

MEETING:	PLANNING COMMITTEE
DATE:	7 April 2017
TITLE OF REPORT:	163646 - DEMOLITION OF THE FORMER OFFICE BUILDINGS AND THE REDEVELOPMENT OF THE SITE TO PROVIDE A 70 BED CARE HOME (USE CLASS C2) AT BROCKINGTON, 35 HAFOD ROAD, HEREFORD, HR1 1TA For: Prime Care Home Developments 2 Limited/Hereford Care Home Limited per Mr Bob Smaylen, 5 The Triangle, Wildwood Drive, Worcester, WR5 2QX
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163646&search=163646
Reason Application submitted to Committee – Council Land	

Date Received: 15 November 2016 **Ward: Eign Hill** **Grid Ref: 352487,239650**
Expiry Date: 21 February 2017
Local Members: Councillor CA North

1. Site Description and Proposal

- 1.1 Detailed planning permission is sought for the demolition of the existing buildings and erection of a 70-bed 2 ½ storey care home (use class C2) at Brockington, 35 Hafod Road, Hereford. The application site encompasses the former Council occupied offices and the majority of its grounds, but excludes the over-spill car park to the south-east; which has the benefit of planning permission for a residential scheme approved at Committee on 2 November 2016 – reference 162264. The redevelopment involves the demolition of Brockington House.
- 1.2 The site is thus served by the northernmost of the two former points of vehicular access from Hafod Road and extends to include the majority of the surrounding landscaped grounds. The south-eastern site boundary runs perpendicularly from Hafod Road in a straight line passing just beyond the end elevation of the existing building, which when in use housed the Committee Chamber; before terminating at the boundary with the rear gardens of the mid-C20th dwellings on Brockington Drive. The site extends to 1.16 hectares in total.
- 1.3 There is a ‘finger’ of land in the northern part of the site beyond the original Brockington House which separates Brockington Drive from dwellings on Hafod Road. Off-site to the immediate north-west is the period property No.21 Hafod Road and two later dwellings that appear to have been constructed in the latter half of the C20th; these are No.25 and No.27 – both of which share a boundary with the application site.
- 1.4 The site is within the Hafod Road Conservation Area, designated in February 1992. Hafod Road is located to the east of the city centre, linking Ledbury Road to Old Eign Hill. The northern boundary of the Conservation Area is contiguous with the southern boundary of the

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

Bodenham Road Conservation Area on Ledbury Road. It is made up of predominantly late Victorian development with around two thirds of the properties being constructed between 1887 and 1904. During the period 1904-1929 a further eight properties were constructed including Brockington House and Lodge.

- 1.5 Hafod Road rises quite steeply from its northern end to its peak near the grounds of Brockington. In this half of the Conservation Area the building line is close to the carriageway and as a result the properties form a prominent feature within the street scene.
- 1.6 The southern section of the Conservation Area is characterised by larger houses set further back from the carriageway than those described above. There is a strong presence of large mature trees which combined with grassed banking to the east side of the road and some tall stone boundary walls to the west give this area a peaceful and secluded character.
- 1.7 Brockington and its grounds form a substantial part of this half of the Conservation Area. About a third of the original grounds have been developed for housing, and the building itself has undergone several extensions. Large areas of car parking have been provided leaving only the grounds to the north east relatively intact.
- 1.8 The application site is covered by a number of individual and group Tree Preservation Orders, reflected in the arboricultural impact appraisal and working method statement accompanying the application.

The Proposal

- 1.9 The proposal involves the demolition of all structures on site, including the original Brockington House (1909) and replacement with a purpose-built residential care facility comprising 70 single-occupancy en-suite rooms and incidental facilities. Bedrooms are located on ground and first-floor, with the majority of staff facilities and service accommodation located in the roof space.
- 1.10 The materials proposed are red brick, with a lighter brick detail for contrast under a slate roof. It is intended that render be deployed as a means of breaking up the façade, but on a basis that reflects the function of the internal area.
- 1.11 The scheme has been amended during the course of the application in response to input from the Conservation Manager. The amendments comprise the remodelling of the main entrance point at the fulcrum of the two wings, and the addition of dormer windows into certain of the roof-slopes to break up the massing and add a domestic scale to the architecture.
- 1.12 Surrounding land uses are exclusively residential. Post-war two-storey dwellings are found on Brockington Drive and Quarry Road to the north-east. The rear gardens of these dwellings form the common boundary with the development site referred to at 1.1 above, to the immediate south-east. Hafod Road runs along the south-west boundary, with the above-described gardens to Nos. 25 and 27 at the north-west. Figure 1 below denotes the existing footprint (shaded grey and edged in red), and the proposed footprint in black.



Figure 1: Existing and Proposed footprint comparison

- 1.13 It can be seen from Figure 1 that insofar as the relationship with Brockington Drive properties is concerned the distance from the boundary is relatively similar. The marked distinction is the projection towards Hafod Road parallel to the south-eastern boundary.
- 1.14 Parking is laid out in front of the building, with the existing access utilised and 28 parking spaces denoted, with 3 overspill spaces. The arrow on Figure 1 denotes the main entrance, with the communal area here acting as a fulcrum or pivot for the two wings. This drawing also gives an indication of the root protection areas of the numerous trees on site.
- 1.15 Figure 2 below is a comparison of the proposed elevations and gives an indication of building heights as existing and proposed. It can be seen that in general terms the proposed building has a ridge height that is commensurate with or lower than the existing.



- 1.16 The site is within flood zone 1 and yet as a consequence of the site area extending to >1ha a flood risk assessment is submitted. Other technical studies accompanying the submission include:-
- Planning Statement
 - Heritage Assessment
 - Arboricultural Impact Assessment, working method statement and tree constraints plan
 - Design and Access Statement
 - Transport Statement
 - Statement of community involvement – this relays the public exhibition and associated advertising held prior to the submission of the application
 - Ecology report &
 - Framework travel plan
- 1.17 The Planning Statement to a degree but the Heritage Assessment in particular, provides an analysis of Brockington and its history, describing its erection in 1909 as one of the more significant Edwardian villas erected at the time; noteworthy because of its prominent position and large, landscaped grounds. Both documents conclude that the contribution the *building* makes to the character of the conservation area is much reduced as a consequence of its later public ownership and periodic extension and alteration. Heritage matters and the approach to decision-making are explored more fully in the following sections.
- 1.18 The Council has adopted a Screening Opinion that concludes the development is not EIA development.

