



Appeal Decision

Hearing Held on 4 February 2020

Site visit made on 4 February 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2020

Appeal Ref: APP/C4235/W/19/3239372

Land adjacent to Mentor House, Chestergate, Stockport SK3 0DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Davies of Philip J Davies Trust No.3 against the decision of Stockport Metropolitan Borough Council.
 - The application Ref: DC/071741, dated 27 November 2018, was refused by notice dated 18 April 2019.
 - The development proposed is described as: Erection of B1 light industrial / B8 storage and distribution warehouse units (any trade counter use to involve trading floorspace not exceeding 25% of net internal floorspace) with associated means of access, parking, servicing and landscaping.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The planning application was originally refused for five reasons relating to the compliance of the proposed use with development plan policy; the effect of the development on the adjoining, non-designated, heritage asset (Mentor House); the effect on the character and appearance of the area; future access and parking requirements for adjoining Mentor House; and effects on the adjoining mixed use area..
3. Prior to the hearing, the Council withdrew reasons for refusal 1, 4 and 5 and stated that it was no longer defending these reasons for refusal. Reasons 2 and 3, relating to the effect of the development on the non-designated heritage asset and the effect on the character and appearance of the area, remained as significant disputed matters.
4. The planning application form states that the applicant was 'Mr Mark Davies of Philip J Davies Trust No. 3', whilst the decision notice issued by the Council cites 'Mr Mark Davies of Philip J Davies No.1 Nominee Limited', which is the name that is also used on the appeal form. It was confirmed at the hearing that these are both the same legal entity. However, as the planning application that is the subject of this appeal was made in the name 'Mr Mark Davies of Philip J Davies Trust No.3', I have used that for the purposes of the appeal.

Main Issues

5. The main issues in this appeal are:

- The effect of the proposed development on the character and appearance of the area; and.
- The effect of the proposed development on nearby heritage assets, particularly the locally listed Mentor House.

Reasons

Character and appearance

6. The appeal site is an area of cleared land that lies between Chestergate (the A560) and the River Mersey and is located to the west of Stockport town centre. It forms part of an area of primarily commercial properties of various ages and designs, which are a mix of repurposed older buildings and more modern structures. These range from effectively single storey to up to five and six storeys in height. Adjoining the appeal site are Mentor House and an attached former industrial building, a remnant of a now demolished hat factory complex, and on Chestergate, a two storey former shop with a flat above that, from the evidence, is a sole survivor of a now demolished terrace of buildings that extended across the front of the appeal site. Adjacent to the appeal site are two, tall, former mill buildings, Kingston Mill situated to the west, and on the opposite side of King Street West, Wear Mill. These, together with the imposing structure of the railway viaduct impose a sense of scale and height on the south bank of the river.
7. On the opposite side of Chestergate, the buildings are smaller in scale and less regular in layout, although relatively dense in built form, resulting from incremental replacement of older buildings over time on an existing road pattern. To the south east of the appeal site is a large, Twentieth Century, bus depot building. Chestergate and King Street West are busy main roads and on both roads the majority of the buildings are positioned close to, and have a close visual relationship with, the highway.
8. Taken in isolation, the design of the proposed buildings that would make up the development would not be inherently objectionable. However, the National Planning Policy Framework (the Framework) seeks to ensure that new development adds to the quality of an area, is sympathetic to local character and the surrounding built environment, and establishes, or maintains, a strong sense of place.
9. Apart from the proposed Unit 5, which would replace an existing older building, the proposed new units would be set some distance from the highway. All the proposed buildings would present their rear elevations to the main road with the entrances facing into the site, which would not reflect the approach more widely taken in the area. Between the buildings designated units 3 and 4 and the highway an area of car parking would be provided. The units designated 1 and 2 would be located behind the existing two storey former shop and flat. To the side of this latter building, there would be a small area of landscaping at the proposed access to the site and on the opposite side of the building, an area of hardstanding, which was being used for the display of cars for sale at the time of the site visit, but which is not shown as having a particular use on

the submitted drawings. This area and the existing shop building are outside of the ownership of the appellant.

