



Appeal Decision

Hearing held on 19 July 2022

Site visit made on 18 & 25 July 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2022

Appeal Ref: APP/H1033/W/21/3286543

Shire Hill Hospital, Bute Street, Glossop SK13 7QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (TCPA90) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by NHS Property Services Limited against High Peak Borough Council.
 - The application Ref HPK/2019/0316, is dated 5 July 2019.
 - The development proposed is redevelopment of the Shire Hill Hospital site for residential development including retention and conversion of the former Administration Building.
-

Decision

1. The appeal is allowed and planning permission is granted for redevelopment of the Shire Hill Hospital site for residential development including retention and conversion of the former Administration Building at Shire Hill Hospital, Bute Street, Glossop SK13 7QP in accordance with the terms of the application, Ref HPK/2019/0316, dated 5 July 2019, subject to the conditions in the attached schedule.

Preliminary Matters

2. During the planning application process, the application was amended to be in outline with all matters reserved except access with a revised description as set out in the banner heading above. The appellants confirmed at the Hearing that the proposals seek to demolish all buildings apart from the former Administration Building. Moreover, the indicative layout plan is intended to show one option of how this could be achieved. I have considered the appeal on this basis and have regarded all elements of the proposed drawings as indicative except the access.
3. A draft S106 unilateral undertaking (UU) was submitted prior to the Hearing. This included provisions regarding affordable housing and financial contributions towards infrastructure. A signed and executed version of the UU was received after the Hearing in accordance with an agreed timetable.

Background and Main Issues

4. The appeal results from the Council's failure to determine the planning application within the prescribed period. Nonetheless, the Council's statement of case sets out its concerns.
5. Although not formally recorded on a local list, it is common ground between the main parties that the Shire Hill Hospital constitutes a non-designated heritage asset (NDHA). In this regard, one of the Council's concerns is the

extent of demolition proposed by the appellants to the NDHA. The Council considers that the former Hospital Ward Block makes a positive contribution to the NDHA's significance, could be viably retained, and it is not therefore necessary to demolish it. This, it is put to me, carries weight in the assessment of any overall harm in a balanced judgement.

6. The Council's other concern is that it considers the appeal proposal could viably support contributions towards affordable housing and other infrastructure provision. This was a matter initially disputed by the appellants. However, prior to the Hearing the main parties updated their positions in relation to financial viability matters. Subsequently, I was informed at the Hearing that both parties agreed that the appeal scheme could viably support contributions towards affordable housing and other infrastructure provision. As such, the Council confirmed that subject to the completion of the UU, it no longer objected on this basis.
7. However, both main parties remain in dispute as to whether an 'alternative scheme', involving the Ward Block's retention, is viable and, consequently, the weight that should be given to any heritage harm in the planning balance. It is important to note that this hypothetical 'alternative scheme' is not before me for determination.
8. Accordingly, the main issues before me are:
 - The effect of the proposal on the character and appearance of the surrounding area with particular reference to the effects on the Shire Hill Hospital as a NDHA; and
 - Whether it is viable to retain the former Hospital Ward Block as part of any redevelopment of the site and, if harm is identified in the first main issue, the weight to be given to the findings on viability in considering the appeal scheme.

Reasons

Non-designated heritage asset

9. The appeal site is located on the edge of a residential area in Old Glossop and borders open countryside. In the 19th Century the site included a workhouse (built in the early 1830's for the Glossop Union Workhouse) and a later infirmary (built in the 1880's). The site subsequently evolved as the Shire Hill Hospital (the Hospital). The infirmary and workhouse were used as part of the Hospital's Ward Block and Administration Block respectively. The Hospital is now vacant and surplus to the NHS's requirements.
10. The site contains several buildings. However, I consider the Hospital to constitute a single NDHA, rather than comprising of individual NDHAs. This is consistent with Historic England's consideration of the former Hospital's potential for listing.
11. In deciding not to list the former Hospital, Historic England considered that the appeal site's historical association with the community had significance, but the buildings did not meet the criteria for listing. In reaching its conclusion, Historic England had particular regard to the high, and significant levels of change, which had taken place with the essential principal elements having been lost to successive phases of development.

