

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

23rd October 2023

Application No:	HPK/2022/0344	
Location	Glossopdale Community College Lower Site, Talbot Road, Glossop, Derbyshire, SK13 7DR	
Proposal	Proposed new bungalow	
Applicant	Mr Alan Davies	
Agent	Mr James Glover	
Parish/ward	Dinting	Date registered 11 th August 2022
If you have a question about this report please contact: John Van Eker <i>john.vaneker@highpeak.gov.uk 01538 395400</i>		

REFERRAL

The application has been called in by Cllr Elliott-Starkey. This is as a result of the reports from DWP, the conservation officer, and heritage offering conflicting views of the application.

1. SUMMARY OF RECOMMENDATION

REFUSE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The site is a parcel of land located close to the corner of Talbot Road with North Road within the built-up area boundary of Glossop. The site is enclosed in part by stone boundary walls and rises gently towards the north. The appearance of the site is as an area of woodland with mature trees and vegetation. The site originally formed part of the grounds of the adjacent Talbot House.

2.2 Two dwellings have been constructed to the immediate north of the site and the remaining land (including the application site itself). Further development has taken place to the east of the site following the granting of planning permission for the proposed change of use and conversion of Talbot House from sixth form college to 5 self-contained residential dwellings.

2.3 The site is within the Glossop Howard Park Conservation Area and the mature trees in and around the site are protected by virtue of DCC TPO 208.

3. DESCRIPTION OF THE PROPOSAL

3.1 The application proposes the erection of a single dwelling located to an area to the north of the application site with access taken from an existing access shared with

and leading to the adjacent Talbot House, former sixth form college, now residential dwellings.

3.3 The design and access statement submitted alongside this proposal explains that the single detached dwelling is proposed by the applicant who currently resides at Northwood House, No.88 North Road, Glossop, to the north of the site, and is ready to downsize to a dwelling that now meets their requirements better.

3.4 The proposed dwelling, similar to a previous 2016 proposal, is single storey in nature and requires the removal of protected trees in order to facilitate the development and access.

3.5 Full planning permission for a single dwelling of similar scale and dimensions was refused in 2016, albeit located to a different part of the application site. Refusal reasons are outlined in the relevant planning history section below. This decision was also dismissed at appeal by the Inspector.

3.6 The application and all the supporting documents along with representations can be read at

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=256432>

4. RELEVANT PLANNING HISTORY

HPK/2016/0543 - Construction of a new dwelling and new vehicular access – Refused for the following reasons:

- 1. The proposed development would, by reason of its siting, scale and design, would form a visually discordant and dominant feature which would detract from the character and appearance of the Howard Park Conservation Area. The loss of protected trees and woodland area and impact on long term health of trees proposed to be retained will have a harmful impact on the setting of the Conservation Area. Approval of the application would result in substantial harm to the conservation area and would therefore be contrary to High Peak Local Plan Policies EQ6, EQ7 of the High Peak Local Plan and Sections 7 and 12 of the National Planning Policy Framework.*
- 2. The proposed development, by reason of its siting, scale and design would result in the loss of important protected trees and managed woodland area and would have an unsatisfactory relationship with remaining protected trees within the site. As such the loss of the protected trees and managed woodland area, which are considered to make a significant contribution to the character of the Conservation Area and visual amenities of the area, would be contrary to Policy EQ9 of the High Peak Local Plan and Section 11 of the NPPF.*
- 3. The proposed siting of the dwelling and its associated garden and parking area in relation to the mature trees and woodland will result in a property which will suffer from undue shading and leaf fall which will be detrimental to the amenities of the occupiers of the property and will result in pressure in the future for the*

felling and pruning of the protected trees. The development is thus contrary to Policies EQ6 and EQ9 of the High Peak Local Plan.

An Appeal Against the refusal was Dismissed on 26/07/2017

5. PLANNING POLICIES RELEVANT TO THE DECISION

Adopted High Peak Local Plan 2016

Policy S 1 Sustainable Development Principles
Policy S 1a Presumption in Favour of Sustainable Development
Policy S 2 Settlement Hierarchy
Policy S 5 Glossopdale Sub-area Strategy
Policy EQ 2 Landscape Character
Policy EQ 5 Biodiversity
Policy EQ 6 Design and Place Making
Policy EQ 7 Built and Historic Environment
Policy EQ 9 Trees, woodland and hedgerows
Policy EQ11 Flood Risk Management
Policy H1 Location of Housing Development
Policy H3 New Housing Development
Policy CF 6 Accessibility and Transport