10. I recognise that there are constraints on the appeal site in terms of land ownership and changes in ground level between the front of the site, towards Chestergate, and the rear of the site, towards the river. The Design and Access Statement submitted with the application sets out how the layout was evolved in this respect, however, it does not explain why the proposed buildings are oriented the way that they are.
11. The proposed Unit 5 would be located on the higher part of the appeal site adjacent to Mentor House and would form the corner of Chestergate and King Street West. This building would have a floor plan in the shape of an irregular pentagon formed of a rectangle with a long chamfered edge. The building would be detached from Mentor House and set back from the rear edge of the current footpath to allow for a possible re-alignment of the junction to accommodate a proposed link with the tram system operating in Greater Manchester and which would run along Chestergate. The building would be faced in a mix of brickwork and cladding panels and would have a shallow pitched roof over part of the plan form and a flat roof over the chamfered section of the plan. The outward facing walls would be largely blank except for a single, full height, window opening on the shortest wall, facing Chestergate.
12. This building would occupy a prominent corner site on two principal roads. The current building occupying this part of the site, despite having had its brickwork painted and the end bay truncated, has a close visual relationship with Mentor House as a result of being physically attached to it and featuring a parapet and string course that echo these features on the neighbouring building. Due to the roof form, use of materials and separation from the adjoining building, the proposed Unit 5 would provide little visual continuity with Mentor House nor would it provide a visual link with the other proposed buildings on the site due to the distance that the latter would be set back from the highway.
13. The alternate slopes to the roofs on the two blocks containing Units 1 to 4 would provide some visual variety. However, this, in combination with the pitched/flat form of the roof of unit 5, and the location of these units on different levels of the site would result in a disjointed visual appearance to the site, with the buildings surrounded by hard surfaces. The appeal proposal would provide only a small area of soft landscaping to the site frontage, and from the submitted drawings some of this would be lost if the proposed alterations to the highway of Chestergate are carried out to accommodate a link with the tram system operating in Greater Manchester.
14. The appeal site is in a prominent position, located between two imposing buildings at a junction of two main roads. As a result of being set far back from the carriageway, the largely blank facades facing the highway, the extent of hard surfacing, and the smaller scale and dispersion of the buildings on the site, the appeal proposal would not appear well integrated with its surroundings despite it being proposed to use similar materials. Consequently, I find that the proposed development would not add to overall quality of the area or establish a strong sense of place that is sympathetic to local character and history.

15. I have noted that there is a development of modern office buildings on the north bank of the river that is smaller in scale. Nevertheless, this has a different surrounding context to the appeal site and the hard surfaced areas within the site broken up by planting and landscaping.
16. I therefore conclude that the proposed development would cause harm to the character and appearance of the area. It would not comply with the relevant requirements of Policies CS8 and SIE-1 of the Stockport Core Strategy 2011 (the Core Strategy) which when read together expect, amongst other matters, new development to be of a high standard of design that makes a positive contribution to the built environment, which promotes a sense of place and which has regard to its context, including the historic environment.
17. Although the third reason for refusal on the decision notice also refers to Saved Policies L1.8 and L1.9 of the Stockport Unitary Development Plan 2006, it was agreed at the hearing that recreational routes are not an issue and that these policies are not offended by the proposal.

The effect on nearby heritage assets

18. There are several designated and non-designated heritage assets in the near vicinity of the appeal site. Wear Mill, a Grade II Listed Building, is located directly opposite the appeal site at the junction of Chestergate and King Street West. Passing above parts of Wear Mill is a Grade II* Listed railway viaduct spanning the river Mersey. Just to the west of the appeal site, number 213 Chestergate is a Grade II Listed Building. Immediately adjoining the appeal site, Mentor House, Kingston Mill and the King Street West road bridge are locally listed, non-designated heritage assets.
19. Although Mentor House is not included within the red line boundary of the appeal site and I acknowledge that the proposal does not involve its alteration or demolition, there are nonetheless statutory and policy reasons why the effect of the proposed development on Mentor House and the other nearby heritage assets have to be considered.
20. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
21. Non-designated heritage assets do not have any statutory protection. However, the Framework sets out that all heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. It also states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.
22. For the purposes of heritage policy, the Framework defines significance as “the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting”. The Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. It goes on to say that

