

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>16 MAY 2012</b>
<b>TITLE OF REPORT:</b>	<p><b>S113131/F - ERECTION OF RETIREMENT LIVING HOUSING FOR THE ELDERLY, (CATEGORY II TYPE ACCOMMODATION), COMMUNAL FACILITIES, LANDSCAPING AND CAR PARKING AT VICTORIA HOUSE, 149-153 EIGN STREET, HEREFORD, HR4 0AN</b></p> <p><b>S113132/C - ERECTION OF RETIREMENT LIVING HOUSING FOR THE ELDERLY, (CATEGORY II TYPE ACCOMMODATION), COMMUNAL FACILITIES, LANDSCAPING AND CAR PARKING AT VICTORIA HOUSE, 149-153 EIGN STREET, HEREFORD, HR4 0AN</b></p> <p><b>For: McCarthy &amp; Stone Retirement Lifestyles Ltd per The Planning Bureau Ltd, Hartington House, Hartington Road, Altrincham, Cheshire, WA14 5LX</b></p>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=113131&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=113131&amp;NoSearch=True</a>

**Date Received: 7 November 2011    Ward: St Nicholas**

**Grid Ref: 350503,240048**

**Expiry Date: 29 February 2012**

Local Members: Councillors SM Michael & JD Woodward

## **1. Site Description and Proposal**

- 1.1 The application site lies to the west of Hereford's city centre on the A438 (Eign Street), and at the western edge of Hereford's Conservation Area. The area is characterised by a mix of uses including small-scale independent shops, two large food retailers (Sainsbury's and Aldi), educational (Hereford Art College and Lord Scudamore School) and residential premises (Victoria Court). The road is a busy arterial route into the city and, with residential areas further to the west, serves both local and through traffic.
- 1.2 The site is roughly rectangular in shape with an approximate area of 0.35 hectares. It is bounded to the north by Eign Street, being set back from the road behind a bus lay-by and a brick wall topped by a mature hedge. The southern boundary is shared with Lord Scudamore School and currently comprises a 3 metre high chain-link fence. The residential development of Victoria Court is to the east and the Great Western Social Club at a lower level to the west. There are a number of trees within the site, particularly along the eastern and western boundaries.
- 1.3 The site is currently occupied by Victoria House, which is centrally located with open areas surrounding it. The building was originally constructed in 1912 to provide accommodation for

the resident surgeon of the Eye Hospital, and was latterly used as associated office accommodation. The Eye Hospital has since been converted to residential use and is integral to the development to the east known as Victoria Court. The office use has now ceased and Victoria House has been vacant for some time, remaining in the ownership of the Primary Care Trust. The condition of the building and its curtilage are deteriorating as a consequence of its vacancy and the surrounding grounds have become overgrown and untidy with the tarmac area immediately in front used indiscriminately by the public for parking. The building is, however, an attractive two storey structure, of brick construction with a slate hipped roof. It is well detailed, presumably to signify its importance locally, with dressed stone window surrounds and timber and render above gabled projections on the front elevation addressing Eign Street.

- 1.4 This report deals with two separate applications, both of which are intrinsically linked. The first is for the demolition of Victoria House in order to facilitate the re-development of the site. The second is a detailed planning application for its replacement with a development comprising 29 x 1 bedroom and 11 x 2 bedroom (40 in total) retirement apartments for sale to the elderly. The scheme also includes manager's accommodation and communal facilities to include a residents' lounge, laundry, over-night guest suite and a buggy store.
- 1.5 The plans show a single building occupying approximately one third of the site, with car parking for 17 vehicles in its north eastern quadrant and landscaped areas to either side, and rear of the building. It is three storeys with a maximum height of 11.1 metres to the ridge. In more detail, the accommodation is organised as a series of four brick-built elements, linked by a glazed atrium that runs through the core of the development and serves to provide residents with some of the communal facilities referred to above. Most apartments will have their own private balconies and residents will also have full access to the landscaped gardens shown on the plans to the east and west of the building.
- 1.6 The application is accompanied by a series of documents that are listed as follows:
- Design, Access and Sustainability Statement
  - Planning Statement
  - Building and PPS5 Assessment
  - Statement of Community Involvement
  - Tree Survey
  - Contaminated Land Site Investigation Report
  - Archaeological Desk Based Assessment
  - Transport Impact Report
  - Drainage Survey
  - Bat Survey and Extended Phase 1 Habitat Survey
  - Affordable Housing and Viability Statement
  - Draft Heads of Terms Agreement