12. Notwithstanding Historic England's conclusions, there are elements of some of the buildings that do have architectural interest as a NDHA. These underpin the local historical and communal significance stemming from its past workhouse and hospital uses, as referred to by Historic England.
13. There is general agreement between the main parties regarding the significance of the individual buildings and extensions with each element assessed as either High, Medium, Low, Neutral or Detrimental. I find these to be appropriate classifications. The only disagreement relates to the significance of the 1896-7 northern wing. This, the appellants consider has a neutral significance, whereas the Council consider it to be of low significance. Due to its age, surviving features and legibility as an extension to the original infirmary, particularly from its western elevation, I find there is sufficient interest to be recorded as having low significance.
14. The main entrance to the grounds is between two stone gate posts with the land rising from the street. The buildings are set back within the site behind several mature trees in a landscaped area either side of the access drive. This formal entrance and extent of vegetation forms an attractive garden setting to the buildings and a pleasing approach into the site.
15. The frontage buildings include the Administration Block and the Ward Block. These follow a distinct linear alignment, and their combined length dominates the front of the site. This cohesive form contrasts with other built form to the rear, which includes several later additions. Collectively, behind the frontage buildings the site has a somewhat incoherent appearance, albeit with several elements of interest.
16. Physical features of interest throughout the site include the ornate metal veranda on the Ward Block's front elevation and the robust simplicity of the modest cottage building to the rear of the Administration Block. Both parties agree that the cottage and the main east-west running footprint of the Ward Block are of medium significance. However, the scale, correlated alignment with the Administration Block and the architectural detailing combine to give the Ward Block a much stronger presence within the site. This presence and appearance have a distinctly institutional character in contrast with the simpler vernacular of the former workhouse building. In this regard, I find the Ward Block to have particular value to the sites overall character.
17. Overall, the appeal site's significance as a NDHA is derived from a combination of its historic fabric, its representation of its functional and institutional history and social values. Evidence of the original layout of the site and how it has evolved remains legible and the appeal scheme would result in a considerable loss of this significance. The former hospital can be seen from various points outside of the site, including in more distant views, such as from the B6105 and in this regard its historic fabric makes a positive contribution to the character and appearance of the area.
18. The Administration Block is the most prominent building when entering into the site. Its retention, as part of the scheme, along with the modified access road and vegetation either side would preserve a key part of the site's character. Moreover, the associated historical interest of the former workhouse building would be preserved. The removal of detracting elements would also be a benefit of the proposed development.

19. The loss of all the buildings except for the Administration Block would remove most buildings associated with the former hospital. In particular, the loss of the entire Ward Block would erode the architectural, historical, and communal values associated with the past caring uses from the original infirmary and subsequent hospital uses. However, apart from the Ward Block, the remaining buildings to be removed do not make a sizeable contribution to the overall significance of the site.
20. The appellants' 'High-Level Design and Conservation Parameters' document (Conservation Parameters Document) offers guidance on how a scheme could be developed. The indicative layout plan shows one option of how the site could be developed and I accept that there is little in the layout that invokes a sense of place associated with the former buildings, uses or its historical garden setting. Nor is there any firm evidence of how this design has responded to the appellants' own Conservation Parameters Document. Instead, it more readily reflects the more recent suburban housing near the site.
21. However, this is an outline application with all matters reserved except access. In this regard, there is no firm evidence to suggest that an alternative design, could not be delivered that better reflects the design guidance for new development within the Conservation Parameters Document, the existing utilitarian geometry of the existing frontage buildings, or the sites heritage. Such details could also include the location of the repositioned gate post.
22. I accept that any high-quality designed scheme would not restore the significance that is embodied in the lost buildings and their history. As such, and to conclude on this main issue, the proposal would retain key elements when entering the site, including the Administration Block which is of high significance. However, there would also be a considerable loss to the site's physical characteristics from the extent of demolition proposed. This would considerably erode the existing historical and communal values of the site.
23. Policy EQ7 of the Council's Local Plan (LP) (2016) broadly seeks to conserve heritage assets in a manner appropriate to their significance. It stipulates several criteria that establish how the Council will protect designated heritage assets, NDHAs and their settings.
24. One criterion relates to the change of use of heritage assets. Here, the Council highlight a requirement to demonstrate that a proposal is the optimum sustainable and viable use that involves the least change to the fabric, interior and setting of the building. This criterion refers to heritage assets 'including' listed buildings and conservation areas.
25. The term 'including' may suggest this is not a closed list, but there is no firm evidence before me that this criterion is intended to relate to NDHAs as well. Indeed, the interpretation of this criterion on this basis would not be consistent with the provisions of the National Planning Policy Framework (the Framework) (2021).
26. The LP was prepared prior to the 2021 Framework. However, paragraph 213 of the Framework advises that policies should not be considered out of date because of the date of their adoption, but that due weight should be given to them according to their consistency with the Framework. In this regard, the Framework more clearly distinguishes between how the effects on NDHAs, and designated heritage assets should be considered. It states at paragraph 203

that in weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. As such, there is a lesser threshold of a balanced judgement set out in the Framework for NDHAs than the requirements of this criterion in Policy EQ7 of the LP.

