

4 DCNE2003/3706/F - CHANGE OF USE TO RESIDENTIAL 3 NO. APARTMENTS, 3 NO. HOUSES, GARAGES AND PARKING SPACES AND ASSOCIATED DRAINAGE AT STRETTON GRANGE RETIREMENT HOME, STRETTON GRANDISON, LEDBURY, HEREFORDSHIRE, HR8 2TS

For: KMH Property Developments Ltd. Development Design Partnership Sandford House 6 & 7 Lower High Street Stourbridge West Midlands DY8 1TE

Date Received:
10th December 2003

Ward:
Frome

Grid Ref:
63113, 44069

Expiry Date:
4th February 2004

Local Member: Councillor R Manning

1. Site Description and Proposal

- 1.1 The application site comprises Stretton Grange and its grounds, but excludes the Grade II Listed Barn to the rear of Stretton Grange itself.
- 1.2 The site is located on the outside of a bend on the A417 and is situated within the Stretton Grandison Conservation Area.
- 1.3 The proposal is for the conversion of Stretton Grange to 3 two-bedroomed apartments and the erection of 3 detached dwellings on the eastern side of the site. Plot 5 lying to the rear of the site is for a large exposed timber framed dwelling with four-bedrooms and a detached double garage. Plot 6 is also for a four-bedroom dwelling of cottage like appearance whilst Plot 7 proposes a five-bedroomed house which projects forward of Stretton Grange of a much more formal style not dissimilar to Stretton Grange. A detached double garage is also included, this property includes two-bedrooms within the attic space within the 2 1/2 storey design. The ridge height of this particular property is approximately 9.3 metres. Access to Plot 7 is via the existing hard surface area in front of Stretton Grange. Access to Plots 5 and 6 is via a new driveway which runs along the western and northern boundaries of the site involving excavation and a timber crib retaining structure, between the barn on the eastern side of this new drive and the existing property known as The Cedar to the west.
- 1.4 The eastern boundary of the site consists of a number of mature trees subject of a Tree Preservation Order. An Arboricultural Report has been provided with the application which suggests that only five trees will need to be removed with remedial workes required to a further eight.

2. Policies

Malvern Hills District Local Plan

Housing Policy 4 – Development in the Countryside
Housing Policy 17 – Residential Standards
Conservation Policy 1 – Preserving or Enhancing Conservation Areas
Conservation Policy 2 – New Development in Conservation Areas
Conservation Policy 3 – Setting of Conservation Areas
Conservation Policy 11 – The Setting of Listed Buildings
Conservation Policy 14 – Re-Use of Large Country Houses
Landscape Policy 10 – Tree Preservation Orders

Hereford and Worcester County Structure Plan

Policy H20 – Residential Development in Open Countryside
Policy CTC11 – Trees and Woodlands
Policy CTC13 – Conversion of Buildings
Policy CTC15 – Conservation Areas

Herefordshire Unitary Development Plan (Deposit Draft)

Policy H7 – Housing in the Countryside Outside Settlements
Policy LA5 – Protection of Trees, Woodlands and Hedgerows
Policy HBA4 – Setting of Listed Buildings
Policy HBA6 – New Development within Conservation Areas

3. Planning History

MH1317/86 - Proposed dwelling and garage at Stretton Grange Residential Home. Refused planning permission 4 August 1986.

MH2925/87 - Change of use of existing outbuilding and extension to existing house for residential home. Planning permission and listed building consent refused 14 March 1988.

MH1260/85 - Conversion and renovation of outbuildings to form two self-contained dwellings. Refused 29 July 1985.

MH91/1007 - Extension to existing rest home. Approved 2 September 1991.

MH96/0240 - Renewal of MH91/1007. Approved 29 April 1996.

MH97/0825 & 0826 - Planning permission and listed building consent. Approved 9 March 1998 for conversion of redundant agricultural buildings to form two dwellings.

NE01/2941/F - Change of use of residential care home to hostel accommodation. Approved 16 January 2002.

NE03/2574/F - Conversion of Stretton Grange to three apartments and erection of five dwellings. Application withdrawn 15 October 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency comment: 'The Agency are on the understanding that a connection to the mains foul sewer is considered to be impracticable. The Agency have therefore considered the non-mains drainage scheme as proposed, in line with Circular 3/99 (Planning Requirements in respect of Non-Mains Sewerage). The additional information shows that a Klargester Biodisc treatment plant is proposed, discharging through an existing outfall to a watercourse on the eastern boundary of the site.

On the understanding of the above, the Agency wishes to withdraw its previous holding objection and has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning condition is imposed:

Condition: The foul drainage from the proposed development shall be discharged to a package sewerage treatment plant which meets the requirements of British Standard BS 6297:1983.

Reason: To prevent pollution of the water environment.'

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objections subject to conditions.
- 4.3 Public Rights of Way Manager advises that public footpath ESG22 crosses the north-east corner of the site and advises that the garage on this plot should be located not less than 16 metres from the corner to avoid the public right of way.
- 4.4 Chief Conservation Officer recommends imposition of standard archaeological condition. Comment is also made upon the aboricultural report advises that 5 significant trees have either been omitted or wrongly plotted on the layout giving the impression there will be less impact on the trees than is actually the case. A slight amendment to the layout would minimise the damage to the trees.