## **2. Policies**

### **2.1 Herefordshire Unitary Development Plan:**

S1	-	Sustainable Development
S2	-	Development Requirements
S6	-	Transport
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR5	-	Planning Obligations
DR6	-	Water resources

H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H9	-	Affordable Housing
H13	-	Sustainable Residential Design
H14	-	Re-using Previously Developed Land and Buildings
H15	-	Density
H19	-	Open Space Requirements
T8	-	Road Hierarchy
T11	-	Parking Provision
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC2	-	Sites of international importance
NC3	-	Sites of national importance
NC7	-	Compensation for loss of biodiversity
HBA6	-	New Development Within Conservation Areas
HBA7	-	Demolition of Unlisted Buildings Within Conservation Areas
RST3	-	Standards for Outdoor Playing and Public Open Space

### Supplementary Planning Documents

- 2.2 Planning Obligations – Adopted April 2008
- 2.3 National Planning Policy Framework (NPPF)

The following paragraphs are considered to be of particular relevance to this proposal:

14 and 49 – Sustainable Development  
 56 to 58 – Design Issues  
 131 – New Development within Conservation Areas  
 173 and 174 – Ensuring Viability and Deliverability  
 188 to 191 – Pre-Application Engagement and Front Loading

### **3. Planning History**

- 3.1 There is no planning history for the site that is specifically relevant to this application. However, planning permission was granted on the adjoining site to the east under application reference DCCW2004/0108/F for the conversion of Victoria Eye Hospital to six dwellings and the erection of 18 new dwellings with associated landscaping and parking.

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 Welsh Water: No objections subject to the imposition of conditions relating to the separate treatment of foul and surface water.
- 4.2 English Heritage: Victoria House is a building of good quality and character that makes a positive contribution to the character and appearance of the area. The loss of the building would in our view constitute substantial harm to the significance of the conservation area. It should therefore be demonstrated that the harm is necessary to achieve substantial public benefits.
- 4.3 It is proposed to build a single residential block on the site pushing the building line forward to come close to that on the adjoining site. This intensive form of development appears to be contrary to the prevailing pattern of development in this part of the conservation area. We

note, for example, that a more complex approach has been adopted on the adjacent Eye Hospital site.

- 4.4 The design and layout of the proposed scheme would not in our view preserve or enhance the character or appearance of the conservation area. The form of development would not in itself, therefore constitute a public benefit. We would conclude, therefore, that the case for the substantial public benefits arising from demolition and redevelopment has not been made and recommend that planning permission be refused.

#### Internal Council Advice

- 4.5 Traffic Manager: Initially commented that the ratio of 0.35 spaces per apartment (17 in total) was insufficient and suggested that a ratio of 0.7 per apartment would be more appropriate, equating to 28 spaces in total. However, following an exchange of correspondence about the rationale behind the parking provision made it is recommended that, as it is argued that the average age of entry to the development is likely to be in excess of 70 years, a condition restricting availability to potential residents aged 65+ be imposed.
- 4.6 Conservation Manager (Historic Buildings): The heritage assessment of Victoria House by Beardmore Urban is accepted in that it provides a level of information that is proportionate to the significance of the asset. Its assessment of the building as a competent but average example of an early C20th dwelling is accepted. The loss of any building must be weighed on its merits, but the NPPF accepts that some degree of change is inevitable in the built environment and that new development can make a positive contribution to the character and local distinctiveness of an area. On this basis no objection is raised to the proposal.
- 4.7 Conservation Manager (Landscape): Generally content with the application, subject to conditions to deal with the detailed design of the landscaping scheme.
- 4.8 Conservation Manager (Ecology): No objection subject to the imposition of a condition requiring the submission of a habitat protection and enhancement scheme. A screening report has also been completed as a requirement under the Habitats Regulations. The recommendations of the report are currently under review and an update will be provided at the meeting.
- 4.9 Housing Development Officer: Not supportive of the application in its current format as it does not make any on-site affordable housing provision and that the amount available for an off-site contribution does not accord with the advice given at the pre-application stage, when it was suggested that if an off-site contribution were to be accepted, it should equate to £50,000 per dwelling. Based on a 35% provision this would amount to 14 dwellings and a contribution of £700,000.
- 4.10 The suggestion made in the applicant's supporting documents that a mixed development of affordable and open market would cause friction between residents is disputed, and an example at The Rose Gardens on Ledbury Road is cited, where a mix of independent living apartments, both open market and affordable, has been very successful. This is considered to be a good and comparable example where housing management has not proved to be an issue.
- 4.11 CCTV Commissioning Officer: There are areas in close proximity to the application site where there is a high incidence of anti-social and criminal behaviour and disorder. The area of Eign Street/Whitecross Road/Great Western Way is particularly identified as a busy route in and out of the city by foot and by vehicle and a camera on the main highway over the subway under Whitecross Road would greatly enhance the current system. Accordingly a contribution of £21,865 is requested.

