing no 28806(P-20)214 revision C received 2/9/2021

Building 5/6 elevations and sections, drawing no 28806(P-20)215 revision D received 2/9/2021

Building 5/6 Schedule of Works floor plans, drawing no 28806(P-08)109 revision D, received 2/9/2021

Building 5/6 Schedule of Works elevations, drawing no 28806(P-08)110 revision D, received 2/9/2021

Building 5/6 Schedule of Works elevations and sections S2, drawing no 28806(P-08)111 revision D, received 2/9/2021

Building 5 Schedule of Works window and door sections, drawing no 28806(P-08)251 received 1/3/2021

Building 5 Schedule of Works window and door sections, drawing no 28806(P-08)252 received 1/3/2021

Building 7 floor plans, drawing no 28806(P-20)216 revision C, received 2/9/2021

Building 7 elevations and sections, drawing no 28806(P-20)217 revision D received 2/9/2021

Building 7 Schedule of Works floor plans, drawing no 28806(P-08)112 revision D, received 2/9/2021

Building 7 Schedule of Works elevations S1, drawing no 28806(P-08)113 revision D, received 2/9/21

Building 7 Schedule of Works elevations and sections S2, drawing no 28806(P-08)114 revision D, received 2/9/2021

Building 7 Schedule of Works window and door sections, drawing no 28806(P-08)271 received 1/3/2021

Building 8 floor plans, drawing no 28806(P-20)218 revision D received 12/7/2022

Building 8 elevations and sections, drawing no 28806(P-20)219 revision D, received 2/9/2021

Building 8 Schedule of Works floor plans, drawing no 28806(P-08)115 revision D, received 2/9/2021 (NB: layout of accessible WC as per drawing ref 28806(P-20)218 revision D)

Building 8 Schedule of Works elevations and sections, drawing no 28806(P-08)116 revision D, received 2/9/2021

Building 8 Schedule of Works window and door sections, drawing no 28806(P-08)281 received 1/3/2021

Building 8 Schedule of Works window and door sections, drawing no 28806(P-08)282 received 1/3/2021

Building 8 Schedule of Works window and door sections, drawing no 28806(P-08)283 received 1/3/2021

Pergola, drawing no 28806(P-20)111 revision A received 26/10/2021

Bin store (Building 8), drawing no 28806(P-20)105 revision B, received 12/10/2021

Bridge link adjacent Building 8, drawing no 28806(P-20)106 revision B, received 2/9/2021

Cycle storage, drawing no 28806(P-20)103 revision B, received 2/9/2021.

(For the avoidance of doubt).

Policies relating to this recommendation

2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.