RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

REFUSAL

DATE: 18 APRIL 2024

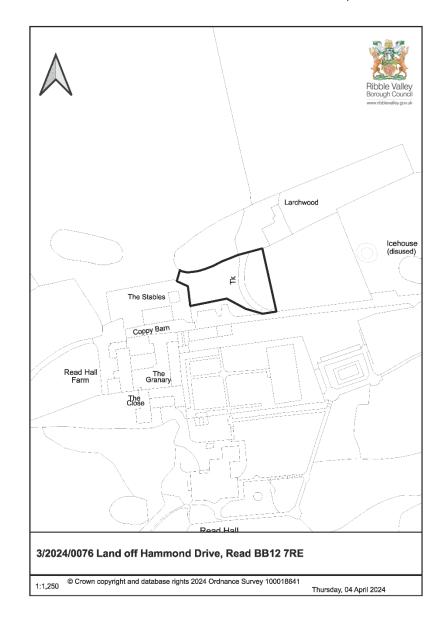
REF: KH CHECKED BY: LH

APPLICATION REF: 3/2024/0076

GRID REF: SD 375744 434938

DEVELOPMENT DESCRIPTION:

PROPOSED NEW DWELLING AT LAND OFF HAMMOND DRIVE, READ



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Read Parish Council - No response received.

LANCASHIRE COUNTY COUNCIL (COUNTY SURVEYOR):

No objection. Are of the opinion that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

An adequate level of off-road parking has been provided and an electric vehicle charging point will be provided to improve the site's sustainability.

HISTORIC ENGLAND:

Do not wish to offer any advice and suggest views are sought from the Council's specialist conservation and archaeological advisers.

LANCASHIRE COUNTY COUNCIL (ARCHAEOLOGY):

The proposals lie within the limits of Read Park, an early 19th century landscape park, recorded as a non-designated heritage asset on the Lancashire Historic Environment Record, PRN37695.

The proposed new dwelling is, however, not considered to have any adverse archaeological impact and I therefore advise that archaeology does not need to be considered further for the proposed development.

UNITED UTILITIES (UU):

Offer general guidance on drainage, which should include sustainable drainage systems and be in accordance with the drainage hierarchy as set out in national policy and guidance. Also offer general guidance on the need to investigate UU assets and infrastructure within the application site.

ADDITIONAL REPRESENTATIONS:

Four responses received from interested parties.

One response raises objections to the proposal on the following grounds:

- Loss of privacy
- Impact on the landscape, Read Hall Estate and Park and open countryside;
- Precedence this could set for other parts of the Read Hall estate and park, as well as the Ribble Valley area;
- Potential for landslip, subsidence and damage to neighbouring land due to significant earth removal required to build the proposed new dwelling making the surrounding terrain unstable;

Three responses write in support of the scheme.

1. Introduction

1.1 The application is being brought to Planning and Development Committee as a result of a Member call-in request received from Councillor Peplow. The planning reason(s) stated for bringing this to Committee is that whilst the application may be contrary to policy, it is a development incorporating some eco-home type features which should be considered in the public arena.

2. Site Description and Surrounding Area

- 2.1 The application relates an area of land within the extensive estate grounds of Read Hall, Read. Read Hall is a Grade II* Listed Building located approximately 90m from the site to which this application relates. Approximately 80m to the southeast of the application site is a Grade listed Icehouse associated with Read Hall.
- 2.2 The main access to Read Hall is off Whalley Road (A671) there is also another access via a private road from Hammond Drive and it is from this private road that access to the application site is provided.
- 2.3 A recently converted piggery building now known as Larchwood is sited approximately 30m to the northeast. This conversion was approved in 2018 following initial concerns over its size and prominence.
- 2.4 Nearby residential properties include The Stables (approximately 20m to the west), Coppy Barn (approx. 40m to the west), The Granary Hall (approx. 30m to the south west) and The Close (approx. 65m to the south west). All of these are conversions within the extensive grounds of Read Hall, these buildings together with Read Hall Farm now form part of Read Hall Court
- 2.5 In terms of the site itself, the proposed dwellinghouse would be located some distance (over 600m) outside of the settlement of Read, on land defined as open countryside. Footpath 3-34-FP2 runs along the private road past the site at a distance of around 12m to the south.
- 2.6 The land slopes up over 4m from south (road) to north (woodland) meaning that the site is set above the road level. To the rear of the site (north) is a small private woodland area.
- 2.7 Beyond the immediate surrounding of the conversions and the woodland the site is surrounded by open gardens associated with Read Hall known as Read Park. This surrounding land is defined as Ancient and Post Medieval Ornamental land in the Lancashire Historic Landscape Type and a Heritage Assessment of Read Hall identifies that its "parkland setting remains as legible today as when the mansion was first built" and "significance is further enhanced by its setting within its historic parkland, and the relationship it shares with ancillary buildings, particularly the farm buildings and lodge". It should also be noted that Read Hall and Park is identified as having "Regional/County" significance in a 2013 document entitled 'A Local Lost of Lancashire's Unregistered Historic Designed Landscapes'.