- 4.12 Head of Environmental Health and Trading Standards: No objection subject to the imposition of a condition relating to a remediation scheme regarding contaminated land issues.
- 4.13 Parks & Countryside: It is noted that the development includes 1,620 m<sup>2</sup> (0.162ha) of amenity green space which will include varied planting, walking routes, social seating areas, lawns and communal gardens. On this basis an off site contribution towards open space provision is not required.
- 4.14 Your Officers have also consulted the District Valuer's Office to seek independent expert advice about the detail contained within the Affordable Housing and Viability Statement submitted by the applicants, and to ascertain whether a scheme including the contributions required to comply with policy would be viable. A detailed report has been provided by the District Valuer's Office and this will be referred to in detail in the Officer's Appraisal below.

## **5. Representations**

- 5.1 Hereford City Council: Object to the application and have asked that the scheme be re-designed in order that at least one parking space per flat is provided, plus some spaces for visitors and service providers.
- 5.2 Hereford Civic Society: Do not object to the application but see the lack of renewable energy as a missed opportunity.
- 5.3 Woolhope Naturalists Field Club: Object specifically to the demolition of the existing building and consider that it should be listed. They have not commented on the detailed design of the replacement building.
- 5.4 Three letters have been received that are generally favourable towards the application. They highlight the improvement of a currently derelict site and the provision of a type of accommodation that is currently lacking in Hereford as recurring themes. One resident of Victoria Court has asked for careful regard to be had to issues around residential amenity.
- 5.5 Nine letters of objection have been received. In summary the points raised are as follows:
- Victoria House is of local interest and should be retained
  - Many new buildings have been constructed in the conservation area. The existing building should be retained
  - The area around Lord Scudamore School is already too built up with houses.
  - There is too much overlooking of the school grounds already and this proposal will make things worse
  - Victoria House should be retained and used as a community centre
- 5.6 A petition containing 219 signatories entitled 'Petition against the proposed development of Victoria House' has been received. In summary the points raised are as follows:
- Victoria House is a landmark building in the Whitecross area and should be returned to its former glory
  - The results of a survey of local residents as part of the preparation of the Hereford City Plan, prepared by Hereford City Council, show that local people would like Victoria House to be retained and put to a community use
- 5.7 A letter has also been received from the Lord Scudamore Academy Eco-Committee who comment that if the site is developed as proposed it will back immediately onto an area within the school grounds that has been developed as an outdoor classroom and as a haven for wildlife. It highlights the importance of the area for improving children's understanding of their environment .

5.8 The consultation responses can be viewed on the Council's website by using the following link:-  
[www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=113131](http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=113131)

Internet access is available at the Council's Customer Service Centres:-  
[www.herefordshire.gov.uk/community\\_and\\_living/consumer\\_advice/41840.asp](http://www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp)

## 6. Officer's Appraisal

6.1 There are a number of matters to be considered in the determination of both of these applications. These are summarised below in the order that they will be addressed in the report:

- Design, scale and massing
- Affordable housing provision
- Economic viability
- Demolition of Victoria House
- Impact on adjoining land uses
- Car parking provision
- Biodiversity/Water Quality

### Design, Scale and Massing

6.2 The plans have been amended since the original submission of the application in an attempt to address concerns raised by officers about the scale and massing of the building, and the design of the elevation presenting to Eign Street. These include the introduction of a contemporary oriel window and alterations to improve the architectural rhythm of the front elevation, as well as the introduction of full height glazing mid-way along the west elevation to add a further visual break. However, the overall mass of the building has not been reduced and the plans show a large, single structure of approximately 1,000 square metres in footprint, covering approximately one third of the site area.