In terms of the impact of the proposal upon the Setting of the Listed Building and upon the character of the Conservation Area the following appraisal has been submitted:

'Character assessment of building: Stretton Grandison is a small hamlet with the conservation area centering on Stretton Court. It is situated in a rural context with an attractive backdrop of open countryside and the high landscape quality of Homend Park, and is dissected by the A417. It is characterised by the informal, loose grouping of vernacular buildings with important open spaces and mature trees between these groups, which adds considerably to the rural character and high environmental quality. A significant number of the buildings within the Conservation Area are listed which reflects the high quality and interest of the historic built environment.

Comments: I would strongly contest that the previous decision relating to this site (MH96/0246) sets a precedent for the current application. The previous submission was for an extension to a nursing home and was therefore assessed under criteria in relation to this use, and most importantly as an extension to an existing building.

Stretton Grandison has no settlement definition or boundary and any new build is not therefore acceptable in principle as it is deemed to be development within the open countryside. The principle of residential development of this site has not, therefore, been established, and is contrary to policy. The fact that the previous application has been implemented should not be a material consideration in assessing the appropriateness of current proposals.

There are strong objections to the current application both in principle and in terms of the significant and highly detrimental impact proposals will have on the character and appearance of the conservation area. Secondary to this are concerns regarding the impact on the setting of listed buildings both within and adjacent to the site. The open spaces between groups of buildings are important to the character of the area and this site currently provides a clear distinction both visually and physically between Stretton Court and its associated outbuildings as a group, and the Grange with its listed barn to the rear. Notwithstanding in principle objections the infill proposed is of a scale and density that is inappropriate within this context, would severely compromise the distinction between groups of buildings, and which subsequently fails to respect the pattern of historical development which is so important to this conservation area. The impact on the street scene will be significant with the proximity and large scale of the new dwellings appearing incongruous, especially in the extent to which the proposed new dwelling to the frontage will compete with Stretton Grange. This dwelling is of comparable scale with the Grange, is sited closer to the road, and has a garage and curtilage wall that add to the impression that it is the principle building on the site. This curtilage wall overlaps the Grange, which further exacerbates the uncomfortable relationship between the two buildings. While the retention of the majority of mature trees on the site is welcomed, this does not alleviate the above concerns.

The proposed access road would have an adverse impact on the appearance of the conservation area in its own right. This road would be a visually prominent built element both within the site and on the immediate approach from the east, given the height of the bank into which it is to be cut and the urban/industrial nature of the retaining wall. I remain to be convinced that its appearance could be softened through planting adequately enough to overcome these concerns due to the scale of the reformation of the land. The undulating topography contributes to the high landscape quality of the area and the proposed access would be a visually harsh and incongruous element in this context. There were also some minor concerns regarding the proximity of the access to the listed barn both in terms of setting and in possible supporting works that may be required to the barn as a result.

The retention of the courtyard between the Grange and barn is welcome although their context will be adversely affected. The setting of the barn will be compromised by the cumulative impact of proposed development due to its density and proximity. An integral part of the setting of both this building and Stretton Court and its curtilage outbuildings is their group relationship, which it has been demonstrated will be severely compromised.

There are also some minor concerns regarding the proposed extensions to Stretton Grange which sit uncomfortably against the host building and fail to preserve or enhance its historic character and appearance. A conservatory may have been more appropriately located in the position of the garage and an independent garage constructed. However, an independent garage could feasibly only have been located to the front of the house (detracting further from its setting and the conservation area), because of the lack of opportunity for alternative sites, due in part to the density of development proposed.

Conclusion: The principle of a residential use is unacceptable given that the site is within the open countryside. Proposals would have a detrimental impact on the character and appearance of the conservation area, fail to respect historic development patterns, and subsequently adversely affect the group value and setting of adjacent listed buildings.'

5. Representations

5.1 Stretton Grandison Parish Council approves the revised application making the following comments:

'Every effort should be made to retain as many trees as possible.

- a) Maintenance of retaining walls should be insured.
- b) Drainage from both effluent and storm water is crucial and careful consideration should be given to the best methods for dealing with these.
- c) The Parish Council is concerned that the Planning Department is likely to turn down the application and that this will pave the way for the original approved application to build large extension to the main house to be carried out by the developers. I would reiterate that Stretton Grandison Parish Council and local residents are unanimous in their support of the above revised planning application and would ask the Planning Department to bear this in mind when reaching any decision.

5.2 Letters of support have been received from Stretton Court Farm House, The Cedar, The Threshing Barn, Stretton Court The Old Hop Barn. The letters are summarised as follows.

- a) The proposal is less intrusive than previous planning permission and the least harmful proposal to date.
- b) It will permanently remove any extant permissions.
- c) The proposal is in keeping with the village and is better than the plans for a hostel.
- d) It will save many of the trees subject to Tree Preservation Order that are a major part of the local skyline and a habitat for many birds. In addition further representations have been received from these addresses advising concern of the delay in the determination of the application and that planning permission may not be granted and that either the previous extensions to the care home or the ladies hostel may result.
- e) One of the above letters is subject to the proviso that trees are protected on the eastern boundary especially the large horse chestnut, there is no erosion of the bank and no storm water drainage or sewage overflow onto the adjoining site. A further letter of representation from Stretton Cottage has been received expressing concern about sewage problems in the area and highway safety issues.