2. Policies

2.1 Herefordshire Local Plan

- 2.2 The Development Plan for the area is the Herefordshire Local Plan which comprises, for the purposes of this application, the Core Strategy
- 2.3 The CS pursues three themes and twelve objectives under the headings of Social Progress, Economic Prosperity and Environmental Quality. These are, in my view, equivalent to the three roles of sustainable development described in the National Planning Policy Framework (NPPF). CS Policy SS1 imports a similar decision-making test to that set out at Paragraph 14 of the NPPF. In effect, development that accords with the CS should be approved without delay.
- 2.4 Where policies are absent, silent or out-of-date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in national policy taken as a whole or specific elements of national policy indicate that development should be restricted.
- 2.5 Policy SS4 is the strategic policy concerning movement and transportation, with developments designed and located to minimise the impacts on the transport network; ensuring that journey times and safe operation of the network are not detrimentally impacted. Where practicable, development should be accessible by and facilitate a genuine choice of modes of travel.
- 2.6 Policy SS6 underpins the CS objectives surrounding environmental quality and local distinctiveness. The policy requires development proposals to be shaped through an integrated approach to planning the identified environmental components from the outset. Of relevance to this proposal is townscape and local distinctiveness, historic environment and heritage assets and local amenity. The final paragraph to SS6 refers to the advent of other development plan documents and their role, in time, in defining local distinctiveness. A Hereford Area Plan (HAP) will be produced to complement the CS and add detail at the Hereford City level, but the production of an Issues and Options Paper whilst imminent is yet to take place and the HAP will

not be in position to attract any weight for decision-making on planning applications for the foreseeable future.

- 2.7 Policy SS7 outlines the measures that development proposals will be expected to take in helping address climate change.
- 2.8 Underpinning these policies are the 'place-shaping' policies relating to Hereford. HD1 underscores the apportionment of housing via strategic allocations, existing commitments and windfall opportunities. HD2 refers to Hereford city centre, which is defined by the 'saved' Unitary Development Plan map found in the CS Appendices (Appendix 1, P.8). HD3 'Hereford movement' identifies measures to secure reduced reliance on the private motor-car.
- 2.9 MT1 is a criteria based policy outlining the aspirations around movement and echoes the objectives expressed in SS4 and HD3.
- 2.10 Of particular relevance to this proposal are the 'Local distinctiveness' policies LD1 Landscape and townscape, LD2 Biodiversity and geodiversity, LD3 Green infrastructure and LD4 Historic environment and heritage assets.
- 2.11 LD1 requires that developments should demonstrate that character of the townscape has positively influenced the design, scale, nature of the proposal and site selection, protection and enhancement of the setting of settlements and designated areas. Emphasis is also placed on the conservation and enhancement of the natural, historic and scenic beauty of important landscapes and conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management. New landscaping schemes should ensure development integrates appropriately into its surroundings. Tree cover should be maintained and extended where important to amenity, with replacement of trees lost through development and new planting to support green infrastructure.
- 2.12 LD2 requires the conservation, restoration and enhancement of biodiversity and geodiversity assets and likewise requires the retention and enhancement of existing biodiversity features on site and creation of new wildlife habitats.
- 2.13 Of relevance to this proposal is the requirement in LD3 that valued landscape and trees should be protected.
- 2.14 LD4 requires that developments should, where possible, enhance heritage assets and their settings in a manner appropriate to their significance. LD4 and the supporting narrative explain clearly that the policy is intended to apply equally to designated and non-designated heritage assets. Development should contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas. Development schemes should emphasise the original form and function of any asset and, where appropriate, improve the understanding of and public access to them.
- 2.15 SD1 'Sustainable design and energy efficiency' is a criterion based policy covering a range of topics, including the requirement that residential amenity for existing and proposed residents is safeguarded.
- 2.16 SD3 outlines water conservation measures, with specific water-consumption standards prescribed. SD4 deals with wastewater treatment and river water quality.

National Planning Policy Framework

- 2.17 The NPPF contains guidance on a number of issues. Relevant in this case is the approach to decision-making where the complete demolition of a non-designated heritage asset is proposed, the implications of this for the designated heritage asset (Hafod Road Conservation Area) and how any harm arising should be factored into the planning balance.
- 2.18 Chapter 12 of the NPPF is entitled “Conserving and enhancing the historic environment.” The Chapter discusses heritage assets, which are defined in the glossary as:-
- “A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes, designated heritage assets and assets identified by the local planning authority (including local listing).”*
- 2.19 Paragraph 126 requires LPAs to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other risks. In doing so LPAs should recognise that heritage assets are “an irreplaceable resource” and should conserve them in a manner appropriate to their significance.
- 2.20 Paragraph 129 requires the LPA to identify and assess the particular significance of any heritage asset that may be affected taking account of the available evidence and expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.
- 2.21 Paragraph 131 defines 3 aspects that a local planning authority should take into account when determining planning applications:-
- *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; &*
 - *The desirability of new development making a positive contribution to local character and distinctiveness.*
- 2.22 Paragraphs 132-135 then deal with the approach to decision-making according to the significance of the heritage asset(s) and the degree of harm arising as a consequence of development. Paragraph 132 confirms that great weight should be given to the conservation of designated heritage assets. Paragraph 133 directs refusal, and is so a restrictive policy, where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. This is unless such harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss or where 4 exceptions criteria apply.
- 2.23 Paragraph 134 explains the approach to decision-making where less than substantial harm to the significance of a designated heritage asset would arise. It states that such harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. 134 is thus also a restrictive policy i.e. the harm is considered in an unweighted balance as per the second part of the limb 2 test at NPPF paragraph 14.