6.3 Notwithstanding the fact that they are similar in terms of overall plot coverage and footprint, the mass of the proposed building is significant by comparison to the residential development of Victoria Court. It benefits greatly from the visual break provided by the shared open space at the heart of the development.

6.4 The atrium at the core of the proposed development is intended to break up the mass, and the use of four separate pitched roofs aims to reduce its overall scale, but in your officers opinion that the proposed scheme fails to achieve this. Whilst the introduction of three storeys is reflective of the development at Victoria Court, which is of a similar height to this proposal, and to other buildings along Whitecross Road, the sheer mass of the proposal does not relate to the pattern of development in the immediate locality and is not representative of this part of the conservation area. Policy HBA6 comments quite specifically on this point and states that:

*"the proposed development shall respect the scale massing and height in relation to adjoining buildings, and the general pattern of heights"*

6.5 By virtue of its design, scale and massing the proposal does not preserve or enhance the character or appearance of the conservation area. In this respect the proposal fails to accord with Policy HBA6 of the Herefordshire Unitary Development Plan.

6.6 In accordance with the requirements of the NPPF, the report will go on to consider if there are any other public benefits that would outweigh the concerns raised about the design, scale and massing of the proposed building.

### Affordable housing provision

- 6.7 It is implicit from the applicant's submission that they accept that the type of accommodation that they are providing are dwellings as defined under Class C3 of the Town and Country Planning Use Classes Order. Therefore it is appropriate to require an affordable housing provision under Policy H9 of the Herefordshire Unitary Development Plan. The benefits that would be derived by securing affordable housing provision might be considered as public benefits that would outweigh the harm that might be caused to the character and appearance of the conservation area and therefore are material as referred to in paragraph 6.6 above.
- 6.8 At the pre-application stage the applicant's agent advised of their client's intention to make an off-site contribution for affordable housing, rather than make an on-site provision. They were advised that this would need to be justified if the Council were to set aside the requirements of adopted affordable housing policy. Notwithstanding this, a figure for an off-site contribution was provided by officers to form part of a Heads of Terms Agreement. Based on an equivalent 35% provision this would amount to £700,000 – 14 dwellings at £50,000 each. It is worth noting that, at no time throughout the course of pre-application discussions or the consideration of the planning application has the level of off-site contribution that the Council has stated been questioned, but rather the implications for the viability of the scheme. This is a material consideration to which weight must be attached in the context of the overall aim of promoting sustainable development.
- 6.9 The applicant has submitted an Affordable Housing and Viability Statement as part of the application. This asserts that the provision of on-site affordable housing within developments for specialised housing for the elderly is both problematic and unviable. It concludes that in this instance, an off-site provision would be more appropriate.
- 6.10 By way of further explanation, the report advises that the type of accommodation to be provided results in the payment of a service charge by residents to cover the upkeep and maintenance of the building and grounds, and the salary of a house manager. It suggests that if low cost or subsidised housing is included within the development, an additional cost of maintenance would have to be borne by private residents, leading to potential friction or animosity. It is therefore concluded that it is more appropriate to consider an off-site contribution towards affordable housing.
- 6.11 The case for off-site provision seems to focus exclusively on incompatibility and friction between private residents and residents in low cost or subsidised properties. The statement implies that two separate blocks would be required to overcome this, adding to the cost of the development of the site and making it unviable.
- 6.12 The applicant's agent has referred to a case study in Launceston where their client did agree to a mixed development of open market and affordable units to provide evidence for these assertions. However, the Council's Housing Development Officer has highlighted a case at The Rose Gardens on Ledbury Road where a similar project has successfully incorporated a mix of affordable and open market units.

### Economic Viability

- 6.13 As referred to earlier in this report, the application is accompanied by an Affordable Housing and Viability Statement. The latter part of the statement deals with the economic viability of the proposed scheme and makes a number of assumptions about the eventual value of the residential units, the build cost of the development, the profit margin that should be expected by the developer and the value of the site. However, it excludes any affordable housing provision or Section 106 contributions from its development costs, and the model has been used to conclude that the excess finance, once these other factors have been considered, is the amount available for a contribution.