- the extent of the setting is not fixed and may change as the asset and its surroundings evolve, and that elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
23. The Planning Practice Guidance (the PPG) sets out that all heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The PPG also clarifies that the setting of a heritage asset and the asset's curtilage may not have the same extent.
24. It was clear from the evidence submitted by the main parties and from the site visit that the appeal site is within the setting of the heritage assets in the vicinity of the site to a greater or lesser extent.
25. The only substantive evidence regarding significance that has been submitted is in respect of Mentor House, which concludes that, primarily due to the building's association with the hat making industry in Stockport, it has considerable heritage value. There is much less evidence in respect of the significance of the other heritage assets, although the discussions at the hearing drew out that collectively these are representative of the industrial development in this part of Stockport and represent the evolution of the local townscape. From the evidence before me, the significance of heritage assets, insofar as it is relevant to the current case, in addition to the above is that the mill buildings and Mentor House illustrate the historic importance of the textile and clothing industry to the town and its relationship with the river, and represent surviving examples of a once more prevalent type of industrial building, many of which have been lost to redevelopment over time. The road bridge and railway viaduct are illustrative of improving transport as a result of increased industrialisation.
26. The setting of Mentor House in particular has been eroded by demolition of the larger hat factory of which it once formed a part and would be further eroded by the demolition of the last other surviving part of that factory to facilitate the erection of one of the units proposed by the appeal scheme. Although this building would be replaced by a new commercial building, as set out under the previous main issue, this would be inconsistent with the architecture of Mentor House and would provide little in the way of visual continuity. This, in combination with the transformation of the site to the rear of Mentor House, would diminish the ability to understand the historic context and function of Mentor House and would thus be harmful its significance. The scale of this harm would be great given the considerable heritage value of Mentor House identified in the Heritage Statement and Impact Assessment.
27. This last surviving part of the factory also forms part of the setting of the Grade II Listed Wear Mill which it faces across King Street West. Although the brickwork has been painted and the end bay truncated, this is a remnant of earlier building and reflects the architecture of this. The setting of Wear Mill has been eroded by the demolition of the former workrooms that were previously located to the north of Mentor House and formed part of the street elevation facing Wear Mill. The loss of the last factory element and its replacement by a new building (Unit 5 of the proposed scheme) inconsistent with the architecture of Mentor House would result in a further erosion of the historic context of the mill building and would be harmful to the setting of this designated heritage asset. Substantial harm is a high test, and, in this case,

there would not be a total loss of significance, nor would the proposed development seriously affect a key element of the mill's special architectural or historic interest. The degree of harm would, therefore, be less than substantial.

28. The local list description of Kingston Mill, located to the west of the appeal site, sets out under the summary of importance that this building is one of a group of early and mid-Nineteenth Century mills along the banks of the Mersey. Due to the height and size of this building it has a strong visual relationship with Wear Mill to the east, with the appeal site lying between. From what I saw when I visited the site, due to their scale and appearance the two mill buildings and the railway viaduct have an important role in defining the character of the area and are illustrative of the areas development and industrial heritage. The setting of the building has been altered by the demolition of the former mill building on the appeal site. The insertion of the appeal proposals, which would be much lower and set back from the highway, between these two buildings would not have a substantial effect on the visual relationship between the remaining mill buildings. It would, however, have a minor adverse effect on the ability to appreciate its significance through the loss of the last surviving part of the former factory on the appeal site and the development of a group of buildings which I have found would not make a positive contribution to the sense of place. This effect would be mitigated to an extent by re-establishment of built development on the site. Within this context, the effect on the setting of Kingston Mill would be broadly neutral.
29. Whilst the proposed development would be within the setting of the Grade II* Listed railway viaduct and locally listed road bridge, it would not diminish the understanding of the importance of these structures or the manner in which they are experienced. The effect of the development on these heritage assets would be a neutral one.
30. There is insufficient information in respect of number 213 Chestergate to determine what the particular significance of this building is. This notwithstanding, from what I saw when I visited the site, due to its position relative to the appeal site, the proposed development would have a neutral effect on the setting of this building.
31. Whilst the proposal would have a neutral effect on some of the nearby heritage assets, I have found that it would cause less than substantial harm to the setting of the Grade II listed Wear Mill and would be harmful the significance of Mentor House. The Framework requires that great weight be given to the conservation of designated heritage assets, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. The Framework also requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account.
32. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In weighing applications that directly or indirectly affect 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.