Supplementary Planning Documents and Guidance

Residential Design SPD (2005)
Landscape Character SPD (2006)
High Peak Borough Council Design Guide SPD (2018)
Padfield Conservation Area Character Appraisal (Adopted Feb 2015)

National Planning Policy Framework (2021)

Paragraph 11 The Presumption in Favour of Sustainable Development
Section 4 Decision-making
Section 5 Delivering a sufficient supply of homes
Section 9 Promoting sustainable transport
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment
Section 16 Conserving and enhancing the historic environment

National Planning Practice Guidance (NPPG)

6. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 21/10/2022
Neighbours	Expiry date for comments: 21/10/2022
Press notice	Expiry date for comments: 21/10/2022

Neighbours

No public comments received.

Consultations

Town / Parish Comments

N/A

Conservation Officer

Objection. The proposal will result in less than substantial harm. I am concerned about the impact this proposal will have on the Howard Park Conservation Area. It seems the already very small and intricate Conservation Area is at clear risk of being overtaken, any remaining identity and relationship between the green space in this easterly area where the site is proposed, and Howard Park itself will be irretrievably diluted. The conservation area is a small one, dominated by natural green beauty and habitats. Historic maps show the green spaces in this area date back to the 17 th century, thus contributing to the area's both historic significance and aesthetic values. Despite the respective documents stating biodiversity won't be affected, I fear through the period of building works construction, all levels of wildlife and natural biodiversity risk being irreversibly disturbed..

Environmental Health

No objection subject to conditions.

Derbyshire County Council Highways

No objection received.

Derbyshire Wildlife Trust

Trees proposed for removal should be inspected by an ecologist for bat roost potential, prior to determination. Whilst the direct impacts of vegetation removal are arguably limited, the Design and Access Statement states that the application area comprises part of an area of land earmarked for management under a Woodland Management Plan, secured as part of the planning application for the two dwellings to the north. We do not encourage the development of land that has been intended to mitigate for previous applications. This would be considered poor practice and potentially represent further degradation of this wooded area through both direct removals and incorporation of land within a curtilage. We would also be concerned about pressure to further remove or reduce the tree cover in the future. Rather the woodland habitat should be managed and improved to provide benefits for biodiversity, as intended. Currently, we do not consider that sufficient information has been provided to demonstrate that impacts to biodiversity have been fully considered. We would also be keen to see the views of the Tree Officer on this application.

7. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE

7.1 The application proposes the construction of a new dwelling. Policy S1a of the adopted local plan reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).

7.2 Section 2 of the NPPF sets out the presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the development plan without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies indicate development should be restricted.

7.3 Policy H1 of the Local Plan refers to the location of new housing development. The policy supports housing development on unallocated sites within the defined built up area boundaries of the towns and larger villages, and promotes the effective reuse of land by encouraging housing development which includes redevelopment. The site is located within the built up area boundary of Padfield as defined within the adopted Local Plan Proposals Map.

7.4 Padfield is defined within Policy S2 of the Local Plan as a 'Smaller Village', described as the villages in the rural areas where only limited development to meet local rural needs may be acceptable consistent with maintaining and enhancing their distinctive character or appearance. New development should be focused within the settlement boundaries of the Market Towns, Larger Villages and Smaller Villages in accordance with their scale, role and function unless otherwise indicated in the Local Plan.

7.5 Although the site is not allocated for housing it lies within the built-up area boundary of Glossop. It is in a sustainable location with good links to local services and shops by walking/cycling and nearby public transport options.

7.6 The site is in a mainly residential area and is adjacent to other residential properties. As such, the proposed development would be largely compatible with adjoining land uses. This would all weigh in favour of the proposal in the planning balance and the principle is found to be acceptable. However, these factors need to be weighed against any other material considerations, as outlined below, and relevant local and national policies.

Design and Conservation (Conservation Area and Listed Buildings)

7.7 The Planning (Listed Buildings and Conservation Areas) Act 1990 refers to the 'preservation' or 'enhancement' of the special architectural or historic interest of the heritage asset or its character and appearance. The NPPF sets out in Chapter 16 of the document decision-making policies using different terminology, referring in particular to 'conservation of significance'. It is important to note that 'conservation' and 'preservation' are concerned with the management of change in a way that sustains a heritage asset's special interest or significance. However, 'conservation' has the added dimension of taking opportunities to enhance significance where opportunities arise and where appropriate.