- 6.14 The NPPF provides some useful advice about financial viability of schemes and reads as follows:

*Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.*

- 6.15 Your officers had raised a number of questions about the figures contained within the viability statement. In order to seek some clarity on this issue, the District Valuers Office (DVO) has been engaged to provide independent expert advice. This has been undertaken with the agreement of the applicant. The DVO was first asked to consider the viability of a scheme to include contributions to be secured through a Section 106 Agreement for improved library services, CCTV in the locality and, most significantly an equivalent off-site contribution for 14 dwellings towards affordable housing. This amounts to £741,000.
- 6.16 The report from the DVO concludes that the scheme would not be viable if the Council were to insist on a contribution of £741,000. However, following further sensitivity analysis where the DVO has applied different levels of contribution, it has become apparent that if the Council were to reduce the level of off-site affordable housing provision to 10 units; an equivalent contribution of £500,000 and a total contribution of £537,490, the scheme would be viable.
- 6.17 The applicant's have re-considered their appraisal looking at some of the inputs within the District Valuers report that they accept. However, they state that there are other figures that they do not accept (it is not made clear which these are), their revised figures show an excess of £195,000 and they have made a final offer of £200,000.
- 6.18 The purpose of engaging the District Valuer was to establish whether a viable scheme could be achieved, and it is evident from the report provided that it could if the Council is flexible about the contributions that it seeks. The final offer that has been made by the applicant falls well short of the figure of £537,490. The applicants have not provided any evidence to show why they disagree with some of the figures used in the District Valuers report and in the absence of any evidence, there is no justification for the Council to accept a reduced contribution and compromise further compliance with its adopted policies.
- 6.19 The advice that has been received from the District Valuers Office has provided evidence that, with some compromise about the level of off-site contribution to be made for affordable housing on the part of the Council, the scheme could be viable. Your officers have considered the advice given by the NPPF about viability and are satisfied that the reduced level of contribution would not be unduly burdensome to the applicants. However, they have failed to provide a robust defence of their disagreement about the figures used by the District Valuer.
- 6.20 The offer of £200,000 to provide affordable housing off-site is not proportionate to the size of the development and, in the absence of any evidence to substantiate the claim that the scheme would not be viable with a higher level of contribution, the scheme is considered to be contrary to Policy H9 of the Herefordshire Unitary Development Plan. Furthermore, in the absence of any other legitimate justification, the applicant's position regarding on-site provision is unwarranted.

#### Demolition of Victoria House

- 6.21 Policy HBA7 of the Herefordshire Unitary Development Plan refers specifically to the demolition of unlisted buildings in conservation areas and suggests that demolition will only be permitted if:
- The proposal is accompanied by a proposal for re-development
  - The building does not make a positive contribution to the character or appearance of the conservation area, and
  - The structural condition of the building is such that the cost of repair out-weighs the importance of its retention
- 6.22 The National Planning Policy Framework (NPPF) also provides advice in this respect and requires local planning authorities to have regard to the particular nature and significance of the heritage asset (in this case the conservation area) and the impact of new development on it, taking into account the desirability for it to make a positive contribution to the character and local distinctiveness of the historic environment.
- 6.23 The proposal is the subject of two separate applications; one for demolition and the other for a replacement building. Therefore the first part of Policy HBA7 is met.
- 6.24 The second two bullet points need to be read in conjunction with one another. Their inference is that, if it is concluded that the building in question is not considered to make a positive contribution to the conservation area, its structural condition is not of significance. The NPPF is also relevant here where local authorities need to assess the significance of the asset.
- 6.25 The Council's Historic Buildings Officer has considered the impact of demolishing the building and concurs with the conclusion of the applicant's assessment that it does not make such a positive contribution that it must be retained and thus compromise the re-development of the site. In coming to this conclusion, consideration has been given to the comments received from the Woolhope Naturalists Field Club who are of the view that the building is a significant piece of Arts and Crafts Architecture and is worthy of listing.
- 6.26 The comments received from English Heritage do not infer that the building should be considered as one appropriate for listing. However, they surmise that it is of a good quality and does make a positive contribution to the character and appearance of the conservation area. Their advice is clear that there should be substantial public benefit if the building is to be demolished. They do not consider that the detailed design of the building provides such public benefit, and this point has been considered earlier in this report, with a conclusion similar to that of English Heritage. The scheme fails to provide substantial public benefit in terms of its design and does not enhance the character or appearance of the conservation area.
- 6.27 It has also been demonstrated that the scheme does not provide substantial public benefit through the provision of affordable housing, either within the site or by securing an equivalent contribution for off-site provision. Your officers do not consider that significant weight can be given to the argument to be made that the development would free up more affordable accommodation in the open market. The typical scenario is that the type of accommodation would be occupied by individuals or couples looking to down-size. With open market values for the accommodation proposed at £156,000 for a one bedroom apartment and £215,000 it seems entirely reasonable to assume that the accommodation that residents would be moving from would be unaffordable to those people in housing need.
- 6.28 It does not appear that the existing building is in such structural decline that it could not be repaired, and it does make a positive contribution to the character and appearance of the conservation area. It is a building of some historic importance and its association with the Victoria Eye Hospital is well documented. As such it is considered to be of local importance. There is insufficient justification for the demolition of Victoria House and therefore the proposal