2.24 Paragraph 135 sets out the approach where a non-designated heritage asset is affected. It states as follows:-

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

2.25 It can thus be seen, and as is recorded in the CS, that the impact of development proposals on non-designated heritage assets is a material consideration in the determination of planning applications. An important distinction arises, however, between designated and non-designated assets; it being the case that harm to designated assets should be considered in an unweighted balancing exercise via the limb 2 test at paragraph 14 i.e. it is not necessary to consider whether the harm or loss *significantly and demonstrably* outweighs the benefits.

2.26 Paragraph 135 directs, however, that a balanced judgement will be required. In such cases harm or loss will be a material consideration, but presumably not of such weight (in most cases) in the planning balance as compared to where a designated heritage asset is involved. Scale of harm and the significance of the asset are the two critical factors.

2.27 Paragraphs 137 and 138 refer explicitly to decision-making within Conservation Areas. Local planning authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. *“Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.”*

2.28 Paragraph 138 confirms that not all elements of a Conservation Area will necessarily contribute to its significance, but equally that the loss of a building which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm (under paragraph 133) or less than substantial harm (under paragraph 134), taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

2.29 The relevance of the foregoing is twofold. Firstly, that CS Policy LD4, whilst attracting full weight, does not direct the decision-maker as to the ‘next steps’ when harm to an asset is identified. As recorded by Inspector Wildsmith in the Bartestree appeal (3051153) at paragraph 303 of his decision, it is necessary to refer to the NPPF for this guidance. This draw-back apart, the Inspector held that LD4 should attract full weight.

2.30 Secondly, decision-makers in this instance are considering the heritage impacts arising in relation to not only the non-designated heritage asset that is Brockington House, but also the impact on the designated heritage asset that is the Hafod Road Conservation Area. This calls for assessment against NPPF paragraphs 134 (in respect of the Conservation Area) and 135 (in respect of Brockington).

2.31 National Planning Practice Guidance

2.32 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council’s website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

- 3.1 162264 - Erection of 2 no. 4-bed and 2 no. 3-bed dwellings with garages and one 3-storey apartment block of 4 no. 2-bed apartments and a top floor penthouse suite: Approved with conditions 2nd November 2016.
- 3.2 910118 – Provision of overspill car park. Allowed on appeal
- 3.3 It is understood that the extensions to Brockington House were constructed in approximately 1977 and 1990.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to the imposition of a condition requiring the submission and agreement in writing of a comprehensive drainage scheme to address foul, surface and land water.
- 4.2 Historic England: No objection

Thank you for your letter of 23 November 2016 notifying Historic England of the scheme for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Internal Council Consultations

- 4.3 Conservation Manager (Historic Buildings): No objection

The Hafod Road Conservation Area consists of large detached or semi-detached Victorian Villas set in reasonably-sized gardens with well-established planting. Brockington House was the most significant of the dwellings constructed here and occupied a very large plot. The character of this part of the Conservation Area is derived from the open aspect of the site, and its mature trees and planting. Brockington House is set well back into the site and cannot be seen from the road edge so does not in its own right contribute to the street scene.

The house was an elegant, classically proportioned substantial villa but its architectural character has been compromised by unsympathetic alterations to the house and from the extensive office development which spreads south, off the southern elevation of the house. The extensions have no architectural or historic interest.

In considering the proposals, I have taken into account advice given in the Planning (Listed Buildings and Conservation Areas) Act 1991 – Section 66, the NPPF Paragraphs 131, 132, 134, 135, 137 and 138 and Core Strategy Policy LD4.

It is my view that there is no realistic possibility that Brockington House would be viably restored to use as a private dwelling consistent with its conservation. The contribution to the character of this conservation area derives not from the house, but the site itself and that there is potential

with this new development to rationalise the rather ad hoc and piecemeal modern development of the site, thereby enhancing the character of the area.

The original dwelling as described has been unsympathetically altered and extended and though it still retains its original recognisable form and some internal features of interest it is not a building which could be protected by listing as a building of national importance and I consider that its demolition could not be regarded as causing substantial harm to the character of the Conservation Area.

Furthermore, the proposed development which also sits to the rear (east of the site), secures the open aspect to the street frontage and is a means by which the local character and distinctiveness of the Conservation Area will be maintained.

In conclusion, therefore, it is considered that the impact of the proposal on the heritage asset would cause less than substantial harm. This is measured against the existing context, lack of the direct relationship of the house to the conservation area and its distance from other existing buildings and unsympathetic alterations and extensions to the house itself. There is also a public benefit to be gained by a comprehensive and considered re-development of the site, removing structures which are of poor architectural quality which intrude into the setting of the area. Considered against the guidance given therefore I can see no reason to refuse the application on such grounds.

I would recommend that a full drawn, photographic and written description of the dwelling is made and submitted to the Historic Environment Record prior to development. This should be carried out in accordance with a recording brief to be prepared by the HER. As suggested in my earlier notes if elements such as fire surrounds could be incorporated into the new build in some way it would at least maintain a physical link with the original dwelling.

4.4 Conservation Manager (Archaeological Advisor): No objection

The existing buildings/site (as indeed is indicated in the submitted heritage statement), might reasonably be regarded as a heritage asset of local interest [only]. I would have no objection to the loss of this, subject to suitable recording as mitigation.

This recording may need to include the possible remains of a former 'cold war bunker' rumoured to be present somewhere on/near the site. I say rumoured because – perhaps unsurprisingly - no clear information seems to exist about this supposed lost structure, assuming it ever existed. Given that the home office owned the site in the period in question, the presence of such a feature is certainly possible, although there may have been an element of normal secrecy about the matter at the time.

I would suggest standard condition E02.

4.5 Housing Development Officer: Support

The local authority welcomes this application for a new nursing care home to be built in Hereford City. It is very difficult to estimate need but Herefordshire has an aging population with increasing complex needs including dementia which is increasing and is currently under diagnosed.