7.8 Section 16 of the NPPF seeks to conserve heritage assets in a manner appropriate to their significance. This is echoed within local plan policy EQ7.

7.9 Paragraph 201 of the NPPF 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

7.10 In this instance the proposal sits within the (Glossop) Howard Park Conservation Area. Local Plan S1 explains the Borough Council will expect that all new development makes a positive contribution towards the sustainability of communities and that this will be achieved by:

- Taking account of the distinct Peak District character, landscape, townscape, roles and setting of different areas and settlements in the High Peak;
- and
- Protecting and enhancing the natural and historic environment of the High Peak and its surrounding areas including the Peak District National Park;

7.11 Local Plan EQ7 requires proposals that affect a heritage asset and / or its setting to demonstrate how the proposal has taken account of design, form, scale, mass, use of traditional materials and detailing, siting and views away from and towards the heritage asset in order to ensure that the design is sympathetic and minimises harm to the asset.

7.12 Section 12 of the NPPF places great importance on good design and states that good design is a key aspect of sustainable development. Local Plan Policy EQ6 requires that all development should be well designed and of a high quality, responding to its environment whilst also contributing to local distinctiveness and sense of place.

7.13 The High Peak Design Guide 2018 requires new development to be guided by existing character and context, including the grain of development and building heights.

7.14 Much of the Conservation Area shares its boundary with the Howard Park Registered Park and Garden but to the east the boundary extends to include a long ribbon of detached and semi-detached housing ascending North Road, set within generous, mature gardens, and the tree-covered, semi-wooded grounds to Talbot House fronting Talbot Road. The site is situated within the historic grounds of Talbot House, now former Education Centre recently converted into residential accommodation. The original elements of this house predates the development of the park and appears on the 1881 OS map as an isolated house along Talbot Road. The building is Gothic Revival style and built with its own lodge. At first it was laid out with a large lawn skirting the southern and western side on a raised terrace. Over the years trees and shrubs have been planted to the west up to the junction with North Road and Talbot Road to create a mature wooded area which contributes to an all year round air of privacy, and also help disguise the presence of later contemporary extensions to the west of Talbot House.

7.15 The trees on site are covered by a blanket Tree Preservation Order. The trees and shrubs have become rather unmanaged and overgrown but this area is now part of a management plan (linked to the development of two dwellings to the north of the site) that will involve the management of the woodland and replanting to enhance the contribution that the woodland makes to the character and appearance of the area. The garden is surrounded by a prominent coursed stone wall with ball finial to gatepiers marking the entrances.

7.16 The mature woodland and prominent boundary wall which form part of the application site contribute to and reinforce the parkland character and historic quality of the formal park. These features also help screen the two new dwellings at the rear (north) of the site, as well as contributing to key views within the area.

7.17 The proposed development would result in the removal of a core area of the protected woodland, an area which should be being managed as part of a condition attached to the approval for the construction of the two dwellings at the rear. The development will be close to surrounding trees and there is likely to be pressure in the future for the removal of further trees for improved lighting or provision of an outdoor amenity space and on the grounds of safety by future occupiers of any proposed dwelling at this location.

7.18 While the proposal goes some way to improve upon the previously refused scheme at this location by reducing the overall scale of the proposed dwelling and placing it to the rear of the site with a more discreet entrance, the proposal would ultimately have an adverse effect on the protected trees and wider conservation area. Mature trees and open space make a considerable contribution to the conservation area beyond the park, and this is a key site.

7.19 Development replacing trees particularly in close proximity to Talbot House, is likely to cause harm to the character and appearance of the Howard Park Conservation Area. The proposed dwelling, in combination with the loss of protected trees / woodland, would detract from the setting of the Conservation Area.

7.20 The Council's Conservation Officer upholds an objection to the scheme explaining that Howard Park is an already 'very small and intricate Conservation Area is at clear risk of being overtaken, any remaining identity and relationship between the green space in this easterly area where the site is proposed, and Howard Park itself will be irretrievably diluted.' The Conservation Officer goes on to explain 'The conservation area is a small one, dominated by natural green beauty and habitats. Historic maps show the green spaces in this area date back to the 17th century, thus contributing to the area's both historic significance and aesthetic values.'