is considered to be contrary to Policies HBA7 and HBA8 of the Herefordshire Unitary Development Plan.

#### Impact Upon Adjoining Land Uses

- 6.29 As described earlier in this report, the area is characterised by a mix of uses. At the boundaries of the application site the two most sensitive are the residential use of Victoria Court to the east and Lord Scudamore School to the south.
- 6.30 The design of the proposal has responded to consultations undertaken with residents of Victoria Court prior to the submission of the application. The east elevation, which faces Victoria Court, is staggered and at their closest, the distance between opposing elevations is 17 metres. This relates to one modest two storey projection and more typically the distance between the two ranges between 27 and 30 metres. This relationship is considered to be entirely acceptable and will not result in any significant degree of overlooking. It is worth noting that there has been no adverse reaction to this proposal from residents in Victoria Court.
- 6.31 The proposal has been carefully assessed from the grounds of Lord Scudamore School. At its closest point in the south eastern corner, the development will be 3 metres from the shared boundary with the school, increasing to 6.6 metres at the south western corner. The proximity of the building to the school has been a point of concern throughout pre-application discussions and the consideration of this application, particularly due to mass and scale of the building at such close quarters to an area immediately adjacent within the school grounds that is used as an open air learning area. It is considered that on balance the degree of separation is acceptable. This conclusion is reached having regard to the relative orientation of the 2 sites, which would ensure that there would be no overshadowing of the outdoor teaching area, the presence of intervening trees and additional planting and the associated classroom building on the boundary. Furthermore, it is evident that the school does not object to the presence of the building and has not commented on the application.

#### Car Parking Provision

- 6.32 The applicant's have submitted a Transport Impact Report with the application. This considers the likely dependency on private forms of transport by potential residents and provides an assessment based on surveys undertaken at other properties across the country owned by the applicants. In line with the definition of Category II type retirement housing, which this application seeks to provide, the age of residents will normally be restricted to 60+ except where a resident over the age of 60 has a partner of 55 years of age or over. The evidence provided by the report suggests that the average age of entry to the applicant's properties is in fact 76.
- 6.33 The report then continues to analyze car ownership levels of residents by age. Between the ages of 55-60 it shows this to be at 80%, declining steadily to 33% between the ages of 75-80. It is upon this latter level of car ownership that the applicants have based their parking provision, with 14 spaces for residents equating to a 35% overall provision, with a further three spaces for visitors.
- 6.34 In light of the assumptions made about the age of residents and their average level of car ownership, the applicant's were asked to give consideration to the imposition of a condition that would require the minimum age of the principal occupant of an apartment to be a minimum of 65. No response has been received to this request.
- 6.35 The report also states that the position regarding parking, and entitlement to a permit, would be made clear to prospective residents prior to their purchase of a property. On this basis, it is for any purchaser to decide whether or not they still want an apartment without parking in the event all of the permits had been allocated. There is an absence of on-street parking in the

immediate vicinity of the application site and alternative parking is very limited, except perhaps the Horse and Groom car park opposite which charges members of the public a daily fee. It is therefore concluded that the impact of a lack of parking on site is unlikely to impact elsewhere.

