



Appeal Decision

Hearing held on 8 November 2022

Site visit made on 8 November 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2022

Appeal Ref: APP/H1033/W/22/3303566

Land south of Hollin Cross Lane, Glossop SK13 8JH

Easting (x) 403117 Northing (y) 393577

- 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 Glossop Eden Ltd against the decision of High Peak Borough Council.
 - The application Ref HPK/2020/0334, dated 13 August 2020, was refused by notice dated 24 January 2022.
 - The development proposed was originally described as 'Demolition of redundant buildings including partial demolition of modern extensions to Redcourt and redevelopment of site to provide 30 dwellings (Use Class C3) including the retention and conversion of Redcourt together with access, parking and landscaping'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the planning application process, the number of dwellings proposed was reduced from 30 to 23 and this is included in the description on the Council's decision notice. I have assessed the appeal on this basis.
3. Prior to the hearing the main parties provided a statement of common ground (SoCG). The SoCG confirms amongst other things that the appeal scheme provides for a gap to allow for suitable maintenance and / or emergency access to Long Clough Brook and that this is sufficient to meet the requirements of the Environment Agency (EA). It was therefore confirmed at the hearing that the Council was no longer contesting this particular matter. I have taken this into account in defining the main issues.
4. The reasons on the Council's decision notice refer amongst other things to Policy SS1. The SoCG confirms that this was a typographical error and that the relevant policy is Policy S1 (Sustainable Development Principles) of the High Peak Local Plan (2016) (LP). I have taken Policy S1 into account in my assessment.
5. The High Peak Statement of Five Year Housing Land Supply (as at 1st April 2022) confirms that the Council is able to demonstrate a 6.28 year supply of housing land and this includes a 5% buffer. In terms of the Housing Delivery Test, the Council has also exceeded its housing requirements over the past 3 years. These figures are not disputed by the appellant. Therefore, for the

purposes of my assessment, paragraph 11d of the National Planning Policy Framework (Framework) is not engaged.

Main Issues

6. The main issues are whether the proposal would:

- (i) preserve or enhance the character or appearance of the St James Conservation Area (CA) and the non-designated heritage asset 'Redcourt' (NDHA) including its setting;
- (ii) provide acceptable living conditions for future occupiers of the development with particular regard to the effect of existing trees on the usability of proposed gardens including in terms of light penetration; and
- (iii) provide an appropriate housing mix including adequate provision for affordable housing.

Reasons

Character and appearance of the CA and Redcourt including its setting

- 7. The Glossop Conservation Area Character Appraisal Supplementary Planning Document (2006) confirms that the CA is one of four conservation area designations in Glossop. The 'High Peak Borough Council - St James, Glossop Conservation Area' document (undated) (CA document) identifies 'Area 3' of this CA as being dominated by two important buildings situated within their own mature landscaped grounds. These are St James Church, which is a Grade II listed building, and Redcourt. It is the latter building and its associated grounds which form the appeal site.
- 8. Redcourt is a late C19 building. It was originally built as a single residential house. At the hearing, the Council advised me that it is one of very few brick buildings in Glossop. It is a substantial two-storey building and the CA document identifies its architecture as being of a 'Victorian "Tudorbethan"' style with mullioned and transomed windows. The CA document notes that its grounds sweep down to join Slatelands Road and form the southern part of the CA. In addition to the decorative iron gates at the two entrance points on Hollin Cross Lane, there is a gated access to the appeal site on Slatelands Road also served by decorative iron gates and flanked by decorative stone topped pillars. These entrance points contribute to the feeling of Redcourt being a large house situated within substantial grounds.
- 9. The building at Redcourt has been subject to some unsympathetic alterations including extensions and its exterior walls have been painted. At the site visit, I also saw that the interior of the building is currently in a significant state of disrepair. The wider grounds are predominantly characterised by the mature landscaping but also include substantial areas of hardstanding as well as outbuildings of a utilitarian design including a former gym and a sectional garage. Nevertheless, there is no dispute between the main parties that the architectural merits of the original house together with its mature landscaped grounds make Redcourt a NDHA. I do not disagree with such a view.
- 10. The wider CA is predominantly characterised by high density housing. Hollin Cross Lane and Slatelands Road border the northern end of the site and are

mainly lined by two-storey terraces built in coursed squared gritstone rubble. They more often have dressed stone around door and window openings. The majority of roofs are uncluttered and are covered in slate. Some of the terraces on Hollin Cross Lane front the pavement, however there is also a prevalence of forecourt gardens on these roads. There are some larger detached and semi-detached houses towards the more southerly end of Slatelands Road, some of which have feature gables and large bay windows. However, overall there is general consistency to the scale of buildings and their materials. The bosky characteristics of the appeal site provide a verdant backdrop to these streets and give a wooded vista from the western edge of the cemetery to the west of St James Church. These factors add to the significance of the CA.