3. Proposed Development for which consent is sought

- 3.1 The application seeks to erect a single storey dwellinghouse. The footprint of the proposed dwelling would measure 18m x 8.3m plus 7.7m x 3m with a maximum height of 2.8m. The internal accommodation would comprise of an open plan lounge/dining/kitchen, utility, study/office, bathroom, store, and three bedrooms. A total of eight rooflights and two sun tunnels are proposed on the sedum roof. The elevations would be stone facing with cedar board cladding and aluminium powder coated windows and doors. The sedum roof would be enclosed by parapet walls.
- 3.2 Externally a parking area for two vehicles is proposed to the eastern side adjacent to the access track.
- 3.3 Overall the application proposes to erect a single storey, three-bedroom dwelling with a floor area of around 208sqm. There will be some level changes on the site to accommodate the dwelling, with levels being lowered between 0.6m and 3m in places and increased up to 0.38m.
- 3.4 Vehicular access would be provided via an existing track which serves Larchwood off the private road and a new hard surfaced driveway would be installed adjacent to track, located approximately 20m from the private road. A car parking area measuring 5m x 6m would be provided to the east of the dwelling with the proposed dwellinghouse surrounded by a stone pathway to all four sides with garden areas beyond.

4. Relevant Planning History

- 4.1 There have been various planning applications at Read Hall and its associated buildings.
- 4.2 There has been one planning application submitted previously in relation to this site application 3/2023/0447 which was for an almost identical proposal to the current application. That application was considered and refused by the Council's Planning & Development Committee on 25th August 2023.

5. Relevant Policies

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN2 - Landscape

Key Statement EN5 – Heritage Assets

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME1 – Protecting Trees and Woodlands

Policy DME2 – Landscape and Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME4 – Protecting Heritage Assets

Policy DMH3 – Dwellings in the Open Countryside & the AONB

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

6. Assessment of Proposed Development

6.1 <u>Principle of Development</u>:

- 6.1.1 The proposed development site falls outside of a defined settlement boundary and on land designated as open countryside within the adopted Core Strategy.
- 6.1.2 Key Statement DS1 seeks to locate the majority of new housing development within the strategic site and the principal settlements of Clitheroe, Longridge and Whalley. The hierarchy then focuses on Tier 1 Villages before considering Tier 2 Villages. Read & Simonstone is a Tier 1 Village. However, the site is over 600m outside of the settlement of Read & Simonstone.
- 6.1.3 Policy DMG2 (Strategic Considerations) requires that development within the Tier 2 Villages and outside of the defined settlement areas must meet at least one of the following considerations:
 - 1. The development should be essential to the local economy to social wellbeing of the area:
 - 2. The development is needed for the purposes of forestry or agriculture;
 - 3. The development is for local needs housing which meets an identified need and is secured as such;
 - 4. The development is for small scale tourism or recreational development appropriate to a rural area;
 - 5. The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated;
 - 6. The development is compatible with the enterprise zone designation.
- 6.1.4 The proposal is not essential to the local economy or social well-being of the area nor is it development for local needs housing which meets an identified need. It cannot be considered a small-scale use appropriate to a rural area where a local need or benefit can be demonstrated. The proposal does not meet any of this criteria.
- 6.1.5 Policy DMH3 relates specifically to dwellings within the open countryside and AONB and limits residential development to:
 - Development essential for the purposes of agriculture or residential development which meets an identified local need.
 - Appropriate conversion of buildings to dwellings provided they are suitably located and their form and general design are in keeping with their surroundings, structurally sound and capable of conversion.
 - The rebuilding or replacement of existing dwellings.
 - The creation of permanent dwelling by removal of any condition that restricts the occupation to tourism/holiday use will be refused on the basis of unsustainability.

