
Appeal Decisions

Site visit made on 15 August 2017

by David Richards BSocSci DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 September 2017

Appeal 1: APP/J1860/W/17/3176166

Day of Salvation Ministries Ltd, Ranelagh Road, Malvern, WR14 1BQ

- 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 Gospel Securities Ltd against the decision of Malvern Hills District Council.
 - The application Ref 16/00156/FUL is dated 2 January 2016.
 - The development proposed is conversion of Sanctuary House, Manna House and Harvest House into twenty apartments including an additional vehicular access, parking, landscaping and associated works, and chapel into office use (Class B1(a)).
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Appeal 2: APP/J1860/Y/17/3176176

Day of Salvation Ministries Ltd, Ranelagh Road, Malvern, WR14 1BQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Gospel Securities Ltd against Malvern Hills District Council.
 - The application Ref 16/00157/LBC is dated 2 January 2016.
 - The works proposed are conversion of Sanctuary House, Manna House and Harvest House into twenty apartments including an additional vehicular access, parking, landscaping and associated works, and chapel into office use (Class B1(a)).
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Decisions

Appeal 1: APP/J1860/W/17/3176166

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

Appeal 2: APP/J1860/Y/17/3176176

2. The appeal is dismissed and listed building consent is refused.

Main Issues

3. The main issues are the effect of the proposal on the significance of the heritage assets, the effect on protected species and the effect on the supply of affordable housing.

Reasons

4. The site is the former Convent of the Holy Name, or Gospel Centre, on Ranelagh Road, Malvern Link. It is a grade II listed convent comprising several individual residential houses, known as 'Sanctuary House', 'Manna House' and

'Harvest House', built in 1868-9 in a pioneering Queen Anne style designed by G F Bodley; there is a later block of circa 1906, another of 1922-3 and extensions from the 1950s. The complex includes a grade II* listed chapel in Gothic style from 1891-3 by Bucknall and Comper. The convent is within the Malvern Link Conservation Area.

5. There are two public rights of way (PROW) adjacent to the site – one to the rear of the site along the southern boundary and one adjacent to the eastern site boundary from Goodson Road to the Malvern Retail Park. Both PROWs are outside of the appeal site.
6. The site is predominately surrounded by residential properties to the north and west, a large industrial estate to the south and Malvern Retail Park to the east.
7. There is a history of applications on the site. A permission to convert the existing buildings to 9 dwellings and change of use of the chapel to office use was granted in 2013. A permission for the erection of 12 dwellings on the existing car park and a pair of semi-detached dwellings south-west of Salvation House was also granted in 2013. These permissions are no longer extant.
8. An application for the conversion of Salvation House (outside the current appeal site) to form 6 apartments was approved in 2017. A further application for the erection of 14 dwellings on land east of Manna House and Salvation House is currently under consideration by the local planning authority, subject to the completion of a S106 obligation.
9. The appeals are against non-determination. However the Council has set out what its refusal reasons would have been had it retained jurisdiction.
10. The principal concerns addressed in these putative reasons are that:
 - i. the proposed extent of demolition of internal walls, particularly in Manna House, which would result in the loss of a significant amount of historic fabric. Other internal and external alterations are also proposed to Harvest House and Sanctuary House which are considered unsympathetic and harmful to the significance of the assets. It is also considered that insufficient information has been submitted to justify the loss of historic fabric and proposals to insert a suspended three-storey structure into the interior of the chapel. These matters are not outweighed by public benefits;
 - ii. the reduction in garden space to the south of Manna House to accommodate car parking would be harmful to the setting of this building and the group value of all the listed buildings on the site. The car parking proposed does not meet the County Council parking standards;
 - iii. Insufficient information has been submitted on the potential impact on bats;
 - iv. There is no section 106 obligation to secure the provision of affordable housing.
11. The first three of these are relevant to both applications. The fourth only applies to the planning application.

Development Plan

12. The development plan for the area includes the South Worcestershire Development Plan, adopted on 25 February 2016. Policy SWDP 1 reflects the approach to decision making set out in Paragraph 14 of the Framework. Policy SWDP 15 sets out criteria on which negotiations for affordable housing provision will be based, having regard to housing need, specific site and location factors and development viability. Sub paragraph iii is relevant to this appeal and states that on sites of 15 or more dwellings on brownfield land within Worcester City and Malvern Hills, 30% of the units should be affordable and provided on site. Where a robust justification exists there is provision for affordable housing to be made off site (Criterion C). Where viability is in question, the maximum proportion of affordable housing will be sought that does not undermine the development's affordability.
13. Policy SWDP 21 expects development to achieve high quality design which integrates effectively with its surroundings, reinforces distinctiveness and conserves or enhances cultural and heritage assets and their settings. Policy SWDP 22 resists development that would be harmful to protected species, and promotes biodiversity within and adjoining development sites. Policy SWDP6 promotes the conservation and enhancement of heritage assets, and Policy SWDP 24 reflects the approach to decision making on heritage matters set out in section 12 of the Framework.