33. The proposed development would result in investment and potential additional spending in the local economy during the construction period, as well as providing employment during the construction period and the potential to generate an estimated additional 30 jobs post construction, although I note that at present there are no identified end users for the proposed buildings. It would also result in a potential increase in business rates income. Development on the site would result in an improvement in the appearance of what is currently a cleared site, however, this is tempered by the fact that I have found that the particular design and built form of the development proposed by the appeal scheme would be harmful to the character and appearance of the area. The appeal proposal would also regenerate a site close to the town centre, that is well located in terms of public transport access.
34. I have noted the appellant's point that developing the site would avoid issues of unauthorised traveller encampments, vandalism and anti-social behaviour, nevertheless, there is no compelling evidence that these activities have or are occurring.
35. Any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, requires a clear and convincing justification. Whilst there are undoubtedly some benefits to the scheme which weigh moderately in its favour, it would also cause harm to the setting of a designated heritage asset and, as a minimum, great weight has to be given to that harm. To this needs to be added the great harm that would result to the setting of a non-designated heritage asset. Overall, whilst there would be some benefits as a result of the scheme, I do not find that they represent a clear and convincing justification for the harm that would result to the nearby heritage assets.
36. I therefore conclude that the proposed development would cause harm to the setting of nearby heritage assets. It would not comply with the relevant requirements of Policies CS8, SIE-1 and SIE-3 of the Core Strategy which collectively seek to ensure, among other matters, that new development is of a high standard of design that has regard to the historic environment and makes a positive contribution to the protection and/or enhancement of heritage assets.

Other matters

37. I have noted the appellant's point in relation to the draft Stockport Town Centre West Strategic Regeneration Framework published in July 2019 but would agree that, as this is a consultation version of the document and may yet be subject to change, that it has very little weight at this time with regard to the appeal scheme.
38. I have also noted that it is common ground that the appeal proposal does not conflict with a number of other policies in the development plan. However, this does not, of itself, overcome the conflict with Core Strategy Policies CS8, SIE-1 and SIE-3. It is not argued that these policies of the Core Strategy, which are relevant to the decision, are out of date.

Conclusion

39. Section 38(6) of the of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise. I have found that the proposed development would cause harm to the character and appearance of the area and would cause harm to nearby heritage assets. As such, it would conflict with Policies CS8, SIE-1 and SIE-3 of the Core Strategy. These are important matters and weigh heavily against the proposal, notwithstanding that it complies with other policies in the development plan. Whilst there would be some economic benefits arising from the proposal, these would not be so significant as to overcome the considerable importance and weight that must be given to the harm that would be caused to the nearby designated and non-designated heritage assets. Consequently, there are no material considerations that indicate that planning permission should be granted for a development that does not comply with the requirements of relevant policies in the development plan.
40. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr M Davies	Appellant
Mr J Paul	J10 Planning Limited
Mr N Grimshaw	Heritage Architecture
Mr J Wood	Pozzoni Architecture
Ms V Leam	Kuits Solicitors

FOR THE LOCAL PLANNING AUTHORITY:

Mr M Jordan	Senior Planning Officer, Stockport MBC
Mr P Hartley	Conservation Officer Stockport MBC