This proposal does not meet of this criteria.

6.1.6 As the proposal is not supported by policies DMG2 and DMH3 it fails to meet the development strategy outlined in policy DS1. It is not considered that there is any justification to introduce a new dwelling outside of the settlement in this case, and so the principle of the new build residential dwelling proposed in this open countryside location is not acceptable.

6.2 Impact on Listed Buildings:

- 6.2.1 The application site is located within the parkland setting of Read Hall which is a Grade II* Listed Building and is in close proximity to the associated Grade II Listed Ice House as such there is a requirement for the proposal is be assessed in terms of impact on the heritage assets and their settings.
- 6.2.2 Planning Law (section 1(5) of the Planning (Listed Buildings and Conservation Areas Act 1990) states that the listed building also includes any ancillary object or structure within the curtilage of the building, which forms part of the land and has done so since before 1 July 1948. Historic England's own guidance on this matter accepts that determining whether buildings are listed by curtilage is a "difficult judgement" and that "The curtilage of a building has to be determined on a case-by-case basis, but (curtilage) is essentially the area of land that is ancillary to the main building" (in this case Read Hall).
- In respect of the impact the proposal would have upon the setting of nearby listed buildings, Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended by s.58B of the Levelling-up and Regeneration Act 2023) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving or enhancing the building or its setting. Under s.58B(2) this includes preserving or enhancing any feature, quality or characteristic of the asset or setting that contributes to the significance of the asset. Decision-makers should give considerable importance and weight to the desirability of preserving and enhancing the setting of listed buildings when carrying out the balancing exercise.
- 6.2.4 The proposed development mainly impacts buildings which were erected between 1848 and 1893. They were no doubt built and operated by the Read Hall estate. The Listed Grade II* Hall of 1818-25 is located 130m to the south and the Grade II estate Icehouse (post-1848) is located 80m on the east side of the application site.
- 6.2.5 Historic England are consulted on all applications for works to, or that affect the setting of, Grade I and Grade II* Listed Building and in this case Historic England have offered no comments and suggest advice is sought from the Council's specialist conservation and archaeological advisers. The LPA have consulted with Lancashire County Council Archaeology and within their response they have stated no further investigation is required in this case.

- 6.2.6 Chapter 16 of the National Planning Policy Framework (NPPF) seeks to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Policy DME4 of the Ribble Valley Core Strategy does not support development that would cause harm to the significance of a heritage asset, in this case the setting of the nearby Listed Buildings. Key Statement EN5: Heritage Assets states that "There will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings. The Historic Environment and its Heritage Assets and their settings will be conserved and enhanced in a manner appropriate to their significance for their heritage value; their important contribution to local character, distinctiveness and sense of place, and to wider social, cultural and environmental benefits."
- 6.2.7 The NPPF requires that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. As well as take account of the desirability of sustaining and enhancing the significance of heritage assets. Great weight should be given to the conservation of heritage assets and where a proposal will lead to substantial harm to the significance of a designated heritage asset, consent should be refused unless it can be demonstrated that there are public benefits that outweigh that harm. The more important the asset, the greater the weight should be.
- 6.2.8 In response to the submitted Heritage Statement, whilst it is accepted that the application site is not directly visible from the Grade II* Listed Read Hall, this does not mean that proposed erection of a new building in this location would not affect the setting of this listed building. This has been established in June 2017 where the Planning Hight Court agreed with the claimant and overturned an Inspector's Decision at Kedleston Hall in Derbyshire (Steer v SSCLG 22nd June 2017). The Court decided that the Inspector had "...adopted an artificially narrow approach to the issue of setting which treated visual connections as essential and determinative", and that this had amounted to an error of law when the Inspector considered that because the proposed development was not visible from the listed hall it did not impact upon its setting. In respect of this application, the site clearly forms part of the historic Read Hall estate and its parkland setting and therefore proposed changes to this setting must be approached with this in mind and given due consideration.
- 6.2.9 The surrounding parks and gardens associated with Read Hall significantly contribute to the building's significance as a heritage asset, with the surrounding parkland assessed as of county or regional importance and thus is not included in the Register of Parks and Gardens of Special Historic Interest. It is important to note, however, that the land is defined as Ancient and Post Medieval Ornamental land in the Lancashire Historic Landscape Type and a recent Heritage Assessment of Read Hall specially identifies that its "parkland setting remains as legible today as when the mansion was first built" and "significance is further enhanced by its setting within its historic parkland, and the relationship it shares with ancillary buildings, particularly the farm buildings and lodge". It should also be noted that