27. Another criterion highlighted by the Council stipulates that the Council will prevent the loss of buildings and features which make a positive contribution to the character or heritage of an area. This would be achieved through preservation or appropriate reuse and sensitive development, including enabling development. Exceptions are accepted, if it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or other relevant provisions of the Framework apply. However, the phraseology of this criterion is similar to paragraph 201 of the Framework, which relates to designated heritage assets rather than NDHAs and the provisions of paragraph 203. Overall, I find that Policy EQ7 of the LP is not entirely consistent with the Framework, and I therefore give any conflict with it moderate weight.
28. To conclude on this main issue, the proposal would result in a considerable loss of significance associated with a locally important NDHA. The proposal would therefore have a harmful effect on the character and appearance of the surrounding area with particular reference to the effects on the Shire Hill Hospital as a NDHA. The harm would be at odds with the broad objectives of Policy EQ7 of the LP, in seeking to conserve heritage assets. I will return to this, in my Heritage and Planning Balance, in forming a balanced judgement weighing the direct impacts to the NDHA against other considerations.

Viability of retaining the Ward Block

29. The main parties disagree if the Ward Block could be viably converted, thus preserving it as part of the redevelopment. This would, in the Council's view, reduce the overall harm to the NDHA. In this regard, a test on viability can be a useful exercise in a balanced consideration. However, it is pertinent to reiterate that this hypothetical 'alternative scheme' is not before me for determination.
30. Prior to the Hearing, the main parties had reached agreement regarding most aspects of the viability testing of the alternative scheme. The areas of disagreement were on the potential sales values of the houses and apartments and the proposed developers profit margin.
31. The appellants suggest that the houses would attract a sales value of £280 (per sq.ft on average), whilst the apartments would attract a sales value of £240 (per sq.ft on average). This contrasts with the Council who consider the sales values would be higher at £315 and £260 (per sq.ft on average) respectively.
32. Both parties have referred me to sales data within and around Glossop. Old Glossop has its own characteristics that distinguish it from Glossop. It has attractive tightly knit stone buildings set along several narrow streets and convenient recreational access into the Peak District National Park. As such, I find the sales data for other properties in Old Glossop to carry greatest weight in reaching my conclusions.

33. Delays in registering sales at the land registry has affected the availability of data. In this regard, the Council has provided data sourced from local estate agents and the housing developer for the nearby Hawkshead Grange scheme. I have no reason to question the accuracy of this data and, recognising the delays at the land registry, I do not give it reduced weight in my assessment.
34. Of the more recent housing schemes before me I find the housing development at Hawkshead Grange to be the most comparable to the appeal site, due to its recency and close proximity. During my site visit, I saw that many properties were occupied. The appeal site benefits from a more elevated position with views of existing mature vegetation (that are indicated to be retained), views to the bordering countryside and broader views to the undulating landscape. Moreover, it has convenient access to walk into the surrounding countryside. These elements lead me to conclude that the housing at the appeal site is likely to be more attractive to potential purchasers than the housing at Hawkshead Grange.
35. The sales data for Hawkshead Grange indicates that in October 2021, the overall average sales price equated to £295 per sq.ft. Moreover, some of the reservations in this sales data were made in 2020 at pre-launch prices.
36. In terms of any recent re-sales of non-new build properties in Old Glossop, I am mindful that each property has its own characteristics, including condition, reducing the effectiveness as a comparison with a new build. However, the sales values ranged between £298 and £375 per sq.ft. One exception was a property in need of renovation that had a sales figure of £263 per sq.ft.
37. There is a smaller difference between the main parties in the sales values for the proposed apartments. Both parties have referred me to apartments sold at Glossop Brook where two sales in July 2021 equated to £258 per sq.ft. More recent resales data for apartments, including at Glossop Brook, shows sales between £273 and £310 per sq.ft.
38. None of the apartments before me share similar characteristics with the appeal site's position and location in Old Glossop. I accept that locations in Glossop town centre will have more convenient access to facilities. However, for the reasons set out previously, I find that this particular edge of town location and its setting will be more attractive to potential purchasers than the other schemes, including the apartments at Glossop Brook.
39. There is no dispute between the parties that sales prices have continued to rise over the past few years. This is despite external factors such as the pandemic bringing uncertainty to the market. I accept that there is continued uncertainty at this moment in time including, amongst other things, the cumulative knock-on effects from the pandemic and rising inflation. This has led to some predictions of a slowing in the market, and I accept it may change in the future. However, these broader market predictions are not borne out to date in the local sales evidence before me.
40. I am not therefore persuaded that there is sufficient evidence of a drop that would justify average sales figures for the housing and apartments at £280 and £240 per sq.ft respectively, as put forward by the appellants. Moreover, I find the Council's estimation of £315 and £260 (per sq.ft on average) respectively to be more realistic, having particular regard to the sales evidence before me,

the distinguishing attractive characteristics of the appeal site and number of apartments indicated in the alternative scheme.