11. The renovation of the existing building at Redcourt would include the removal of the unsympathetic previous extensions and the exterior paintwork. The sectional garage and area of hardstanding between the north of the building and the boundaries with properties on Hollin Cross Lane would be replaced with rear gardens. At the hearing, I heard that the Council does not dispute that these elements of the proposal would enhance the NDHA. I agree, and subject to conditions to ensure boundary treatments are carefully controlled to include hedgerow planting to boundaries in the public realm, I find that the architectural merits of the original building would be better revealed in views from Hollin Cross Lane and from within the site. Consequently, these elements of the scheme also have the potential to have a positive impact on the character and appearance of the CA.
12. The existing Redcourt building already has a close visual relationship with the dwellings fronting Hollin Cross Lane. Therefore, the building is not appreciated as being isolated in views towards it from within the site and from surrounding roads. The dwellings on Plots 9 and 10 would be visible in public views from within the site, between gaps in the built frontage on Hollin Cross Lane and from the rear gardens and windows serving these neighbouring dwellings. However, their simple form, bay windows and stone and slate facing materials would respect the local vernacular. In combination with the gap provided between these dwellings and the NDHA building, these new dwellings would sit comfortably alongside their immediate high density built surroundings.
13. Turning to the wider scheme, the design of the dwellings would not be identical to others within the CA. However, this alone would not necessarily be harmful. The dwellings would be constructed in stone with slate roofs. Their front elevations would include uncluttered pitched roofs, some with feature gables. The surrounds of windows and front doors would be dressed in stone. Dormer windows serving some of the dwellings would be positioned on rear elevations only. Together with the site's sloped topography this would ensure that the dwellings are generally perceived as being two-storeys in height. Similar to the surrounding roads, the dwellings at Plots 11 – 19 would be set back from a largely linear access road and most of these would have soft landscaped front gardens.
14. Overall, the layout, scale, architecture and natural materials incorporated would reference elements of the local vernacular without slavishly copying it. In that particular regard the development would accord with some of the guidance in The High Peak Borough Council Design Guide Supplementary Planning Document (2018).

15. The development would necessitate the removal of numerous trees within the site. From what I have seen and heard, there is the possibility that tree removal would be at a greater level than anticipated in the appellant's Arboricultural Impact Assessment (AIA) once factors including root protection areas, shading impacts and precise tree numbers within groups are factored in. In these respects, the proposal has the potential to erode some of the site's verdant character as well as increasing the likelihood that the development would be appreciable from surrounding streets and adjoining land.
16. From what I heard during the hearing discussions, while the development would incorporate replacement planting, there is also uncertainty as to whether the trees that would need to be felled could be replaced at a 2:1 ratio. Consequently, there is some tension between the development and Policy EQ9 (Trees, woodland and hedgerows) of the LP which requires replacement planting at this ratio where possible.
17. Even so, the AIA indicates that the many of the trees indicated for removal have been identified as being of moderate, low or poor quality. Indeed, the Council acknowledged at the hearing that some of the trees, such as those in the vicinity of the gym building, are of lower value. The Council also accepted that some of the tree removal would assist in the active management of ash dieback on the site.
18. There are already some substantial clearings within the site including to the immediate south of the gym building as well as towards the most westerly positioned dwellings where the base of a former building currently remains in situ. The shared surface turning and parking area to the frontage of plots 9 and 10 would also be located in the vicinity of a gap in the tree coverage where a large area of hard surfacing already exists. Consequently, the layout of the proposal has sought to limit the impact on trees to some extent by locating development in the vicinity of these areas.
19. Furthermore, and even accounting for the removal of two of a line of six lime trees, a substantial planted area would be retained next to the proposed entrance off Hollin Cross Lane. A central swathe of woodland would be retained to the west of plot 8 and supplemented with additional planting. The woodland towards the western and southern parts of the site would also be retained to a considerable depth and this would be sufficient to provide a generous planted buffer to that part of the site including in views from Slatelands Road. In areas where works may be required within root protection areas, this could be carefully conditioned and monitored so that protective measures including hand digging could be utilised.
20. In addition, the development would provide an opportunity for the long-term management of retained trees as well as supplementary planting, the precise position, size, densities and species of which could all be controlled by condition. Therefore, while the number of trees felled would be substantial, I find that the retained trees, together with the supplementary planting that could be conditioned would be sufficient to provide a suitably wooded backdrop to surrounding streets and this would also allude to Redcourt's historic parkland setting.
21. The intervening space and mature planting between the development and St James Church would ensure that the significance of this listed building, including its immediate setting, would be preserved. Indeed, the Council