Read Hall and Park is identified as having "Regional/County" significance in a 2013 document entitled 'A Local Lost of Lancashire's Unregistered Historic Designed Landscapes' and therefore it is the surrounding land and not just the building of Read Hall itself that contributes to its designation as a Grade II* listed heritage asset of national importance.

- 6.2.10 Therefore, whilst Read Hall and the Icehouse are Listed Buildings, the other associated buildings which have been converted are considered to be non-designated heritage assets and the impact of the proposal on the setting of the listed buildings and non-designated heritage assets and their settings is an important consideration.
- 6.2.11 The application is accompanied by a Design and Access Statement which incorporates a Heritage Assessment. The Heritage element states that the impact of the new dwelling would be minimal as the site has no clear views from the rear of the Grade 2 * listed Read Hall by virtue of the garage complex and high stone walling which defines the walled garden use. The statement makes no reference to the nearby Icehouse and fails to satisfactorily consider the impact upon the character, setting or significance of the heritage assets and their settings.
- 6.2.12 The Grade II listed Icehouse is closest to the application site than the Grade II* Listed Read Hall. However, as this structure is partially submerged and does not have a curtilage the potential impact on this structure would be limited to its proximity and visual impact. Nevertheless, the introduction of a new build dwellinghouse of any design in this location would result in some harm to its setting.
- 6.2.13 The new build dwellinghouse is of such a scale and design within this historic location that it would result in a dominant and incongruous feature to the detriment of the heritage assets and their setting. Whilst this would be less than substantial harm the public benefits would be limited to construction work that would result from this proposal as well as limited input into the local economy and council tax payments which would have little weight, in any event these would not, on balance, outweigh the harm.
- 6.2.14 It is considered that the proposed dwelling, in terms of its location, scale and modern design, would therefore result in harm to the character and appearance of the Grade II* Listed Read Hall, the Grade II Listed Icehouse and the non-designated heritage assets together with settings within this historic parkland. Any public benefits arising from the development are not considered to outweigh the less than substantial harm identified.
- 6.2.15 Therefore the proposal is contrary to Section 66(1) (as amended by s.58B of Levelling-up and Regeneration Act 2023 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework and Key Statement EN5 and Policy DME4 of the Ribble Valley Core Strategy 2008 2028.

