

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 7

meeting date: 8 DECEMBER 2011
title: NON-DETERMINATION APPEAL IN RELATION TO OUTLINE APPLICATION FOR 2 DWELLINGS ON LAND AT 46 HIGHER ROAD, LONGRIDGE. APPLICATION NUMBER 3/2011/0582/P
submitted by: DIRECTOR OF COMMUNITY SERVICES
principal author: GRAEME THORPE – PLANNING OFFICER

1 PURPOSE

- 1.1 To advise Committee in relation to the recently received Non-determination Appeal, and request guidance on the issues relating to the Council's reasons for refusal.

2 BACKGROUND

- 2.1 The planning application in question was received on the 19th of July 2011, and made valid on the 21st of July 2011. This gave an eight-week determination period, as standard for proposals of this type, ending on the 15th of September 2011. After this time period, applicants do have the opportunity to appeal for non-determination however it is rare that this happens. It is standard practice to assess and aim to make recommendations on applications within the eight or thirteen-week periods, however in this case there is good reason why this was not achieved.
- 2.2 In relation to the procedures carried out in relation to this application, neighbouring properties, statutory consultees and in-house consultees were consulted on the 26th of July 2011, giving them 21 days in which to formally respond with any comments in relation to this proposal.
- 2.3 Comments from neighbouring properties were mostly received within the 21-day consultation period, however until the application is determined we can still accept additional representations.
- 2.4 The thoughts of the Council's Principal Planning Officer (Design and Conservation) were sought early in the consultation process, however due to workload and other commitments the formal response was not received until the 4th of November 2011. This re-iterated concern raised in relation to the previous application, specifically in relation to the impact the proposal would have in regards to the setting of both the Conservation Area and the adjacent Grade II Listed buildings.
- 2.5 Comments from the LCC County Surveyor were received on the 7th of September 2011, with additional comments made on the 28th of October 2011 following a number of e-mails from concerned local residents. At the bequest of these local residents, the Head of Public Realm (Area East) at LCC was asked to comment on the scheme, as there was concern that it had not been assessed properly. We received three separate e-mails from this Senior Manager in relation to this application, with the last received on the 11th of November 2011. These e-mails supported the earlier assessment by the Principal

Engineer, and again re-iterated the stance that LCC were raising no objections to the proposal. At this stage, we could have made the final decision on the proposal.

- 2.6 The Appeal against Non-Determination was received on the 7th of November 2011, and upon receipt no further work is carried out in relation to dealing with the Planning Application. As of the 21st of November 2011, all those persons who were notified or consulted about the Application, and any other interested persons who made representations regarding the Application have been written to and advised that the Appeal has been made.
- 2.7 The Appeal will be considered under the written representations procedure, and as such the Planning Department must submit their written statement of case by the 19th of December 2011. This is the same timescale as other interested parties have in order to make any further comments.

3 ISSUES

- 3.1 In cases of Non-determination Appeals, it is important to gauge the views of the Planning and Development Committee in order that Committee Members are satisfied with the Officers Report. The Report will form the basis of the Council's Statement of Case in regards to the Appeal.
- 3.2 To advise Committee, a detailed Report has been appended to this Report giving details of the representations received and the issues arising. As Committee will note, there has been a great deal of public interest with this proposal.
- 3.3 On the basis of the merits of the Case, I consider that should the Officer have determined the Application, that a recommendation of refusal would have been forthcoming for the following reasons:
1. The proposed development would compromise the visual quality and openness of the land in question, designated as 'Essential Open Space' and considered to be of important visual amenity value, to the detriment of the area, without an overriding material consideration(s) in the public interest, and therefore contrary to Policies G1 and G6 of the Ribble Valley Districtwide Local Plan.
 2. The proposed development would be conspicuous, and incongruous with and visually intrusive into the setting of the row of Listed Buildings and the setting of Longridge Conservation Area. This would be harmful to the character, appearance and significance of the adjacent Listed Buildings and Conservation Area settings, and therefore contrary to Policies ENV19 and ENV16 of the Ribble Valley Districtwide Local Plan, PPS5 - Planning for the Historic Environment and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