41. The appellants have included a developers profit margin of 20% (Percentage of Gross Development Value (GDV)) for the whole development. This contrasts with the approach of the Council who consider a lower percentage of 18% for the market housing and 8% for the affordable housing to be appropriate. A 20% profit margin is agreed between the parties for the apartments.
42. The LP viability assessment used a profit margin of 15-20% on GDV. This aligns with the guidance within the Planning Practice Guidance (PPG). The proposed 20% figure adopted by the appellants is therefore within the anticipated range, albeit at the upper most level.
43. As outlined previously, the evidence before me does not suggest that market influences, including the pandemic or increasing inflation, have individually or cumulatively had a significant effect on residential sales and values in the area. However, this does not necessarily mean that developers are not facing increased risk in the current market because of these matters.
44. I accept that the existing labour market is stretched and there are ongoing challenges in supply chains. Whether these are a consequence of the pandemic or anything else does not alter that they are real and are adding to the challenges facing developers. In this regard, I accept that the combination of these elements has resulted in significantly increased uncertainty for developers and increased risk.
45. Blended approaches to profit have been adopted previously elsewhere with a higher percentage for conversion and lower percentage for market housing. Moreover, there is no evidence before me of anything overly complex about the construction of market housing within the remainder of the site. However, these matters do not outweigh my findings in relation to the current economic climate, challenges facing developers and ultimately risk. As such, in these circumstances I find it reasonable for a developer to seek a profit return at the upper level of the spectrum at 20%.
46. With regards to affordable housing, the PPG indicates that a lower figure may be more appropriate in circumstances where this guarantees an end sale at a known value and reduces risk. However, at this outline stage there is no guaranteed end sale at a known value. As such, even if affordable housing may typically have lower profit margins, I do not find it appropriate in the circumstances presented to me and considering the advice in the PPG. A 20% figure is thus reasonable in this instance.
47. To summarise, I find that anticipated sales values for the housing and apartments of £315 and £260 (per sq.ft on average) respectively, are realistic. Moreover, it is reasonable to seek a profit margin figure of 20% return on GDV. The Council's Update Note to its viability assessment, prepared by Keppie Massie, appraised this scenario in its sensitivity testing and demonstrates that the 'alternative scheme' would be viable.
48. The PPG makes clear that viability should help to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the grant of planning permission. In this instance, taking a

balanced approach on viability, it appears that a housing scheme could be viably delivered with the retention of the Ward Block. Moreover, in doing so there would still be reasonable incentive for the landowner to bring the land forward for development. However, this hypothetical 'alternative scheme' retaining the Ward Block is not before me for consideration.

49. To conclude on this main issue, it is viable to retain the former Hospital Ward Block as part of any redevelopment of the site. I therefore give limited weight to the appellant's viability assessment of the hypothetical 'alternative scheme' in my assessment of the appeal scheme before me. As such, I do not reduce the weight I give to the harm that I have identified in the first main issue in the Heritage and Planning Balance.

Other Material Considerations

50. The site is on the edge of the settlement but is approximately a 20-minute walking distance of Glossop Town Centre. There are also several local facilities within Old Glossop. I accept that occupiers may also own a car and the incline and distance may put some residents off from walking. However, alternatives would exist, and the site is in my view in a sustainable location.
51. The government places considerable importance on making effective use of land to boost the supply of housing, including specifically on previously developed land and in locations with good access to services and facilities, such as the appeal site.
52. The Council is not currently able to demonstrate a five-year supply of deliverable housing sites, with a supply figure at 4.79 years. This amounts to a deficit of 103 dwellings. Although the shortfall is small, I have no firm details before me if, or how, the shortfall would be addressed. The provision of housing, shown at 52 dwellings in the indicative layout plan would be a considerable contribution towards meeting the identified need. This would also include the provision of three affordable dwellings.
53. Paragraph 11d) and footnote 8 of the Framework establishes that in situations where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites, the policies which are most important for determining the application are out of date. This engages the so-called 'tilted balance' in decision-making.
54. Whilst the most important policies for determining the application must be considered out of date, paragraph 219 of the Framework sets out that due weight can be given to such policies according to their degree of consistency with policies in the Framework. The Framework does not prescribe the weight to be given to any conflict with development plan policies. This must be based on a consideration of the purpose of the policy and the circumstances of the case.
55. There is agreement between the parties as to what are the most important policies in the determination of the appeal. These include, Policies S1, S1a, S2, S5, H1, H3, H4, EQ3, CF3, CF4, CF5, CF6 and CF7 of the LP. These policies generally reflect the Framework's approach to how sustainable growth is to be achieved by requiring, amongst other things, that development be well located in relation to facilities and services with appropriate infrastructure, promoting