- 6.3.1 As mentioned above the site is clearly visible from public vantage points including the public footpath which runs along the access road to the south with the proposed building sited in close proximity to the existing woodland area (average 8m) resulting in a high visual impact on the locality.
- 6.3.2 The proposed dwellinghouse would be located approximately 20m from the nearest dwelling (The Stables) to the west and 16m from the detached garage block to the south both of which are within the Read Hall complex which consists of a number of converted buildings and garages. The proposed dwelling would be accessed via the same track which serves the nearby properties within the Read Hall complex and would be read in conjunction with these buildings as well as Read Hall (90m to the south).
- 6.3.3 The Design and Access Statement states the site is well-enclosed, set in private and mainly wooded grounds.
- 6.3.4 The application proposes a single storey dwellinghouse of contemporary and modern design. The proposed dwellinghouse contains high levels of glazing with differing sizes of windows mainly of an elongated form which together with the flat roof and large number of rooflights is considered to be significantly at odds with the traditional character and appearance of the Read Hall estate and its setting and would result in an inappropriate form of development.
- 6.3.5 Other residential units that have been converted from existing traditional buildings to residential use within the Read Hall estate have been done in simple and traditional style, this proposal seeks to erect a modern form of development in a location 4.62m above the road level, highly visible from the public right of way (3-34-FP-2) that runs directly through the grounds of Read Hall. This right of way is well used and with the proposed dwelling being sited on higher ground would result in this modern and contemporary feature being visually detrimental to the traditional character of the area and the importance setting of Read Hall and its parkland setting, negatively affecting the way the building, and its important gardens, are experience from public vantage points.
- 6.3.6 The Design and Access Statement refers to other modern contemporary design that has been used in the construction of new dwellings on Hammond Drive to the east, however, the erection of these three modern dwellings is significantly different from the proposed erection of a modern, detached dwelling within the setting, and historical gardens, of a Grade II* listed building. These properties were approved during 2013 at a time when new development outside of the settlement was permitted as the Borough did not have a 5-year housing land supply. This was specifically referenced in the report and a subsequent refusal for amendments to these plots in 1996 (3/2016/0296).
- 6.3.7 The area proposed to site the dwelling house provides a visual respite from development and built form between the piggery conversion (Larchwood) and the converted stables. With Read Hall itself contained within an historic stone wall.
- 6.3.8 In consideration of the above, the scale/size and modern design of the proposed dwelling would result in harm to the simple and traditional character and appearance of the non-designated heritage assets themselves, as well as resulting

in less than substantial harm to the setting of Read Hall. The proposal is therefore contrary to Key Statement EN5 and Policies DMH4 and DME4 of the Ribble Valley Core Strategy, as well as the NPPF and Section 66(1) (as amended by s.58B of Levelling-up and Regeneration Act 2023) of the Planning (Listed Building and Conservation Area) Act 1990.

6.4 Impact Upon Residential Amenity:

- 6.4.1 The proposed dwelling would be located approximately 20m from the side (eastern) boundary of the nearest neighbouring residential property The Stables. Whilst this is close, such a distance is considered acceptable due to the position of the proposed dwelling being setback from this property and its single storey height of 2.8m and no windows and doors are proposed in the western elevation of the proposed dwellinghouse.
- 6.4.2 Details of the finished floor levels have not been provided but informed by the proposed site plan dimensions and sections, the ground floor level is likely to be 4m above the floor level of the adjacent property, The Stables. The Stables is approximately 5.42m high and the proposed dwelling 2.8m high; with the difference in levels the proposed dwelling would be approximately 1.38m higher than The Stables, however, due to its set back of around 7.5m this would lessen any impact especially as there is also the garage building in between.
- 6.4.3 It is acknowledged that a paved area to the western side of the proposed dwelling has been reduced and a rear terrace area removed compared to the previously submitted application. However, the proposed dwelling being sited at a land level 4m above neighbouring property The Stables would still result in some impact in terms of privacy and perception of overlooking to the first floor windows in the western side elevation of The Stables. It is not considered that this could be satisfactorily addressed by condition(s) such as securing appropriate boundary treatments. This element of the proposal would have a detrimental impact on the residential amenity of this property contrary to Policy DMG1 of the Ribble Valley Core Strategy.

6.5 Highways

6.5.1 The proposed dwelling would be accessed via the existing driveway created for neighbouring property 'Larchwood' off the private road that runs through the grounds of Read Hall, accessed via Hammond Drive. LCC Highways has raised no objection to the application on highway safety grounds, commenting that there is sufficient space provided for the safe parking of vehicles within the proposed residential curtilage and therefore the proposal raises no undue concerns with regard to highway safety and satisfies policies DMG1 and DMG3 of the Ribble Valley Core Strategy in this regard.

6.6 Trees and Ecology

6.6.1 The application is accompanied by an Arboricultural Impact Assessment which categorises all the adjacent trees as Category B trees and this report details that no trees would need to be removed as a result of the proposed development. The submitted plans suggest that all trees would be retained.