Both Herefordshire Council and CCG joint commissioning placement would welcome a care home that delivered high quality care at an affordable rate not only for Adult Social Care and CCG commissioning but as well as self funders. However, I would advise that the Local Authority would not be able to guarantee referrals and any referrals that are made would be based on client choice and subject to the local authority's published rates.

4.6 Traffic Manager: No objection subject to conditions

Visibility Splays

To the north of the access, no more than paring back is necessary, with the removal of a length of 25m of the existing ivy/holly hedge and paring back of some beyond. A grass bank with no replacement hedge as suggested would be acceptable from my point of view, and remove the risk of future encroachment due to growth. Any railings would obviously be to the rear.

To the south, the laurel root was beyond the splay line so could be cut back severely on the road side to encourage growth to the rear. The initial length of hedge (approx 5m-8m) will probably require removal, beyond this the hedge distances more from the road. Beyond this and the laurel the growth then is mainly on the road side with the root approximately 3m back from edge of road (at top of existing bank) and the hedge has been cut to the root line on the property side. Cutting back on the road side should then achieve the splay and again a grassed bank for the removed length would be acceptable.

I confirm that this would address the concerns regarding visibility splays raised in the first paragraph of my consultation response to the application (dated 14th December 2016).

Comments from first response (14th December 2016):-

It is noted that the care home is proposed to have 31 parking spaces (28 (including 2 disabled) plus 3 overflow) for the 70 beds which exceeds our standards for C2 use. The Transport Statement in paragraph 5.4.3 assesses the parking provision in respect of class C3 (sheltered accommodation) rather than C2 class as stated in the application form. However as spaces are mentioned in Paragraph 5.4.1 as being available to residents and so to avoid any potential car parking on Hafod Road and any other neighbouring streets the provision of 31 spaces would be more appropriate. However it is also noted that the anticipated number of equivalent full time employees stated in the application form is 60, therefore even with multiple shifts a heavy staff usage of available spaces could result from these staff levels. A Framework Travel Plan has been submitted with the application, but in the absence of any staff travel patterns does not address this aspect, purely identifying possible measures to reduce car travel.

Refuse vehicle tracking is indicated and considered acceptable, and would provide turning for service vehicles.

Section 106 Obligations

No Section 106 contributions would be required, as the proposal does not result in intensification of use of the site from the previous office use.

4.7 Conservation Manager (Trees): Qualified comment

A number of young - early mature trees will have to be removed, but the more substantial and better quality trees will be incorporated in to the scheme (T27, T41, T42, T60 and T63).

I have reviewed the arboricultural impact assessment, method statement and tree protection plan and I am satisfied that if recommendations are adhered to, impacts to these important trees could be managed.

The tree loss from the development could be mitigated by additional planting which could be incorporated in to the extensive grounds or landscape scheme.

Although approximately 30 linear metres of hedgerow will have to be removed to allow the splays to be achieved, these hedges are considered as low quality with limited species diversity.

Although the removal will have an initial impact, there is a good mix of varying age tree species within the site that will lessen this impact. I don't consider that it would be appropriate to replant to the north but as discussed maybe install estate fencing, but to the south there is space to realign any new planting at the top of the bank to ensure the continuation of the existing hedgerow.

I do not consider that moving the existing hedgerow would be viable due to the extent of excavations required in close proximity to existing trees and the damage it would cause to their root systems.

It's also worth noting that there would have to be some minimal canopy lifting to some of the retained standard trees, especially to the north of the entrance – this is considered as routine and will have a minimal impact on the overall health of these trees.

4.8 Land Drainage: No objection subject to conditions.

Should the Council be minded to grant planning permission, we recommend that the Applicant submits detailed proposals for the management of surface water and foul water drainage for approval by the Council as part of suitably worded planning conditions. The proposals should include:

- A detailed surface water drainage strategy with supporting calculations that demonstrates consideration of updated climate change guidelines.
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of.
- Evidence that the Applicant has sought and agreed permissions to discharge surface water and foul water from the site with the relevant authorities.
- Demonstration of the management of surface water during events that overwhelm the surface water drainage system and/or occur as a result of blockage.
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.

4.9 Conservation Manager (Ecology): No objection

Thank you for consulting me on the above application. I have read the ecological reports in particular the bat survey which finds no evidence that the building supports a bat roost. Hence, I have no objection to the demolition of the property.

5. Representations

5.1 Hereford City Council: No objection provided a condition is imposed requiring a comprehensive tree report as was done for the neighbouring residential development.

5.2 Seven letters of representation have been received. The content is summarised as follows:-

- Brockington House (the original element) could be retained and re-used as part of the redevelopment proposal. It is an important feature in the conservation area and should be retained;
- It was built for William Bowers, one of the principal building contractors of the period by perhaps the pre-eminent Herefordian architect of the time – Edward Bettington;
- Brockington is a significant Edwardian Villa in the Hafod Road conservation area. There is evidence that substantial resource was lavished on it;
- The Conservation Area will be seriously compromised, especially when viewed in conjunction with ribbons of car parking proposed along the entrance drives;
- The Heritage Report on Brockington House painstakingly records its steady degradation during its years in public ownership, but fails to make a convincing case for the convenient demolition of a building that still retains considerable architectural merit It should be integrated into the proposed development.
- It seems inevitable that in the absence of waiting restrictions on Hafod Road, staff and visitors will park on the highway, causing further obstruction to the flow of traffic and making it difficult for residents to access and egress their property;
- Before consent is given, double yellow lines should be placed on the approach to the roundabout and also at the bottom of Vineyard Road so that traffic going down the hill is not forced onto the wrong side of the road to face oncoming vehicles turning off the roundabout or Hampton Park Road.
- There is concern at the treatment of trees on the boundary with Brockington Drive and the effects on privacy.