- the effective reuse of land and meeting a mix of housing needs. I do not find conflict with these policies when read as a whole.
56. The other most important policies include Policies EQ6, EQ7 and EQ8 of the LP. The purposes of these policies generally reflect the Framework's approach to achieving high quality design and the protection and enhancement of the natural and historic environment. Of these policies, I have identified some conflict with Policy EQ7, insofar as it relates to the harm to the NDHA as the proposal would not conserve the heritage asset. I give conflict with Policy EQ7 moderate weight as it is not entirely consistent with the Framework's provisions in relation to NDHAs.
57. The compliance with policies of the LP is an expectation of the planning system. As such, it is not a significant benefit of the proposal as put forward by the appellants. However, there are other benefits of the scheme including employment benefits in terms of the provision of jobs during the construction phase. In the longer term, there would also be further spending within local shops and facilities by the new residents. These are matters to which I give moderate weight.
58. The appeal site has been subject to vandalism and there will be some additional benefits in bringing the site back into use. However, I do not have substantive details of the extent of crime issues at the site or the associated effects and overall, I give this benefit limited weight.
59. The indicative layout plan shows areas of existing and proposed vegetation. However, at outline stage, the extent to which additional landscaping might amount to a benefit is difficult to quantify. For the same reasons, at outline stage I am unable to quantify that there would be an overall improvement to the amenity of adjacent residential properties, even if there would be a reduction in vehicle trips from the former hospital use. As such, I afford these matters neutral weight.
60. Archaeological recording could be secured via a condition. However, paragraph 205 of the Framework says that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted. It thus carries neutral weight.
61. Improvements to the access would ensure a safe entrance into the site specifically in connection with the proposed development and they do not therefore represent a benefit. The absence of harm in relation to highway and pedestrian safety, or any other matters, are neutral matters weighing for nor against the proposal.
62. Profits from the development would result in the general receipt of funds for the appellants that could be reinvested in the NHS. Moreover, I'm told a portion of the income for the NHS would be reinvested locally. However, there is no mechanism before me that secures this, and it does not therefore carry weight in the heritage and planning balance.

Planning obligation

63. A signed and dated UU has been completed. The financial contributions include allotments (£76.95 per dwelling), outdoor sports facilities (£489.40 per dwelling), parks and gardens (£571 per dwelling), play space (£192 per dwelling), and education (based on a calculation set out in the UU). I am

satisfied that these are all necessary given the level of existing provision, including existing shortfalls and the increased pressure and demand upon such services and amenities that would result from the development. In this regard they would accord with Policies CF3, CF4 and CF7 of the LP. The provision of affordable housing in the obligation is necessary to meet identified needs and would accord with Policy H4 of the LP and paragraph 64 of the Framework when considering the reuse and redevelopment of vacant buildings.

64. These obligations therefore accord with the development plan and would be required to mitigate the effects of the development. They would therefore be necessary to make the development acceptable in planning terms. I also accept that they would be directly related to the development, and fairly and reasonably related to it in scale and kind. Accordingly, they would meet the tests set out in paragraph 57 of the Framework and in Regulation 122 of the CIL Regulations.

Other Matters

65. Given the location of the more recent housing in between the appeal site and the Old Glossop Conservation Area, I am satisfied that the principle of residential development would not have a harmful effect on its setting.
66. The road network leading to the site through Old Glossop is in parts narrow and winding. However, the proposal would result in less trips on the road network than its previous use as a hospital. As such, the proposal could be accommodated without causing unacceptable impacts on highway capacity or safety.
67. Concerns that local facilities and services would be unable to accommodate future residents are noted. Financial contributions are proposed in the UU in relation to allotments, outdoor sports facilities, parks and gardens, play space and education. Overall, there is no specific evidence before me of any services or facilities that would exceed their capacity as a result of this development.
68. The site is located within Flood Zone 1 and is therefore at low risk of fluvial flooding. As the scheme is in outline much of the detail is yet to be designed. The details of the surface water drainage could be subject to a condition requiring approval of a scheme, including management and maintenance measures, along with a verification report to ensure the system operates as approved. Subject to conditions, the proposal would also make provision to ensure the retention of appropriate trees and ensure the safe removal of contamination.