confirmed at the hearing that it was not claiming that there would be any adverse effect on the setting of the listed church. Even so, the proposed dwellings at Plots 5 – 8 inclusive, and those at plots 20 – 23 in particular would be highly discernible from the western end of the cemetery at St James Church and this would partially erode the wooded aspect in these views.

22. The works required to widen the access points were also discussed at the hearing, in particular the resultant requirement to carry out works to the gates and pillars at the entrance points. The Council confirmed that notwithstanding their concerns in respect of the appeal scheme, it was accepted that in principle the site was capable of accommodating some development. In that regard, I consider it likely that alterations to the access widths would also be required in another development scenario. In any case, a condition to ensure the pillars on Slatelands Road would be re-used, as well as a requirement for the decorative iron gates at the access points to be retained and pinned back, would suitably preserve these features.
23. At the hearing, the Council suggested that having regard to Paragraph 196 of the Framework, the deteriorated state of the NDHA should not be taken into account in weighing any benefits of the scheme. However, there is no substantive evidence before me to suggest the building has been deliberately neglected. Therefore, this does not diminish the benefits that would arise through its renovation.
24. Bringing all the above strands together, the development would undoubtedly lead to some appreciable loss of tree coverage in views within the CA. The development would also be visible from within the CA and would introduce dwellings into Redcourt's mature landscaped grounds. However, this has to be weighed against the sympathetic elements of the design, that the site's wooded character would substantively be retained as well as the other factors on the ground which would assist in limiting the impact of the development. These include the relative distances between the new dwellings and surrounding streets and the falling ground levels within the site. Together, these factors would help to assimilate the development into the CA whilst also ensuring that the Redcourt building would retain a suitable degree of prominence.
25. Overall, and on balance, the tree losses and the introduction of dwellings in previously undeveloped areas of the site would result in a degree of change amounting to less than substantial harm to the settings of the CA and the NDHA. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 202 of the Framework states that 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.
26. The proposal would secure a long-term viable use for the Redcourt building and the wider site as well as management of the trees on the site. The renovation of the NDHA building would enhance its appearance and improve its security. The development would deliver 23 dwellings including affordable housing provision in a sustainable location. There would be economic and social benefits through the development itself and the longer-term contribution of future

residents to the local area. Taken together, these are matters to which I afford very significant weight and which outweigh the less than substantial harm identified in this instance.

27. I conclude the proposal would result in less than substantial harm to the conservation area and the setting of the NDHA. As such it would be conflict with the character and conservation requirements in Policies S1 (Sustainable Development Principles), S5 (Glossopdale Sub-area Strategy), H1 (Location of Housing Development), EQ6 (Design and Place Making) and EQ9 (Trees, Woodland and Hedgerows) of the LP. However, I find that this harm would be outweighed by the public benefits arising from the development and would accordingly be acceptable in this particular instance having regard to Policy EQ7 (Built and Historic Environment) of the LP and the Framework.