Effect on heritage assets

14. Manna House, Harvest House and Sanctuary House were among 5 houses commissioned by the Rev G Herbert, who founded the Community of the Holy Name in 1865. The design was undertaken by G F Bodley, a notable Gothic revival architect. The buildings are constructed of red brick in Queen Anne style, their exterior widow dressings, decorative cast iron hoppers and abundant windows displaying a variation in shapes of dormers and pediments. The interiors display modest detailing to shared spaces and bedrooms with more extravagant interior mouldings to principle ground floor rooms. There are some unusual circular sash windows to the rear of Manna House.
15. The loose knit layout with former gardens and open spaces, as well as the cohesiveness of materials and commonly shared design details contributes to the group value of the buildings, which make a positive contribution to Malvern Link Conservation Area (CA) as well as to their communal setting. The buildings are notable in context for their strong vertical emphasis and assymetrical elevations, which testify to the significance of Anglo-Catholic teaching and envangelism in the late Victorian period.
16. Historic England have previously expressed concern about the condition of the convent buildings which were deteriorating and welcomed the proposed use of these redundant buildings as residential units. They were also supportive of the principle of the proposal to convert the chapel into an office development, subject to detailed considerations discussed below.

The Chapel

17. The Chapel was built between 1891 and 1893 and was linked to the existing convent buildings with a covered cloister. It is a significant example of a former ecclesiastical building designed by eminent gothic revival architects. While

some features of the chapel have been lost to decay and vandalism, many significant decorative features remain, including the high barrel vaulted ceiling, reredos, stained glass windows and carved screen. It is listed Grade II*.

18. The proposal is to add a three-storey insert into the interior, leaving the east and west ends free. While the principle of conversion to office use is not disputed, Historic England (HE) and the Council's Conservation Officer have raised concerns about the proposed lift/staircase core, particularly its overrun on the second floor, the 'solidity' of the proposed free-standing structure, detailing of the junction with the gallery balustrade and further evidence of how the visibility and experience of significant features of the interior would remain unharmed. It is suggested that the lift shaft should be reduced in height and that the balcony structure should be moved back from the traceried screen so that there is a clear view of this feature. Further detail is also required on the treatment of remaining benches and lighting installations.

Manna House

19. Manna House (formerly Ranelagh House) was extended to the east between 1886 and 1903. The plan form of both Manna House and Harvest House, are demonstrative of their former use as accommodation for the convent, with regular partitioning of dormitory spaces flanking a central corridor at first and second floor level. Some remaining doors to bedrooms still display their occupants' names and the door to the former Refectory in Manna House still bears its religious inscription.
20. It is proposed to convert Manna House into seven dwellings, allowing three existing staircases to be retained and a new staircase to be introduced. At ground floor level the amount of partitioning proposed is relatively modest. At first floor level, partial removal of the existing corridor is needed to allow for more serviceable habitable space. The Appellant considers that remodelling the second floor is particularly challenging because the rooms are almost entirely cellular in character, constructed within steep and complex roof shapes, with rooms flanking the corridor having the character of box rooms. Consequently much of the corridor would need to be removed, and loads redistributed using cranked steelwork or timbers.
21. The Council and HE were particularly concerned with the extent of demolition of interior partitions, which reflect the historic use of the buildings as a convent. There would also be some loss of historic timbers in the second floor roof structure which again reflect the historic use. Concern was also raised with the proposed bay window on the south elevation, which it is suggested does not fit with the proportions of this elevation or relative status of the basement level, and with the design of the new ground floor window on the east elevation.

Harvest House and Sanctuary House

22. Harvest House is described as formerly being a small gatehouse, which was later enlarged to the north. There is some high quality interior detailing in this building, such as the decorative Chinoiserie handrail to the east staircase.
23. Harvest House would be converted to five dwellings. The ground floor contains large, relatively plain spaces that were originally used as the refectory and kitchens. The Appellant considers that the proposed subdivisions would not be substantially different to the previously approved scheme. At first and second

floor levels the irregular grid of small equally sized rooms is difficult to make work well for modern residential use, and substantial remodelling is proposed.