Heritage and Planning Balance

69. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions be made in accordance with the development plan unless material considerations indicate otherwise. As a starting point, I have found that there would be some conflict with Policy EQ7 of the LP as well as paragraph 203 of the Framework, insofar as it relates to there being a considerable loss to the significance of the locally important NDHA.
70. Moreover, I am not persuaded that the Ward Block cannot be viably converted on the basis of what is before me. However, I must determine the appeal scheme before me and not an alternative scheme. Policy EQ7 of the LP is not consistent with the Framework's approach to NDHAs, in that there is no

requirement for a development to demonstrate that it is the optimum viable use involving the least changes to the fabric of the asset in the Framework. As such, I do not give weight to the lesser harm arising from this alternative scheme. Equally, given my findings on the viability of the alternative scheme, the appellants viability assessment does not weigh in favour of the scheme before me. As such, I do not reduce the weight I give to the harm that I have identified to the NDHA.

71. There is a shortfall against the Council's requirement to provide a five-year housing land supply, an indicator that the future needs of local people will not be met. The plan-led system is embedded in planning law, with the Framework placing great emphasis on the engagement of communities in shaping development plans. This is intended to provide certainty. However, it also means that to meet community requirements for homes, jobs and other facilities, development plans must be up to date. In situations such as this, where future housing needs are not being met, the Framework sets out that development plan provisions must be balanced against wider social, economic and environmental objectives. Specifically, this means that the presumption in favour of sustainable development set out in paragraph 11d) of the Framework is engaged.
72. I have found Policy EQ7 of the LP to not be entirely consistent with the Framework and give the conflict with it, from the considerable loss to the significance of the locally important NDHA, moderate weight. In doing so I recognise the sensitivity and value of the Shire Hill Hospital site to the local community.
73. Balanced against this are the social and economic benefits of the proposal as set out above. Based on the indicative layout plan the proposal would contribute 52 new homes, including 3 affordable homes. This would make a considerable contribution to addressing the Council's modest shortfall in housing land supply, and on a previously developed site, in a location with good access to transport and service options. Together, I give this considerable weight. There would also be economic benefits attracting moderate weight and limited benefits in bringing the appeal site back into an active use.
74. I have reached my conclusion taking all of the above into account, including the other matters raised. Notwithstanding the conflict with the development plan provisions relating to the harm to the NDHA, the presumption in favour of sustainable development in paragraph 11d) of the Framework is a material consideration in my judgement. In this regard, and applying the tilted balance, I find that the adverse effects of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole.

Conditions

75. I have considered the conditions, including several pre-commencement conditions agreed, between the appellant and the Council following discussion at the Hearing and bearing in mind the tests in paragraph 56 of the Framework. No further agreement is required to any pre-commencement conditions as it is an outline consent in accordance with s100ZA (5) and (6) of the TCPA90. In any case, I consider there to be clear justification for these pre-commencement conditions as the early approval of the respective matters and carrying out of the particular actions required are necessary prior to

commencement in order to prevent the possibility of adverse environmental, archaeological, amenity, highway or other related effects that otherwise might occur.

76. Other than as described below, I have made some amendments to the wording of the suggested conditions for precision and clarity, but without changing the substance of any particular condition. In the case of conditions requiring certain details to be provided with subsequent reserved matters applications, I have not included any wording requiring the development to be carried out in accordance with the approved details as this would be more appropriately provided for at the reserved matters approval stage.
77. Conditions 1, 2 and 3 set out the reserved matters requiring approval, the timescales for relevant submissions and for the commencement of development. Condition 4 is required to provide certainty on what has been approved. Condition 5 is necessary in the interests of the character and appearance of the area.
78. Condition 6 is required to minimise the effects of construction on the local residents and highway users. Condition 7 and 8, 9, 10 and 11 are necessary in the interests of the character and appearance of the area and highway safety. Condition 12 and 15 are necessary in the interests of highway safety and the living conditions of future occupiers. I have omitted reference to a private management and maintenance company in condition 15 in the interests of brevity, as such details could be approved as part of the condition. Condition 13 is also necessary in the interests of highway safety and to ensure the site is adequately drained.
79. Condition 14 is required to promote cycling and walking, including links to surrounding routes and minimising the reliance on private vehicles. Condition 16 is necessary to safeguard and promote the archaeological interest of the site. Conditions 17-20 are required to ensure the implementation of suitable surface water drainage provision and prevent localised flooding. Conditions 21-26 are necessary to safeguard and promote biodiversity and, insofar as they relate to vegetation, the amenity values of such vegetation, including trees. Condition 27 is also necessary to safeguard ecological interest and to safeguard local amenity from light pollution.
80. Conditions 28, 29, 30 and 31 are necessary to deal with any risk of contamination. I have adapted the Council's single suggested condition to form three conditions (28, 29 and 30) in the interests of clarity. Conditions 32 and 33 are necessary in the interests of safety and the living conditions of the occupiers of nearby properties. Condition 34 is also necessary in the interests of the living conditions of existing and future occupiers. The details required by condition 35 are necessary to ensure an appropriate mix of dwellings to meet local needs that have adequate living standards.