5.3 The consultation responses can be viewed on the Council’s website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163646&search=163646

Internet access is available at the Council’s Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer’s Appraisal

6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

6.2 Having regard to the Development Plan and other relevant material considerations I am of the view that the main issues in the determination of this application are as follows:-

- a) The effect of the proposed development on the non-designated heritage asset;
- b) The effect of the proposed development upon the character and appearance of the Hafod Road Conservation Area;
- c) Other matters raised by consultees and interested persons, including the effect of the proposed development on the safety and convenience of users of the nearby highways, trees and its effect on the living conditions of nearby residents;
- d) How the planning balance, involving the benefits and dis-benefits of the proposed development, should be assessed in an overall assessment of the scheme’s claim to sustainable development.

6.3 The structure of this appraisal is such that the loss of Brockington will be considered first; it being the common factor in heritage terms and consistent with the ‘heritage hierarchy’ set out in the NPPF. This loss, together with the effects of the development proposal in a wider sense, will then be considered in relation to the Conservation Area in terms of NPPF paragraph 134. Given the conservation area is a designated heritage asset it is necessary to consider the scheme in an unweighted balancing exercise weighing harm to significance against public

benefits, as per paragraph 134. Only if this 'test' is passed is it then necessary to consider the full range of adverse impacts and benefits in the wider planning balance which is described at NPPF paragraph 14.

The effect of the proposed development on the non-designated heritage asset; Brockington House

- 6.4 The report, at section 4.3, sets out the responses received from the Conservation Manager and section 5 records the response of the objectors, including the Woolhope Club, in summary form. As described above the application is supported by a Heritage Assessment which records the origin and evolution of Brockington House, which has passed from private to public ownership with various related changes in use, extensions and alterations; both to the fabric of the building and the landscaped grounds.
- 6.5 It is clear and accepted that the impact of a development proposal on a non-designated heritage asset such as the existing building is a material planning consideration. LD4 and NPPF 135 are expressed in such terms.
- 6.6 To assess potential harm to the non-designated heritage asset, the NPPF, at paragraphs 128 & 129, requires the decision-maker to first have a clear and objective understanding of the significance of the asset involved. In considering significance, regard must be had for the building's status i.e. its listing or non-listing, the importance of the building to the locality and the degree of heritage value which survives today.
- 6.7 The building is not listed. Rather, it is considered to be of local importance given its social and historical connections and evident architectural interest when first built. However, in terms of 'heritage status' it should be recognised that a non-designated heritage asset is the lowest ranking heritage asset in the hierarchy prescribed by the NPPF.
- 6.8 Further, the original building, which in any event occupies a position on site that is not prominent in public vantage points, has suffered a series of unsympathetic alterations, which manifest themselves externally. Original windows and rainwater goods have been removed and replaced with plastic equivalents and other embellishments that otherwise mark this building out are removed from the building's interior. It would be inaccurate to say, however, that all interest from the building's interior has been removed; this is not the case. It is true to say, however, that no statutory protection exists in relation to these internal features.
- 6.9 Beyond the original building's footprint and more evident from the public realm are the significant extensions, in two phases, to the south. These extensions have caused clear harm to the significance of Brockington House as a non-designated heritage asset. This results from the obvious disruption to the original plan form, the overall massing and appearance and unsympathetic changes to historic fabric that have been necessary to facilitate the extensions. Officers are of the opinion that the mere presence of these extensions is a factor that affects the significance that one can reasonably attribute the building overall. This is said in recognition that the correct approach to the appraisal of significance bases itself on what is found on site in the present day; not what the site may have exhibited in its original form.
- 6.10 Thus, in the context of NPPF paragraph 135, whilst the scale of loss is absolute, the significance of the non-designated heritage asset is considered to be low overall; this a reflection of the manifestly unsympathetic changes that have occurred over time and are reflective of the building's use once its ownership had passed into public hands.
- 6.11 As above, it is acknowledged fully that the hierarchical approach set out in LD4 and NPPF indicates that designation is a factor influencing significance and I agree. In this case the subject building is non-designated. Further, it has been much altered, both in terms of fabric

and context to the extent that its significance, which must be determined as the building stands today, is considered to be very limited in the scale of all heritage assets. This analysis leads to the conclusion that the total loss of Brockington should be attributed only **modest weight** in the planning balance as an adverse impact.

The effect of the proposed development upon the character and appearance of the Hafod Road Conservation Area

- 6.12 The proposal also needs to be assessed in the context of the impact on the designated heritage asset that is Hafod Road Conservation Area. This assessment factors in the loss of Brockington; a non-designated heritage asset, as described above.
- 6.13 The Hafod Road Conservation Area was designated in February 1992. Hafod Road is located to the east of the city centre, linking Ledbury Road to Old Eign Hill. It is made up of predominantly late Victorian development with around two thirds of the properties being constructed between 1887 and 1904. During the period 1904-1929 a further eight properties were constructed including Brockington House and Lodge. Hafod Road rises quite steeply from its northern end to its peak near the grounds of Brockington. This section of the Conservation Area has a different character to the remaining section between Brockington and Old Eign Hill in which the road makes a more shallow descent.
- 6.14 The southern section of the Conservation Area is characterised by larger houses set further back from the carriageway than those described above. Brockington and its grounds form a substantial part of this half of the Conservation Area. A significant proportion of the original grounds have been developed for housing, and the building itself has undergone several extensions. Large areas of car parking have been provided leaving only the grounds to the north relatively unscathed.
- 6.15 Hafod Road Conservation Area contains examples of residential development from the late Victorian/Edwardian period to the present day. Much of this development makes a positive contribution to the area's character. It is well planted with a variety of trees ranging from small ones which are important to the immediate street scene through to massive pines, cedars, and poplars which can be seen from other parts of the City. All of the above features are enhanced by the topography of the area which gives citywide prominence to many of the trees and some of the properties and adds character to the road itself.
- 6.16 Taking the impact of the demolition of Brockington on the Conservation Area first, the statement in the submitted Heritage Assessment at 4.26 that Brockington is out of character with the conservation area owing to its location relative to Hafod Road is, to my mind, somewhat misplaced. The position of Brockington as originally conceived was likely a deliberate response to the opportunities presented at the time and driven, perhaps, by the owners desire to be set apart from earlier villas.
- 6.17 It is common ground between the applicants and Council officers however that in its original 1909 form, the house would have made a positive contribution to the character and appearance of the conservation area, not least as another and different example of work attributed to one of the pre-eminent local architects at the time – Edward Bettington.
- 6.18 However, and this analysis inevitably derives from that given above under the first main issue, in its current guise as a much extended and altered form, the current building is not considered to make a positive contribution to the character or appearance of the conservation area. Elements of it, namely the 1909 remnants, are still in keeping with the area but the significance of this contribution in the context of the conservation area as a whole and in its current condition is considered to be negligible.