24. Sanctuary House was formerly the Diocesan penitentiary. It was made up of three adjoining houses. Most of the rooms in the building are simple and undecorated with the exception of cornice mouldings in circulation spaces and the principle ground floor rooms. Though rooms in this building have been subdivided and the circulation blocked, this is one of the only buildings where the original fire surrounds remain in situ, as well as six panelled doors.
25. The Appellant considers that the appeal proposals would retain most of the original layout of Sanctuary House, with the exception of two openings that have been formed in the past at basement and ground floor levels. It is argued that the number of alterations proposed is remarkably slight. All existing staircases would be retained and reused, either serving as a single property or in one case remaining as a common stair serving apartments on each floor. The back to back staircases proposed to provide access to units 5 and 6 would require some division at ground floor level, to facilitate fire separation. On the first and second floors, a limited amount of removal of existing walls is proposed to enlarge principal rooms.
26. The Council considers that insufficient information has been provided to justify the extent of demolition in both houses. They say it is unclear how the utilitarian nature of these spaces will be retained. The demolition of the wall between the kitchen and the living room in Unit 8 and the demolition of the wall between Bedroom 2 and the Master Bedroom is potentially harmful and requires further justification, and no detail has been provided on the division of the back to back staircases. No detail has been provided on the boundaries to the lightwells, or how the new door is to be accessed.

Extent and location of parking

27. The Highways Authority accept the quantum of parking provision for the residential development, but question the provision for the office use, together with the detail of the proposed layout.
28. With regard to the amount of parking, the County Council's parking policy would require 40 spaces for 20 dwellings. Having regard to the proposed dwelling mix within the site, I would question the need to provide 2 spaces for every dwelling. The site is close to Malvern Link, to the facilities on the adjacent Retail Park (including a superstore) and appears to be relatively well served by public transport. It is within easy walking and cycling distance of a number of facilities. Potential employees in the office use would also have the opportunity of reaching work using alternatives to the car. There are also on-street spaces available in Ranelagh Road which did not appear to be under any particular pressure at the time of the site visit.
29. The application drawings include very little detail on which to assess the impact of the proposed parking areas on the setting of the listed buildings and conservation area. 10 spaces are proposed within the courtyard which would have a significant effect on the character and appearance of this tranquil formerly communal space. A substantial proportion of the parking provision would be in the area to the south and west of Manna House.

Conclusion on heritage impact

30. It is apparent that the original devotional use of the buildings for a closed spiritual community centred on worship in the chapel will not now return. It is not in dispute that some internal alterations are necessary to make the buildings suitable for modern residential occupation and bring them back into economic use and thereby facilitate restoration. It is the extent of change now proposed that is in issue in this appeal. Manna and Harvest Houses contain substantial amounts of cellular accommodation. Sanctuary House was previously altered in the late twentieth century to create bed sit flats with shared kitchens.
31. I acknowledge that the previous conversion scheme for 9 dwellings is no longer an extant permission. Nevertheless that scheme involved a considerable amount of internal re-ordering and demolition, which nevertheless was considered to be acceptable at the time. While the present scheme is different, the proposed reordering of the residential elements is comparable to the previously approved scheme. I find there is merit in the argument that the conversion proposed in this application, subdividing the residential buildings into smaller units would reflect more closely the original use.
32. With regard to the chapel the principle of re-use for office space is accepted. In my judgment the proposals would be considerably more sympathetic than the previous approved scheme for the insertion of cellular accommodation. The floor plates would be pulled away from the existing structure, to leave the ceiling and other architectural details and glazing open to view. To my mind this would satisfactorily address the requirement to retain as much as possible of the significance of the asset, given that there is no realistic prospect of it being retained for worship.
33. I accept that there would still be some change involving loss of historic fabric, amounting to less than substantial harm to the significance of these buildings, particularly the loss of the corridor layout and small rooms in the roofspace on the second floor of Manna House. Nevertheless, in my judgment, this harm would, in principle, be capable of being outweighed by the public benefit of the restoration of these important heritage assets which are under threat of deterioration attendant on disuse and, in the case of Sanctuary House, underoccupancy.
34. In my view much of the proposed change to the fabric would be acceptable in principle, including the two-storey bay on the south elevation of Manna House. However, I share the Council's concern that some significant matters of detailing remain unresolved, and in view of the undisputed architectural and historic importance of these assets, I do not consider that such details are appropriate to be dealt with by way of conditions. In particular I consider that the lift overrun in the chapel, the treatment of the back to back staircases in Sanctuary House, the lowering of external levels to create light wells, the details of reinstatement following the removal of the single storey extension to Sanctuary House and the layout and disposition of parking and amenity areas are matters on which further information and detailing is required before planning permission and listed building consent can be granted. Such matters go to the significance of the assets, and are not appropriate to be dealt with by conditions.