Conclusion

81. For the reasons given above, material considerations and national guidance support a decision other than in accordance with the development plan. I conclude that the appeal should be allowed, and planning permission is granted.

Mr R Walker

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
3. No development shall take place until, plans and particulars of the appearance, landscaping, layout and scale of the building to be erected and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development must be carried out in accordance with those details.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg: 18070 01 Site Location Plan; and R20 – 0004 001 A, Proposed Site Access, Appendix B, Access Technical Note (Evoke) (January 2020).
5. The reserved matters application submitted in accordance with Condition 3 shall include details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed buildings.
6. No development shall take place including any works of demolition until a construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The statement shall provide for:
 - Parking of vehicles of site operatives and visitors;
 - routes for construction traffic;
 - hours of operation;
 - method of prevention of debris being carried onto highway;
 - pedestrian and cyclist protection;
 - proposed temporary traffic restrictions;
 - areas for standing plant and materials clear of the highway; and
 - arrangements for turning vehicles.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

7. The reserved matters application submitted in accordance with Condition 3 shall include:
 - a. design of the internal layout of the site in accordance with the guidance contained in the Delivering Streets and Places Design Guide; and
 - b. construction details of the residential estate road(s) and footway(s) (including layout, levels, gradients, surfacing and means of surface water drainage).
8. The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the

dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling.

9. The development shall not be commenced until a detailed scheme of highway improvement works at the access with Bute Street, together with a programme for the implementation and completion of the works, including a method statement for the relocation and reconstruction of the northern gate peer, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the required improvement works have been constructed in accordance with the approved details.
10. Before any other operations are commenced (excluding modification of the new access), the existing access to Blackshaw Clough shall be closed in a manner to prevent frequent vehicular use in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.
11. No dwelling, the subject of the application, shall be occupied until space has been provided within the site curtilage for that dwelling for the parking of residents' vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority. That space shall thereafter be kept available at all times for the parking of vehicles.
12. The proposed access drives to the new private estate street shall be no steeper than 1 in 12 for the first 6m from the nearside highway boundary and 1 in 10 thereafter.
13. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.
14. Prior to the occupation of any dwelling, a Travel Plan including a programme for implementation and monitoring shall be submitted to and approved in writing by the local planning authority. The approved Travel Plan shall thereafter be implemented and monitored in accordance with the programme.
15. Prior to the occupation of any dwelling, details of the proposed arrangements for the future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.
16. a) No demolition/development shall take place until a Written Scheme of Investigation for archaeological work, including building recording, has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has

been completed to the written satisfaction of the local planning authority. The scheme shall include:

- an assessment of significance and research questions;
- the programme and methodology of site investigation and recording;
- the programme for post investigation assessment;
- the provision to be made for analysis of the site investigation and recording;
- the provision to be made for publication and dissemination of the analysis and records of the site investigation;
- the provision to be made for archive deposition of the analysis and records of the site investigation; and
- the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 16 (a). The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 16 (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

17. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within the report 'SuDSmart Pro Drainage Strategy' by GeoSmart Information Ltd for Shire Hill Hospital, Bute Street, Glossop SK13 7QP (referenced 71830.01R4 FINAL and dated September 2020) and any subsequent amendments or updates to that report as may be approved by the local planning authority and DEFRA's Non-statutory technical standards for sustainable drainage systems (or any subsequent version), have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and maintained in accordance with the approved plan.
18. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.
19. Prior to commencement of the development, details indicating how additional surface water run-off from the site will be avoided during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The approved system shall be installed before the commencement of any works which would lead to increased surface water run-off from site during the construction phase.
20. Prior to the occupation of any dwelling, a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the

national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

21. No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations has been submitted to and approved in writing by the Local Planning Authority and the protective fencing is erected as required by the AMS. The development shall be carried out in accordance with the approved details. The AMS shall include full details of the following:
- a) Timing and phasing of Arboricultural works in relation to the approved development.
 - b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works.
 - c) Details of a tree protection scheme in accordance with BS5837:2012: which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved plan and trees which are the subject of any Tree Preservation Order.
 - d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
 - e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order, 1995 (as amended by The Town and Country Planning (General Permitted Development) Order 2015), no services shall be dug or laid into the ground other than in accordance with the approved details.
 - f) Details of any changes in ground level, including existing and proposed spot levels required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
 - g) Details of any vehicular drives, parking areas and other hard surfacing within the root protection area (as defined by BS5837:2012). The design and construction must in accordance with the recommendations of BS5837:2012 including details of existing ground levels, proposed levels and depth of excavation.
 - h) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement.
22. No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.
23. Prior to the commencement of any groundworks on the site a survey for any recently excavated badger setts on the site or within 30 metres of the site

boundary shall be submitted to and approved in writing by the Local Planning Authority, along with any recommended necessary mitigation measures. The development shall be undertaken in accordance with the approved mitigation.

24. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved in writing by the local planning authority, detailing the containment, control and removal of Rhododendron and Cotoneaster species on site. The development shall be carried out in accordance with the approved protocol.
25. No development shall take place (including demolition and groundworks) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - c) The location and timing of sensitive works to avoid harm to biodiversity features.
 - d) The times during construction when specialist ecologists need to be present on site to oversee works.
 - e) Responsible persons and lines of communication.
 - f) The role and responsibilities on site of an ecological clerk of works or similarly competent person.
 - g) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented in accordance with the approved details.

26. Prior to the occupation of any dwelling, a landscape and biodiversity management plan (LBMP), including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority. The LBMP shall include:
 - a) Description and location of features to be managed.
 - b) Aims and objectives of management.
 - c) Appropriate management methods and practices to achieve aims and objectives.
 - d) Prescriptions for management actions.
 - e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period).
 - f) Details of the body or organization responsible for implementation of the plan.
 - g) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the plan are not being met.
 - h) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
 - i) Details of 10 sparrow terraces and 10 integrated swift bricks in dwellings will be clearly shown on a plan (positions/specification/numbers).

- j) Details of barn owl and tawny owl boxes in woodland.
- k) Details of insect and hedgehog boxes in woodland (positions/specification/numbers).
- l) Measures to maintain connectivity for hedgehogs shall be clearly shown on a plan (fencing gaps 130 mm x 130 mm and/or railings and/or hedgerows).
- m) Summary of ecologically beneficial landscaping (including the creation of flower rich grassland, wildflower lawns, a wildlife wetland/pond, planting native trees and shrubs and new species rich hedgerows around the boundaries with details to be provided on plans).

The landscape and biodiversity management shall be carried out in accordance with the approved plan.

- 27. Prior to the occupation of any dwelling, details of external lighting to be installed in public or other communal areas shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall have regard to the need to avoid potential adverse impacts on fauna. No external lighting shall be installed in public or other communal areas except in accordance with the approved scheme.
- 28. No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
 - a survey of the extent, scale and nature of contamination;
 - the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- 29. No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a

suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.

30. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
31. Prior to commencement of development, an intrusive pre-demolition asbestos survey in accordance with HSG264 and a mitigation plan to reduce risks to potential occupiers and the wider public, shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation scheme must be carried out prior to the commencement of development.
32. Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment. There shall be no fires lit on the site for the purpose of disposing of demolition materials. Any open fires that arise shall be extinguished without delay.
33. If piling is necessary a written method statement shall be submitted to the Local Planning Authority and approved in writing. This method statement shall be in line with Environment Agency guidance (Environment Agency (2001), Piling and Penetrative Ground Improvements on Land Affected by Land Contamination (NC/99/73). The effects of noise generation shall also be considered and shall include noise mitigation measures consistent with best practical means. No piling shall take place except in complete accordance with the approved method statement and no piling shall take place outside the hours 09:00 hours to 16:00 hours Mondays to Fridays.
34. Construction and construction deliveries to the site shall not take place outside
 - 07:30 - 18:00 hours (Monday to Friday);
 - 08:30 - 14:00 hours (Saturday); and
 - No working is permitted on Sundays or Bank Holidays.
35. The details to be submitted in pursuant of condition 3 shall show all dwellings in compliance with the Nationally Described Space Standards and the mix of house types in accordance with the Council's Strategic Housing Market Assessment.

End of Schedule

FOR THE APPELLANT:

David Peck	Planning and Design Group
Mark Clifford	Purcell
Robert Davies	Gerald Eve
Philip Scott	NHS

FOR THE LOCAL PLANNING AUTHORITY:

Emily Wentworth	White Peak Planning
Patrick Maguire	Asset Heritage Consulting Ltd
Jenny Adie	Keppie Massie
Rachael Simpkin	High Peak Borough Council

INTERESTED PERSONS:

Paul Hardy	Councillor – Old Glossop Ward
Stella Jones	Old Glossop Residents Association
Tim Thomason	Resident