- 6.36 The provision of just 17 car parking spaces in total does fall short of the normal expectations that would be placed upon a development of this nature. However, the proximity of the site to the city centre, the accessibility of local services, and the fact that a bus stop is immediately outside the site are all mitigating factors for a lower level of on-site parking and, combined with the analysis of existing sites as described above, your officers are content with the provision that has been made provided that a condition limiting the minimum age of the principal occupant of each apartment is imposed. On this basis the car parking provision is considered to be acceptable.

#### Biodiversity/Water Quality

- 6.37 The application is accompanied by an ecological survey and the Council's Ecologist is content that it is sufficiently detailed to allow a favourable recommendation in respect of on-site mitigation. The concerns raised in particular by the Lord Scudamore Academy Eco-Committee can be satisfactorily addressed through the imposition of a condition to secure biodiversity enhancements should this application be approved.
- 6.38 The issue of water quality is one that demands further explanation as it is likely to become a matter that affects an increasing number of planning applications across certain parts of the county in the future. Phosphate levels in the Rivers Wye and Lugg have been identified as being at a critical level, to an extent that it potentially compromises their designations as Special Areas of Conservation. As a competent authority, the council has an obligation to complete a screening opinion to determine whether or not developments within their catchment areas are likely to have significant effects on them. This is not a matter to be considered in isolation, but also in respect of the in combination effects of other developments within the catchment area. This will include development that may occur through potential allocations made in the emerging Core Strategy.
- 6.39 The screening report that has been completed is currently the subject of further legal advice in respect of the Council's approach to in-combination effects with emerging Core Strategy policies. This advice is not available at the time of writing and the position will be updated at the Committee meeting.

#### Conclusion

- 6.40 The applicants have failed to demonstrate that there are sufficient public benefits to outweigh the loss of Victoria House as a building considered to be locally important. By virtue of its detailed design, scale and mass, the proposed building does not respect or reflect the scale or pattern of development in this part of the conservation area, contrary to Policies DR1, HBA6 and HBA7 of the Herefordshire Unitary Development Plan, or the guiding principles of the National Planning Policy Framework.
- 6.41 Your officers recognize that the contributions requested originally, particularly in respect of a commuted sum for equivalent off-site affordable housing provision would have made the scheme economically unviable. However, the applicants have been unable to demonstrate to the satisfaction of the local planning authority that the level of contribution that they have proposed is reasonable. As a result the local planning authority is unable to demonstrate that public benefit would be achieved through affordable housing provision, either through an on-site provision or an acceptable off-site contribution. Accordingly the proposal is contrary to Policy H9 of the Herefordshire Unitary Development Plan. The subsequent lack of an acceptable Heads of Terms Agreement means that the proposal also fails against the

requirements of Policy DR5 and the Council's adopted Planning Obligations SPD. The application for planning permission is therefore recommended for refusal.

6.42 In the absence of an approved scheme for the redevelopment of the site the first requirement of Policy HBA7 is not met and consequently the application for Conservation Area Consent is also recommended for refusal.

## RECOMMENDATION

In respect of DMS/113131/F that planning permission be refused for the following reasons:

1. The proposal fails to make adequate provision for affordable housing. The local planning authority is not satisfied that the Affordable Housing and Viability Statement submitted in support of the application is sufficiently detailed and does not demonstrate that a provision of on-site affordable housing would be economically unviable, or that the low level of contribution proposed for an alternative off-site provision is warranted. In the absence of an on-site affordable housing provision or sufficient justification for non provision, or an equivalent off-site contribution, the proposal is contrary to Policy H9 of the Herefordshire Unitary Development Plan.
2. The proposal fails to demonstrate that there are sufficient public benefits to outweigh the loss of Victoria House as a building considered to be locally important. By virtue of its detailed design, scale and mass, the proposed building does not respect or reflect the scale or pattern of development in this part of the conservation area, contrary to Policies DR1, HBA6 and HBA7 of the Herefordshire Unitary Development Plan, or the guiding principles of the National Planning Policy Framework.
3. In the absence of an agreed Draft Heads of Terms Agreement the proposal is contrary to Policy DR5 of the Herefordshire Unitary Development Plan and the Council's adopted Supplementary Planning Document - Planning Obligations.