35. With regard to the external areas, I share the Council's concern that, in view of the relative intensity of the proposed use, much of the space that would otherwise be available for amenity use and to provide a setting for the listed buildings would in practice be required for car parking, circulation and turning.
36. I accept that these issues may be capable of being resolved through careful design, and that an intensive use may represent the best viable option for restoring the buildings to optimal use, which could outweigh the harm to significance. However I find that the level of detail provided in the application leaves too much uncertainty as to the impact of the development on the setting of the listed buildings and the character and appearance of the conservation area in which it lies.

Ecology

37. The Council questions the validity of the ecological appraisal and the manner in which it has been compiled. An ecological appraisal of all buildings was undertaken in November 2015. In this report a 2011 appraisal is mentioned along with 2012 bat emergence and dawn return surveys. In the Council's view, the 2012 surveys are out of date and do not provide acceptable evidence of lack of use by bats, as the site has deteriorated and it has greater potential for use by bats.
38. The ecological appraisal referred to the previous surveys, and concluded that a hibernation survey would be needed for Sanctuary House to determine how many bats use the basement as a hibernation roost. It stated that it is clear that the roof space of Harvest House is used by roosting bats and all of the buildings have a number of crevices that could be used by bats. The potential for bats to use these features for roosting is regarded as moderate to high, and further surveys would be required to determine their presence or absence. Mitigation would be dependent on the outcome of further survey work, but a likely programme of mitigation measures would include retention of a suitable hibernation roost for Lesser Horseshoe Bats, retention of loft spaces in Harvest House, Retention of gaps between roof tiles through the use of raised ridge tiles or curved bat tiles, timing of repair works and remedial treatment.
39. The appraisal concluded that the work would need to proceed under a licence from Natural England, as it would involve interfering with the habitat of protected species. The appraisal itself recommends that further survey work should be carried out before the full impact on protected species can be understood. To my mind this work would be required to establish an appropriate package of mitigation measures and a mitigation plan that could be made the subject of a condition. While I consider that this matter is capable of satisfactory resolution, there is insufficient information at present on which to formulate an acceptable condition.

Affordable housing

40. The Council accepts that due to the heritage significance of the buildings an offsite provision would be acceptable, and has sought a financial contribution towards the provision of 8 units on an alternative site by a Registered Provider, plus an additional 0.7 units (based on a 30% contribution where 20 dwellings are to be provided on site). This equates to a financial contribution of £473,729.50. No agreement has been provided to secure such provision.

41. The Council also considers that the Appellant has not provided an up to date viability statement to demonstrate that the development would be made unviable at this level of contribution.
42. National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.
43. While Sanctuary House is partially occupied at present, the building is in need of substantial restoration. An acceptable restoration scheme would bring back these important buildings into use and secure their future. On the information currently available to me, I consider that the vacant building credit would be relevant to this scheme, and that a discount equivalent to the gross floorspace of relevant vacant buildings should be applied when considering affordable housing contributions.

Other matters

44. A further shortcoming of the application as it stands concerns the provision of a block of 6 spaces in the north-west corner of the site, adjacent to the chapel. The red line application plan does not give any indication of how this part of the site would connect to Goodson Road, or whether such access would be achievable. Without this, it is not clear that this element of the parking provision would be available. I note the Appellant suggests that a Grampian condition could be used in this instance, but ministerial advice is that such conditions should rarely be used, and only where a development is of strategic significance. That does not apply in this case.

Overall conclusion

45. For the reasons given, I consider that the scheme in its current form would be harmful to the character, appearance and setting of the listed buildings which lie within Malvern Link Conservation Area. The harm would be less than substantial, and is capable of being outweighed by the benefits of bringing these buildings back into use and securing their future. I acknowledge that there is considerable merit in the appeal scheme, subject to the resolution of a number of outstanding issues. However, given the high significance of these assets, further detail is required to ensure that harm to significance would be minimised, particularly in respect of the chapel interior, the interior of Sanctuary House, and the integration of parking requirements into the settings of the buildings. These matters go to the significance of the assets and are matters of considerable importance and weight, which are not therefore suitable to be addressed by conditions. Further work is also needed before potential effects on protected species can safely be addressed by condition. Accordingly I conclude that the appeals should be dismissed, and planning permission and listed building consent refused.

David Richards

INSPECTOR