- 6.6.2 The trees on land adjacent to the proposed development site are part of the local landscape character and make a contribution the wider tree-scape, being of collective visual amenity value, and seek to maintain the structural amenity value of this group of trees.
- 6.6.3 From the tree constraints plan submitted with the planning application it is evident that trees G1/2/T1/2/3 and T4 may well be materially affected by this proposal. In particular T2 is a category B1 Lime tree that requires a RPA of 10.8m, and the proposed footprint of the detached property and its extensive hardstanding will encroach within this RPA. In addition trees G1/2/T1/2/3 are highly likely to be affected by disturbance of the collective Rhizosphere through changes to the ground levels to the northern part of the site as well as excavations and ground compaction. Tree resentment issues may also arise due to the close proximity of the proposed development to existing trees.
- 6.6.4 From a visual landscape perspective the changes in gradients of up to 3m would result in significant changes as well as changes to the local landscape character from one of improved grass land to one giving an appearance of a domestic dwelling with its associated hardstanding, car parking and a formal landscaped curtilage within a 19th century parkland setting.
- 6.6.5 Based on the above the proposal fails to demonstrate that the proposal will not result in an adverse impact on the adjacent woodland to the north and therefore fails to accord with policies DME1 and DME2 of the Ribble Valley Core Strategy.

7. Observations/Consideration of Matters Raised/Conclusion

- 7.1 In summary, the principle of the erection of a dwellinghouse on this site would not be an acceptable form of development in a countryside location and the proposed scale and size of the proposed dwellinghouse and modern design would harm the character or appearance of the area.
- 7.2 Furthermore the scale and modern design of the proposed dwellinghouse would result in harm to the traditional character and appearance of the non-designated heritage assets themselves, as well as resulting in less than substantial harm to the setting of Grade II* Listed Read Hall and its associated Gardens and the Grade II Listed Ice House.
- 7.3 The proposal would result in a harmful impact on the nearby woodland due to changes in land levels and incursion into the root protection areas of nearby trees.
- 7.4 The proposal would have an unacceptable impact upon the residential amenity of occupiers of The Stables by reason of the proximity and elevated position of the proposed dwelling and its associated curtilage.

RECOMMENDATION: That the application be REFUSED for the following reasons:

1. The proposal would lead to the creation of a new residential dwelling outside of the settlement without sufficient justification insofar that it has not been adequately demonstrated that the proposal would meet any of the exception criteria including meeting a local housing need or providing regeneration benefits. The proposal therefore fails to

- accord with Key Statement DS1 and DS2 and policies DMG2 and DMH3 of the Ribble Valley Core Strategy 2008 2028.
- 2. The proposal would result in a large, dominant, dwellinghouse of modern design and materials which would have a visually harmful and urbanising impact upon the rural character of the area. It would also have a harmful impact on the simple architecture and traditional character and appearance of the Grade II* Listed Read Hall and its associated Parkland, the Grade II Listed Ice House and a number of non-designated heritage assets and their settings. Any public benefits from the development do not outweigh this less than substantial harm. The proposal therefore is contrary to S66 of the Planning (Listed Building and Conservation Area) Act 1990 (as amended by s.58B of Levelling-up and Regeneration Act 2023), Chapter 16 of the National Planning Policy Framework and Key Statement EN5 and Policies DMG1, DMG2, DME2 and DME4 of the Ribble Valley Core Strategy 2008 2028.
- 3. The proposal would result in a large, dominant, dwellinghouse close to historic woodland and fails to demonstrate that the proposed house and its changes in land levels can be accommodated without resulting in an adverse impact on the root protection area of the historic woodland and in particular Trees T1 and T2. Therefore, the proposal is contrary to Policies DME1 and DME2 of the Ribble Valley Core Strategy 2008 2028.
- 4. The proposal would result in an elevated dwellinghouse and associated residential curtilage in close proximity to neighbouring property to the west, The Stables. This would result in an unacceptable impact on the residential amenity of the occupiers of this neighbouring because of adverse levels of overlooking and loss of privacy that would be afforded. Therefore, the proposal is contrary to Policy DMG1 of the Ribble Valley Core Strategy 2008 2028.

BACKGROUND PAPERS

https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2024%2F0076