Living conditions for future occupiers of the development

28. The Council has provided a 'tree shade plan' as part of its Arboricultural statement of case. This indicates that trees on the site would shade several gardens within the development. In verbal evidence, the appellant accepted that the tree shade plan is generally sound and I find no reason to disagree. However, reference was made by the appellant to Building Research Establishment (BRE) standards indicating that gardens should receive at least 2 hours of sunlight on 21st March in any given year. They considered it likely that this would be achieved on most of the plots. This was not disputed by the Council.
29. At the hearing the appellants also noted that some of the trees anticipated to cast shade on gardens, including those to the side of plot 5 and the woodland group to the rear of plots 11 and 12, include ash trees. The Council acknowledged that the ash trees referred to would likely necessitate removal regardless of whether or not the development went ahead.
30. From my own observations on site, I saw that even accounting for the site's wooded nature, light filters through the trees. Without any detailed evidence to demonstrate otherwise, I consider it likely that the appellant's predictions on gardens receiving suitable levels of sunlight are likely to be accurate. Furthermore, I consider it likely that part of the site's allure would be its woodland setting. Future occupants would therefore be more likely to expect their gardens to be in shade for significant periods but this alone would not make the gardens unusable nor would it necessarily be materially harmful to living conditions.
31. At the hearing, the Council also raised concerns that areas of decking within some of the gardens would be susceptible to the collection of detritus from trees. In particular, the decking areas to the rear of Plots 20 and 21 were discussed. From what I heard, this decking would be required as part of a retaining structure to address changes in levels to this part of the site. The appellant suggested that steps could be taken to ensure the decked areas would have non-slip surfacing applied and that there was a reasonable expectation that the collection of any debris from surrounding trees could be swept by future residents. I agree and the first measure could be secured by condition.
32. Overall, I am more persuaded that the usability of gardens would not be materially compromised by trees within the site. In that regard, the

development would provide acceptable living conditions for future occupiers of the development, including in terms of light penetration. It would therefore meet the amenity requirements of Policy EQ 6 (Design and Place Making) and the Framework.

Whether an appropriate housing mix including provision of affordable housing

33. The Framework seeks mixed and balanced communities. Paragraph 62 of the Framework states that the size, type and tenure of housing needed for different groups should be reflected in planning policies.
34. In that respect, Policy S1 of the LP sets out the sustainable development principles for the area and includes that new development should provide for a mix of types and tenures of quality homes. Policy S5 of the LP also seeks to provide for the housing needs of the community including the delivery of appropriate levels of affordable housing and supporting the development of new housing on sustainable sites within the built-up area.
35. Policy H3 (New Housing Development) requires all new residential development to address the housing needs of local people through 5 specific criteria. Criteria a) of this policy requires that proposals meet the LPs requirements for the provision of affordable housing as set out in Policy H4. The evidence before me indicates that when a vacant building credit is applied to Redcourt, 2 affordable units would be required on the site. The Council confirmed at the hearing that the affordable housing contribution set out in the completed section 106 agreement (s106) meets this requirement and overcomes its previous concerns in this respect. From the evidence I have seen and heard, I am also satisfied that the affordable housing requirements arising from the development would be addressed.
36. Criteria b) states that proposals should provide a range of market and affordable housing types and sizes that can reasonably meet the requirements and future needs of a wide range of household types including for the elderly and people with specialist housing needs, based on evidence from the Strategic Housing Market Assessment (SHMA) or successor documents. The High Peak Housing and Economic Land Needs Assessment (September 2022) (HELNA) which includes the Council's latest analysis of the housing mix required across the Borough and in that regard is a successor document to the 2014 SHMA.
37. The recommendations in the HELNA for Glossop include a market adjustment to reflect the need for larger properties precipitated by the pandemic and shift towards home working. The number of two-bedroomed and four-bedroomed dwellings provided by the development would closely align with the HELNAs recommended percentages for Glossop. However, the scheme includes a greater emphasis on three-bedroomed dwellings at 57% of the proposed mix when compared with the 49% proportion of the mix recommended in the HELNA. Furthermore, the HELNA recommends that 6% of the housing mix should be one-bedroomed dwellings whereas no dwellings of this size are proposed as part of the development.
38. The evidence before me indicates that 8% of the existing housing stock in the Howard Town Ward, where the appeal site is located, is one-bedroomed. Even so, as the proposal would not provide any one-bedroomed units it would not reasonably meet nor contribute towards the wider housing need for

one-bedroomed units across Glossop. In that regard, I find that there would be some limited conflict with this element of the policy.