6.19 At 4.3 above, the Conservation Manager comments that:

“The contribution to the character of this conservation area derives not from the house, but the site itself and that there is potential with this new development to rationalise the rather ad hoc and piecemeal modern development of the site, thereby enhancing the character of the area.

The original dwelling as described has been unsympathetically altered and extended and though it still retains its original recognisable form and some internal features of interest it is not a building which could be protected by listing as a building of national importance and I consider that its demolition could not be regarded as causing substantial harm to the character of the conservation area.

Furthermore, the proposed development which also sits to the rear (east of the site), secures the open aspect to the street frontage and is a means by which the local character and distinctiveness of the Conservation Area will be maintained.”

6.20 Overall, therefore, it is my opinion that a number of factors combine to reduce the significance of Brockington in the context of the conservation area (as a designated heritage asset) overall.

6.21 The appraisal thus far has concluded under the first main issue that whilst the loss of Brockington House is absolute, the significance of the asset is towards the lower end of the non-designated spectrum and should attract modest weight as a material consideration in NPPF 135 terms. Moreover, the assessment of harm to significance arising from the loss of the non-designated heritage asset within the conservation area is considered to be at the lower end of the “less than substantial harm” spectrum; this time in the context of paragraph 134. This addresses, to an extent, the Council’s heritage duties in relation to the loss of Brockington but does not consider the impacts arising in conservation area terms from the redevelopment to any material extent. These are addressed below.

6.22 Within Conservation Areas the Council is under a duty to pay special regard to the desirability of preserving or enhancing the character or appearance of the area. Case law establishes that ‘preserving’ is equivalent of causing no harm.

6.23 The scale and form of development is, to my mind, commensurate with the site as existing, although it is undeniable that the built form, in projecting closer to Hafod Road, will be more prominent from the main public vantage points on Hafod Road. However, this is not to such a degree that the distinctive appearance of this part of the conservation area will be harmed and whilst increasing the footprint of the built form on site, the open aspect to the street frontage is maintained.

6.24 Arboricultural impacts are discussed more fully below, but the mature tree specimens on site are recognised by a series of individual and group Tree Preservation Orders and the design has been led to a significant degree by the constraints imposed. To this extent the redevelopment of the site will not only respect the significant and important trees, but give rise to further landscaping and long-term management arrangements. Overall the retained and proposed landscaping will provide an appropriate setting to what will remain perceptible as a detached building, set back quite significantly from the road with views from the public realm largely filtered. In this respect a prominent characteristic of the conservation area i.e. the tree cover, will be adequately reflected, managed and maintained in accordance with CS Policies LD1, LD2 and LD3.

6.25 In addition the scheme will reorder the existing, disparate and extensive areas of hardstanding. The removal of areas of hardstanding from within the root protection area of certain trees can

be described as a benefit, whereas the configuration of parking and servicing areas rationalises and improves upon the current situation.

- 6.26 With appropriate planning conditions in place, officers consider the proposed redevelopment, notwithstanding the demolition of the surviving elements of the original Brockington House, preserves the majority of those attributes within the conservation area as a whole that contribute to it being an area of special architectural or historic interest.
- 6.27 The Conservation Manager has had due regard to the desirability of putting the heritage asset back into a viable use consistent with its conservation (NPPF paragraph 131), but is persuaded that this is not possible in this instance. Moreover, even if the re-use of Brockington House had not been examined, officers are not convinced that this should count heavily against the scheme. This is because of the low degree of significance that officers are ascribing to the building in its current form and condition as a non-designated heritage asset.
- 6.28 The Conservation Manager rightly considers the loss of the existing building, focussing quite understandably on the historic element, in the context of the building in its own right and the Conservation Area at large. In my view, the assessment of the Conservation Manager is realistic given the evolution of the building and site as a whole. The relationship of villa to mature landscaped grounds has been materially and adversely affected to an extent that has direct consequence for the significance of the non-designated asset in the NPPF 135 context and the conservation area in the NPPF 134 context.
- 6.29 To summarise on this matter, paragraph 134 of the NPPF requires that proposals that lead to a less than substantial harm to the significance of a designated heritage asset (in this case the conservation area) should be weighed against the public benefits of the proposal, including securing its optimum viable use. The 'viable use' rider is not as relevant in the context that the designated heritage asset in this case is the conservation area itself, not an individual building. The analysis above tends to the view that the impact of the development upon the character or appearance of the conservation area, even when factoring in the demolition of Brockington House, is at the very lowest end of the less than substantial harm spectrum. The public benefits associated with the development include the provision of a 70-bed care facility in the context of evident demand for specialist accommodation for an elderly population. On that basis, it is your officer's view that the public benefits associated with the scheme demonstrably outweigh the very modest harm to the significance of the conservation area which leads to the overall conclusion that the paragraph 134 'test' is passed. The overall planning balance required by the fourth bullet point to paragraph 14 and CS Policy SS1 is therefore the appropriate mechanism for determining this application and is undertaken at the conclusion of this report.