7.21 Whilst the Conservation Officer confirms that the level of harm to the significance of the Conservation Area would be less than substantial, the public benefit associated with a single dwelling, at a time when the Council benefits from a 5 year supply of housing, is not considered to outweigh the level of harm identified in this instance. In summary, the proposal would fail to preserve the character and appearance of the

Howard Park Conservation Area and would not meet the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.22 For the same reasons it would not accord with policies EQ6, EQ7 and EQ9 of the High Peak Local Plan and sections 12, 15 and 16 of the NPPF. These policies require, amongst other things, development to be well designed and of a high quality and to respect the character of the area; to conserve heritage assets including conservation areas and to protect trees from loss or deterioration.

Amenity

7.23 Paragraph 130 f) of the NPPF seeks to secure a high standard of amenity for all existing and future occupants. Local Plan Policy EQ6 requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

7.24 The main impact of this development remains upon the two new dwellings to the north, including the applicant's property, and the property on the south side of Talbot Road in addition to the converted Talbot House, now converted to residential dwellings. Given the scale and siting of the proposed development, together with the separation distances between the application property and the neighbouring properties and the change in levels, it is not considered that the proposal would have any significant impact on neighbouring amenity in terms of loss of light, overbearing impact, or loss of privacy.

7.25 The applicant has provided supporting information to explain that the dwelling has been designed so as to reduce significant pressure for future tree loss. However, having regard to the position of the proposed dwelling and garden relative to trees on and off the site, the dwelling and garden would be dominated by the trees and would be significantly overshadowed by them and be affected by leaf drop to the extent that future occupiers of the proposed dwelling would not have satisfactory living conditions. The proposed arrangement would remain similar to and result in the same issues of the previously refused scheme at this location. It is noted that the area also includes trees within the vicinity of the dwelling and amenity areas that have yet to reach maturity.

7.26 A single dwelling at this location is likely to result in future pressure to fell or significantly prune retained trees near to the dwelling and this would be harmful to the character and appearance of the conservation area. The fact that the trees are protected by a TPO would not offer sufficient protection for the trees if the relationship between the proposed dwelling and the trees in question was deemed to be unsatisfactory.

7.27 Similarly to the previously refused scheme, future occupiers of the proposed dwelling would not have satisfactory living conditions having regard to shading and leaf fall and therefore if the dwelling were constructed there would likely be future pressure to fell or prune trees on the site. The proposal is therefore contrary to policies EQ6 and EQ9 of the Local Plan. These policies require, amongst other things, development to be

well designed and to protect existing trees.

Trees and Woodland Management

7.28 Local Plan Policy EQ9 states that the Council will protect existing trees, woodlands and hedgerows, in particular, ancient woodland, veteran trees and ancient or species rich hedgerows from loss or deterioration. This will be achieved by requiring that existing woodlands, healthy, mature trees and hedgerows are retained and integrated within a proposed development unless the need for, and benefits of, the development clearly outweigh their loss.

7.29 The trees on the site are covered by DCC TPO 208. Mature trees are very much a defining feature of the landscape and setting of this Conservation Area. There is a history of planning applications, with consent being granted in 2009 (HPK/2009/0293) for the erection of 2 dwellings immediately to the north, which have now been constructed. The landscape setting and the importance of this area of mature trees was very much part of the consideration of that application. The retention of the trees and the mitigation agreed helped balance some of the more negative arboricultural aspects of the 2009 application. Consent was granted for that application with landscaping and tree protection conditions which reflect the importance attributed to the retention of this area of trees.

7.30 The Case Officer for the previously refused scheme at this location (HPK/2016/0543) highlighted that the Woodland Management Plan for this site, revised in August 2010, acknowledges that 'in visual and amenity terms, the woodland trees form an attractive asset' (section 2.2.1).

7.31 The woodland management and landscaping scheme agreed as part of the conditions of approval and the landscaping scheme cover the current application site. The agreed woodland management activities continue to be monitored and the Council's Arboricultural Officer in accordance with the agreed scheme for HPK/2009/0293. The location of the proposed development in question is therefore on an area of woodland retained for landscaping to facilitate a previous development. There is no other additional land available to suitably mitigate the additional loss of these trees and previous landscape provision.

7.32 While no comments have been received from The Council's Arboricultural Officer in this instance, the principle of development here remains unacceptable given that the proposed footprint would lead to the removal of the central area of this wooded area. This area may at present have fewer mature trees but tree removal here was largely due to the removal of some large dead/ dying trees and a few other trees to allow light in the centre of the wooded area to allow replacement trees to establish. This was in accordance with the agreed woodland management plan section 3.1, in brief, to maintain and enhance the wooded areas. Therefore, in this case the younger trees should not be dismissed as unimportant as they are integral to the agreed longer term management of the site.