39. Parts c) and e) of Policy H3 require all new residential development to contribute positively to the promotion of an inclusive community and to be delivered to meet accessibility standards set out in the Optional Requirement M4(2) of Part M of the Building Regulations. This requirement is further endorsed by the evidence in the HELNA which recommends that c.50% of new housing should meet these accessibility standards.
40. At the hearing the appellant claimed that all the proposed new dwellings would be capable of adaptation to meet accessibility standards. However, no detailed evidence has been put forward to demonstrate how the dimensions, capacity or shape of internal spaces for each individual dwelling could be adapted to achieve this. The appellant also conceded that the topography of the site would be likely to prohibit the provision of level access to some of the properties. In particular, I was advised that the dwellings on proposed plots 5 and 6 would be likely to include stepped access due to the drop in levels on the site. The appellant considered it possible that Plots 11 – 19 would be able to incorporate level access, however, no detailed analysis has been undertaken to determine the overall proportion of properties which would be affected.
41. The appellant suggested that these matters could be addressed through conditions requiring details of the adaptable internal spaces and a levels drawing showing where level access could be provided. However, in the absence of this information, I cannot be certain that the proposal would adequately address the requirements at parts c) and e) of Policy H3.
42. Overall, the absence of one-bedroomed units taken together with the accessibility issues identified means that the proposal would not provide an appropriate housing mix. In that regard, it would conflict with the housing mix and accessibility requirements of Policies SS1, S5, H3 and H4 of the Adopted High Peak Local Plan 2016 and the Framework.

Other Matters

43. The compliance statement provided by the Council demonstrates that the infrastructure contributions included in the s106 agreement provided before the hearing have been adequately justified. Consequently, I am satisfied that the provisions made within the s106 agreement meet the relevant tests at Paragraph 56 of the Framework and Regulation 122 of the CIL Regulations.
44. Notwithstanding the above, the Highway Authority has confirmed it would not adopt the proposed access roads. In that regard, the future management and maintenance of the access roads could only be robustly secured by way of a legal agreement. The s106 provided does not specify such provisions. The appellant agreed at the hearing to address this by way of a deed of variation (DoV) to the s106 agreement. At the time of writing, I am still awaiting the DoV and the timescale set at the hearing for its submission has now passed. In any case, the provision of a DoV to address this outstanding matter would not have resulted in me allowing the appeal given my overriding concerns in respect of the third main issue.
45. Many of the concerns raised by third-parties have been covered under the main issues. At the hearing, comments by third-parties also included a particular

onus on the potential impact of the proposal on local roads including concerns in respect of the adequacy of the appellant's Transport Statement, visibility issues for drivers at the junction of Slatelands Road and Hollin Cross Lane, a prevalence of on street parking in the area and the absence of a footway to the southern section of Slatelands Road.

46. However, I note that the highway authority confirmed it could not substantiate an objection on highway safety grounds and the Council did not refuse planning permission on the basis of such matters. Based on my own observations on site and the evidence presented, I am not persuaded that the development would result in an unacceptable impact on highway safety. Nevertheless, I am dismissing the appeal for other reasons and this does not alter my decision.

Conclusion

47. In accordance with the requirements of s38(6) of the Planning and Compulsory Purchase Act (2004), the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the Framework specifies that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted unless material considerations in a particular case indicate that the plan should not be followed.
48. I have concluded that the effect of the proposal on heritage assets would be justified when the less than substantial harm identified is weighed against securing the optimum viable use of the site and the public benefits accrued from the development. I have also found that acceptable living conditions would be provided for future occupiers of the development with specific regard to the provision of usable gardens.
49. However, the absence of one-bedroomed units taken together with the accessibility issues identified means that the proposal would not provide an appropriate housing mix. In that regard, the proposal would conflict with the development plan as a whole and would not amount to sustainable development. There are no other considerations, including the policies in the Framework that would outweigh this conflict. Furthermore, I am not in a position to secure the future management and maintenance of the proposed access roads and this also weighs against allowing the appeal. Therefore, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

M Russell

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Michael Drake	Head of Planning - Eden Property Group
Dr Stuart Batho	WSP

Victoria Welch WSP

Mike Gregory Trevor Bridge Associates

FOR THE LOCAL PLANNING AUTHORITY:

Rachael Simpkin Senior Planning Officer

Rachel Robinson Planning Officer

Dr Nicholas Doggett Heritage Consultant

Mr Nik Pearson Rob Keyzor – Arboricultural Consultant

David Bennett Vice Chair – High Peak Access

INTERESTED PARTIES:

Joan Rutherford Local resident

Owen Russell Local resident

DOCUMENTS SUBMITTED AT THE HEARING

Undated 'Google earth' aerial image of the appeal site and its immediate surroundings – provided by Joan Rutherford