Other Matters

Transport

- 6.30 The Transport impacts of the scheme are addressed in the submitted Transport Statement and Travel Plan. The site's lawful use is a significant material consideration in assessing the trip generation associated with the scheme. Therefore, whilst concern has been expressed in letters of representation regarding parking provision, it is noted that the 31 spaces allowed for actually exceeds the Council's adopted standards. On this basis officers do not consider there is any basis for objection to the level of parking promoted.
- 6.31 Officers agree it is realistic to suppose that owing to public transport provision and the site's location atop a hill, it is likely that the vast majority of visitor trips will be made by the private car. However, this in itself only represents a modest dis-benefit of the scheme, which is a brownfield redevelopment proposal within a built up area. This in itself is a material consideration weighing in favour of the principle of development at this location.

- 6.32 Visibility at the junction with Hafod Road has been carefully considered. The requisite splays can be delivered without recourse to major engineering works, although some clearance of vegetation will be required to the north side and some pruning to the south. As noted at 4.7 above, the hedgerow removal required (some 30 linear metres) relates to a low quality hedgerow of low species diversity. This loss is not objectionable.
- 6.33 Overall, the scheme is considered to accord with the relevant provisions of CS Policy MT1 and NPPF guidance.

Arboricultural Impacts

- 6.34 As described by the Arboricultural Officer above, the scheme as drawn would respect and integrate key mature tree specimens. Those to be removed are generally immature or of poor form and their removal would have no discernible effect on the well-treed character of the application site.
- 6.35 For these reasons the Officer records no objection and the scheme is considered acceptable from an arboricultural perspective.

Water and Sewerage

- 6.36 Welsh Water has confirmed the ability to supply the site with water and to treat the foul waste arising. A condition is nonetheless recommended to require the submission of a fully integrated drainage scheme.

Neighbour Impacts

- 6.37 As described above in Section 1 the comparison of the existing and proposed indicates, in terms of building heights that the proposal is in the main at the same height or lower than the existing building. Whilst the main hub, incorporating the entrance lobby is commensurate with the height of Brockington House, the northern wing i.e. that which in the main part would replace Brockington House, is generally somewhat lower. The southerly wing extends towards Hafod Road as opposed to towards existing neighbours in Brockington Drive, with the effect of leaving a generous amount of open space in this area; as is presently the case.
- 6.38 There is no significant increase in windows on the rearward facing elevation and in most instances there is slightly greater distance between the proposed building and the common boundary than exists at present. There are also 2 balconies and 3 terraces at first floor level; the terraces accessible from lounges 1, 3 and 4 respectively. These are located in positions that would not cause undue impacts in terms of overlooking. Of the two balconies, one is at the Hafod Road end of the southern wing. Again, this is a location that has no impact on neighbours. The smaller of the two balconies is at the north-eastern tip of the building and is accessible from a bedroom. This is 11 metres from the common boundary and only large enough to permit occupation by the resident of the bedroom concerned. Officers consider this relationship acceptable.
- 6.39 Regard has also been had for the approved scheme on adjoining land to the south and it is considered that the separation distances are acceptable. It is noteworthy that no objections have been received in relation to this point.
- 6.40 One concern has been expressed in relation to the potential for asbestos to be present in the existing building. This is an issue that the owner and their contractor will bear responsibility for. In planning terms I think it necessary to impose a condition governing hours of working.
- 6.41 Overall, officers are content that the scheme would provide good levels of amenity for existing and proposed residents and so accord with CS Policy SD1 and the NPPF; which regards the

attainment of good standards of amenity as indivisible from the pursuit of sustainable development.

Whether the proposal would represent sustainable development in the terms of the Core Strategy and NPPF

- 6.42 The Core Strategy and NPPF make it plain that the purpose of the planning system is to contribute to the achievement of sustainable development. Both explain that there are 3 dimensions to this - economic, social and environmental – and that these give rise to the need for the planning system to perform a number of mutually dependent roles. In other words, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

The Economic Role

- 6.43 It is clear that economic benefits arise as a consequence of this development. The construction phase would create direct employment in that sector, with associated benefits to the supply chain. Long-term there is the creation of 60 full-time equivalent jobs associated with the operation of the home itself. Paragraph 19 of the NPPF confirms that significant weight should be placed on the need to support economic growth through the planning system. It is my view that the development proposal would fulfil the objectives of the economic role.

The Social Role

- 6.44 The scheme would deliver a scheme comprising 70 beds for those in need of care. The CS places emphasis on the need to plan proactively for the accommodation requirements of an ageing population and whilst this will require a range of responses, it is clear that care homes will continue to perform an important function. The Housing Delivery Officer records support for the scheme in this context and I am content that the scheme performs positively in terms of the social role.

The Environmental Role

- 6.45 It has been identified above that the two principal concerns in the environmental context are the heritage and arboricultural impacts. Arboricultural impacts are discussed above and it is concluded that the scheme accords with CS policies LD1, LD2 and LD3.
- 6.46 It is clear that great weight should be afforded the conservation of heritage assets. The appraisal above identifies ***modest harm*** within the context of NPPF paragraph 135 – which requires a balanced judgement having regard to the scale or any harm or loss and the significance of the heritage asset i.e. the loss of Brockington in and of itself is weighed in the overall planning balance. For the reasons set out above officers do not consider that the loss of Brockington should weigh heavily against the scheme.
- 6.47 Moreover, the harm arising from the loss of Brockington in the context of the Conservation Area is, for the reasons set out above, considered to fall at the lower end of the less than substantial spectrum. This harm needs to be weighed against the public benefits of the proposal in an unweighted test. In your officer's opinion, the level of harm to the conservation area is low to the extent that it is clearly outweighed by the public benefits of the scheme; these arising from the redevelopment of the scheme for specialist care accommodation for the elderly and those in need of care.
- 6.48 In overall terms, I find that notwithstanding the modest 'heritage harm', the retention of valuable tree cover and rationalisation of the ad-hoc layout on site means that the proposal has a 'neutral' impact in environmental terms.

Is the scheme representative of sustainable development in the overall planning balance?