7.33 Although it is noted that there is an intention to use tree friendly building techniques such as mini piles in the vicinity of the trees, this will not necessarily be a

suitable solution in this instance given the likely bias of root growth towards the north of the trees.

7.34 Given the proximity of the proposed dwelling to the mature trees, if successfully retained, it is considered that there would be considerable pressure for the trees to be felled or inappropriately pruned. Mature trees in close proximity to dwellings with proportionally modest gardens will lead to elevated perceptions of the risk the trees pose to the dwelling and garden as well as the impact of shading and leaf fall.

7.35 Taking these factors into account, it is concluded that the proposal will lead to the unacceptable loss of mature protected trees as well as remove landscape mitigation agreed as part of a previous application. The application is thereby contrary to Local Plan Policy EQ9 and Section 15 of the NPPF.

Access and Highway Considerations

7.36 Policy CF6 of the adopted Local Plan sets out the need to ensure that development can be safely accessed in a sustainable manner. New development should also provide appropriate parking provisions where necessary. Derbyshire County Council Highways have advised no objection to the proposal subject to standard conditions.

7.37 The proposed dwelling would be served via an existing vehicular access from Talbot Road which does not raise any highways concerns.

7.38 A space for bin storage can easily be accommodated within the limits of the site close to the entrance of the site and the application is considered acceptable in compliance with Policy CF 6 Accessibility and Transport from the High Peak Local Plan (Adopted April 2016) and relevant National Policies found in National Planning Policy Framework.

Other considerations

7.39 Policy EQ11 relates to Flood Risk Management and supports development proposals that avoid areas of current or future flood risk and do not increase flooding elsewhere. The site lies within Flood Zone 1 (the zone at lowest risk of flooding). Overall, there is no objection to the proposed development on flood risk or drainage grounds.

7.40 Following consultation with the Council's Environmental Health department, no objection has been received with recommendation to ensure that an appropriate construction method statement is followed on site. This is to be secured by means of a suitably worded condition and with this the proposal is considered acceptable in this regard. An additional objection from Derbyshire Wildlife Trust is noted which refers to Tree Officer comments which have not been received on this occasion. While reasons for refusal for impacts on trees have been made above, conditions could be proposed to ensure biodiversity enhancements are provided on site in the instance of an approval.

8. CONCLUSION & PLANNING BALANCE

8.1. The site is located within the built up area of Glossop, where there is a presumption in favour of sustainable development subject to compliance with other policies of the development plan. The proposal would result in some limited social and economic benefits in terms of a contribution towards the housing supply and construction and spending in the local economy from new residents.

8.2 However, these benefits do not outweigh the harm which has been identified to the setting of the Howard Park Conservation Area, the loss of mature protected trees / woodland, and amenities of future occupants of the development. Previous reasons for refusal for a similar form of development remain. Accordingly the proposal is considered to be an unsustainable form of development and is recommended for refusal.

9. RECOMMENDATIONS

A. That permission is REFUSED for the following reasons:

- 1. The proposed development would, by reason of its siting, scale and design, would form a visually discordant and dominant feature which would detract from the character and appearance of the Howard Park Conservation Area. The loss of protected trees and woodland area and impact on long term health of trees proposed to be retained will have a harmful impact on the setting of the Conservation Area. Approval of the application would result in less than substantial harm to the conservation area which would not be outweighed by the limited public benefit of providing a single dwelling at a time when the Council can demonstrate a 5 year supply of housing. The proposal would therefore be contrary to High Peak Local Plan Policies EQ6, EQ7 of the High Peak Local Plan and Sections 12, 15 and 16 of the National Planning Policy Framework.**
- 2. The proposed development, by reason of its siting, scale and design would result in the loss of important protected trees and managed woodland area and would have an unsatisfactory relationship with remaining protected trees within the site. As such the loss of the protected trees and managed woodland area, which are considered to make a significant contribution to the character of the Conservation Area and visual amenities of the area, would be contrary to Policy EQ9 of the High Peak Local Plan and Section 12 of the NPPF.**
- 3. The proposed siting of the dwelling and its associated garden and parking area in relation to the mature trees and woodland will result in a property which will suffer from undue shading and leaf fall which will be detrimental to the amenities of the occupiers of the property and will result in pressure in the future for the felling and pruning of the protected trees. The development is thus contrary to Policies EQ6 and EQ9 of the High Peak Local Plan.**

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/ informatives/planning

obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Development Control Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