In respect of DMS/113132/C that planning permission be refused for the following reason:

1. In the absence of an approved scheme for the redevelopment of the site the demolition of the existing building is unwarranted and the clearance of the site would be detrimental to the character and local distinctiveness of the Conservation Area contrary to Policies HBA6 and HBA7 of the Herefordshire Unitary Development Plan.

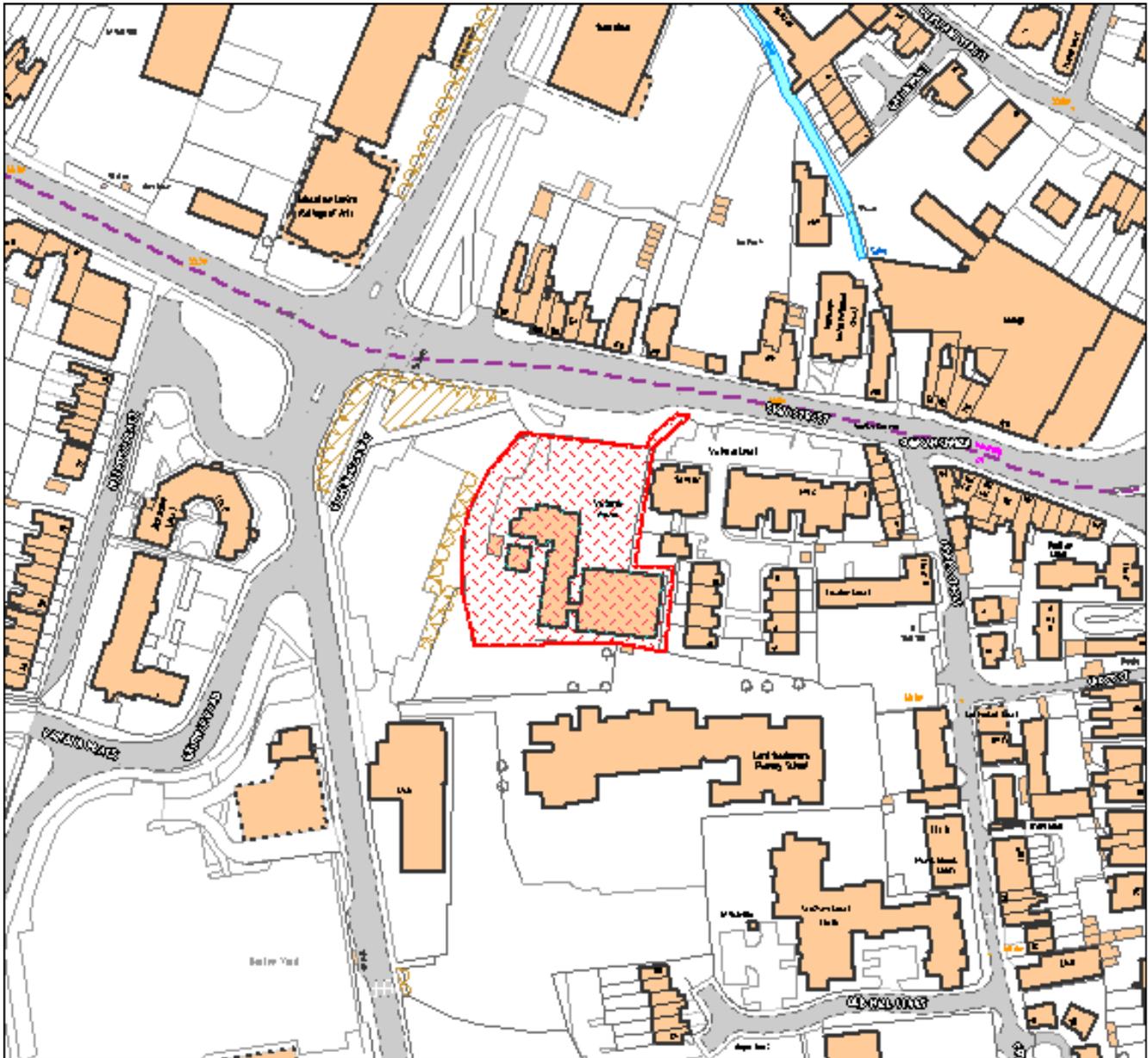
Decision: .....

Notes: .....

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## Background Papers

Internal departmental consultation replies.



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**APPLICATION NOS:** DMS/113131/F & DMS/113132/C

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