- 6.49 Overall, in carrying out the necessary balance, my assessment is that notwithstanding the great weight which is given to the conservation of the designated assets, the public benefits outline above would outweigh the low level of 'less than substantial' harm which I have identified would be caused to these assets. In other words the appeal proposal passes the 'paragraph 134' test.
- 6.50 My reading of the Framework's guidance concerning non-designated heritage assets is that a similar balance against public benefits is not required, and that any harm to such assets is simply weighed in the overall balance.
- 6.51 Having identified that harm within the context of paragraph 135 is modest and in the context of paragraph 134 at the lower end of the 'less than substantial' scale, the public benefits arising with this proposal are considered to outweigh the harm. Officers have identified no additional 'non-heritage' harm to factor into the pre-weighted overall planning balance, with the effect that the scheme, which is considered to fulfil the economic and social roles and attain neutrality in environmental terms, is held overall to be in accordance with the development plan and representative of sustainable development. In terms that are thus consistent with the correct approach to decision-making, the application is thus recommended for approval subject to conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 - Time limit for commencement (full permission)**
- 2. C08 - Amended plans**
- 3. C13 - Samples of external materials**
- 4. C26 - Details of window sections, eaves, verges and barge boards**
- 5. C48 - Archaeological survey and recording**
- 6. C90 - Protection of trees/hedgerows that are to be retained**
- 7. C95 - Details of boundary treatments**
- 8. C96 - Landscaping scheme**
- 9. C97 - Landscaping scheme - implementation**
- 10. CAB - Visibility splays**
- 11. CAE - Vehicular access construction**
- 12. CAL - Access turning area and parking**
- 13. CAZ - Parking for site operatives**
- 14. CB2 - Cycle parking**

- 15. **CB3 - Travel Plan**
- 16. **CBK - Restriction on hours during construction**
- 17. **CCK - Details of slab levels**
- 18. **CD6 - Comprehensive and integrated draining of site**
- 19. **CE6 - Efficient use of water**

INFORMATIVES:

- 1. **Statement of positive and proactive working**
- 2. **I05 - No drainage to discharge to highway**
- 3. **I08 - Section 278 Agreement**
- 4. **I09 - Private apparatus within highway**

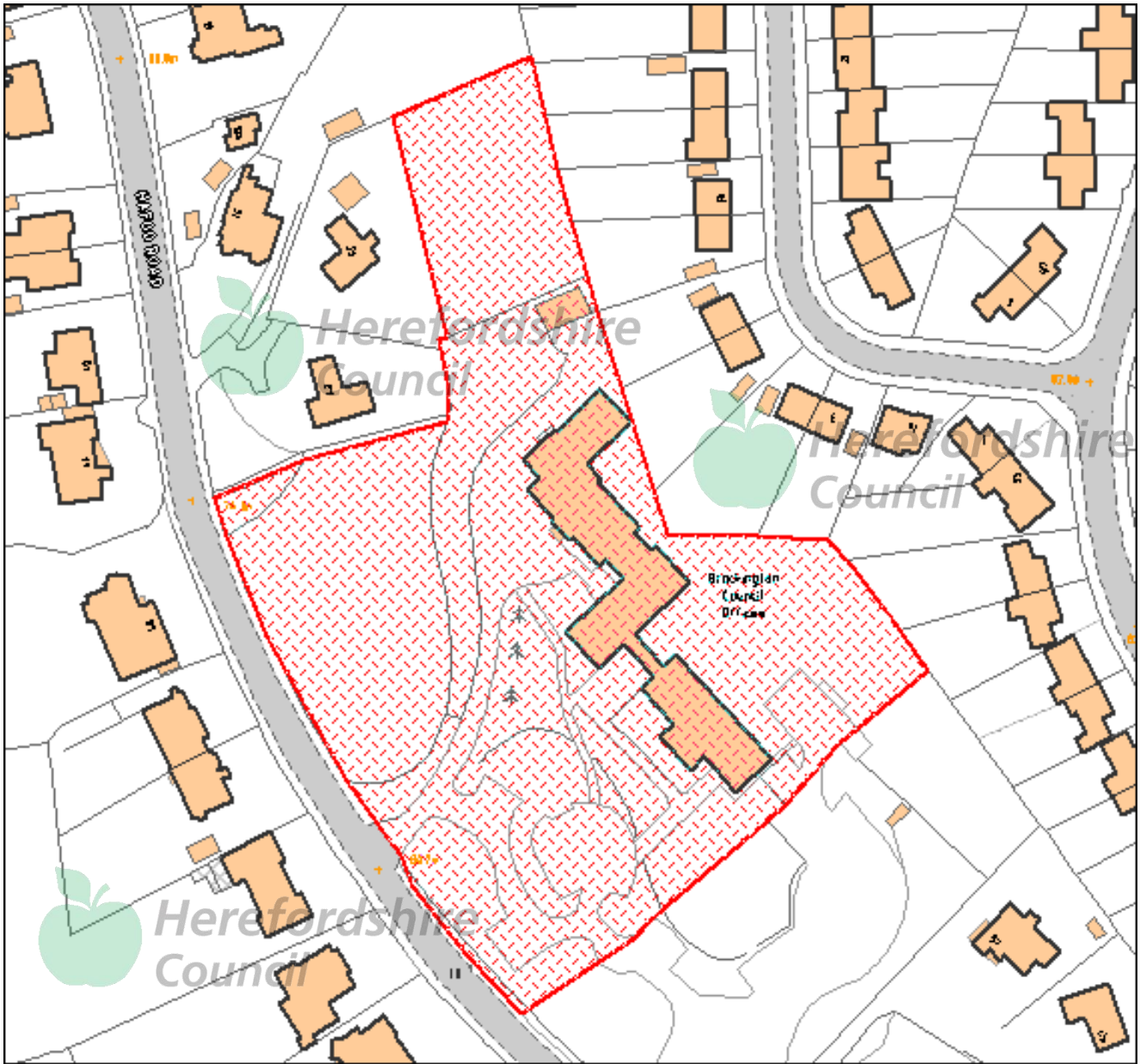
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 163646

SITE ADDRESS : BROCKINGTON, 35 HAFOD ROAD, HEREFORD, HR1 1TA

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Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479