5.3 A letter of concern about drainage issues and highway safety has been received from Stretton Cottages.

5.4 In support of the application the applicants agent advises:

'...the revised scheme now being resubmitted is as far as my client can go and still make the scheme viable and unless we are successful with this application my Client would have no alternative but to construct the approved extension to the care home, which he does not want to do. We know the residents of Stretton Grandison do not want the extension built.

Surely our amended scheme shows significant improvement over the existing extension of the nursing home and that the Council has the opportunity to get rid of an inherited approval that no one wants, we believe the points our scheme scores over the approved extension are:

- All the TPO trees will be retained.
- The impact on the listed barn would be much improved.
- The character and appearance of the Conservation Area would be kept intact.
- Retention of privacy and amenity of neighbours.
- Local residents support our proposals.
- The proposed scheme would sit well into the surroundings.
- All of the above would be lost if the extension was constructed.

We have made some minor revisions to the layout to take into account your comments contained in your letter of 31st October 2003, namely we have reduced in size the footprint of house type on Plot 6 but we must achieve a 4 bedroom house on this plot to make it viable.

Plot 7 this house type has been pushed back by 2 metres.

Access road 6 metres radii at junction turning head increased to 16 metres, the access road would remain private and would not be offered for adoption.

Private drive serving plots 5 and 6. Turning area of plot 5 shown. 2 no. passing places shown.

We are awaiting Tree Report this will be sent direct when available.

We believe that the revised scheme has so much going for it and that it shows such a significant improvement over the approved extension to the care home, and also the support given by the local residents that the Council will find it very hard to refuse the application, but if they are to refuse our application I hope someone will explain the reasons for refusal to the local residents, so that they will know the reasons why my client is building the approved extension.'

5.5 The Agent has also submitted a note to him from his legal adviser commenting upon the advice offered by Senior Planning Officer, about the extant permissions upon planning policies and the fall back position and case law. It also suggests that there is a fatal flaw in the recommendation for refusal that no consideration has been taken of the material considerations presented in the note nor to the fact that case law rehearses a fall back position supporting the case here.

5.6 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 Since no settlement boundary has been defined for residential development in Stretton Grandison the proposal falls to be considered primarily against Housing Policy 4 of the Malvern Hills District Local Plan and Policy H20 of the County Structure Plan. The proposal does not represent any of the exceptional circumstances in which residential development can take place in such locations. Consequently the proposal is contrary to those policies.
- 6.2 The application is presented as an alternative to existing development previously permitted on the site for extension to the former residential care home. This was most recently approved under code MH96/0246 on 29th April 1996. By virtue of compliance with necessary conditions and commencement of excavation that permission remains extant. That permission was for a large 2-storey extension linked to the main house above a single storey and two-storey element. For ease of comparison copies of the plans will be available through the PowerPoint presentation. It would appear from comparison of the layouts that the care home extension being located approximately 2 – 3 metres closer to the eastern boundary would have a greater impact on the trees within the area defined by the Tree Preservation Order.
- 6.3 The existence of the extant permission is clearly a material consideration and has not been ignored as the applicant's legal adviser suggests, although the note was submitted prior to preparation of the report. It is a matter of individual interpretation as to what weight can be afforded that previous permission, together with the permission for the conversion of Stretton Grange to a ladies hostel.
- 6.4 In considering the weight to be given to the previous permission for the extension it is necessary to consider the impact of both the proposal and that early permission upon the setting of a listed barn behind Stretton Grange and upon the impact on the character and setting of the Conservation Area. In this regard Members are referred to the advice from the Chief Conservation Officer. In terms of comparison with the main street scene the proposed 2½-storey dwelling competes with Stretton Grange whilst the extension to the nursing home being much plainer is clearly subservient to it and it is assumed that it was on that basis that the previous permission was granted.
- 6.5 In terms of highway safety issues and amenity to adjoining neighbours the proposal is considered acceptable. When treated on its merits the current application is clearly contrary to Policy and considered detrimental to the character and setting of both the listed building and Stretton Grandison Conservation Area. Even setting against this the material consideration of the permission for the extension it is considered that the proposal remains unacceptable. The issue of the conversion of Stretton Grange to the ladies hostel adds little weight to this argument.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 It is considered that the proposal is contrary to Housing Policy 4 of the Adopted Malvern Hills District Local Plan and Policy H20 of the Hereford and Worcester County Structure Plan in that it proposes residential development in the open countryside. It does not appear to the local planning authority there is sufficient justification for the development to override these policies.**

- 2 It is considered that the proposal will have a detrimental impact upon the character and appearance of the Stretton Grandison Conservation Area and the Setting of the adjacent Listed Buildings contrary to Conservation Policy 2 and Conservation Policy 11 of the Adopted Malvern Hills District Local Plan.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.