4 RECOMMENDED THAT COMMITTEE

- 4.1 That Committee advise that they would have been minded to refuse the Application for the following reasons:
1. The proposed development would compromise the visual quality and openness of the land in question, designated as 'Essential Open Space' and considered to be of

2. The proposed development would be conspicuous, and incongruous with and visually intrusive into the setting of the row of Listed Buildings and the setting of Longridge Conservation Area. This would be harmful to the character, appearance and significance of the adjacent Listed Buildings and Conservation Area settings, and therefore contrary to Policies ENV19 and ENV16 of the Ribble Valley Districtwide Local Plan, PPS5 - Planning for the Historic Environment and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

and that they request the Officer to base the Written Representation Appeal on the aforementioned grounds.

DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

Application Reference Number 3/2011/0582/P

For further information please ask for Graeme Thorpe, extension 4520.

APPLICATION NO: 3/2011/0582/P (GRID REF: SD 360916 437400)
OUTLINE APPLICATION FOR THE ERECTION OF TWO DETACHED DWELLINGS WITH
DETACHED GARAGES (RE-SUBMISSION OF 3/2010/1013/P) AT 46 HIGHER ROAD,
LONGRIDGE, LANCASHIRE, PR3 3SX

LONGRIDGE TOWN
COUNCIL:

Longridge Town Council object to this application. Councillors resolved that their reasons for objecting when the proposal to develop this site was first presented in January 2011 continue to apply.

1. There is insufficient access to the site,
2. The G6 status will be eroded,
3. There is potential to cause damage to both the properties and character of Club Row which is both Grade II Listed and lies within the Conservation Area,
4. There are concerns in relation to drainage and poor access for refuse collection, and
5. It is further felt that previous undertakings for the Ombudsman regarding the G6 status should be upheld by RVBC.

LCC ENVIRONMENT
DIRECTORATE (COUNTY
SURVEYOR):

The County's objections to the previous application for the site (03/2010/1013) have each been addressed in turn as follows:

1. The revised access road layout now satisfies the guidelines in Manual for Streets 2 with regard to access for emergency vehicles, specifically fire appliances,
2. The reduction in the number of proposed dwellings from 3 to 2 will reduce the highway impact from the site and therefore a reduction in the setback, or X distance, of the required visibility splay from 2.4m to 2.0m will be acceptable. This is consistent with the residential location, low vehicle speeds and anticipated additional vehicular activity. On this basis, and with a 43m sightline, the design is consistent with Manual for Streets 2.
3. The proposed gradient profile on submitted plan no.3 Section A-A indicates a maximum gradient of 1 in 10 for the majority of the access driveway, reducing to 1 in 20 where the access joins Higher Road, which is acceptable.

4. The revised plans now indicate an area of demarcation for pedestrians along the access driveway, which could be indicated by surface treatment. This would be an acceptable way of indicating a safe walking route for pedestrians.
5. A dedicated bin storage area at the front of no.46 has been indicated on the revised plans. This is an acceptable method of refuse collection provided that it is conditioned as a permanent arrangement.

On the basis of the above, there are no objections to the proposal on highway safety grounds.

ADDITIONAL
REPRESENTATIONS:

One Hundred and four (104) letters/e-mails of correspondence have been received in relation to this application, all sent in objection to the proposal. The letters sent all strongly object to this proposal, however due to the vast number of letters, the points of objection have been simplified as follows:

1. Contrary to General Plan Policies within the Local Plan,
2. Contrary to PPS3 Housing, i.e. garden grabbing,
3. Change of land status from G6 to G2 without public consultation,
4. Visual impact on Conservation Area,
5. Impact on Listed Buildings and Buildings of Townscape Merit,
6. Impact on the structural integrity of the Listed Buildings during construction of the proposed development (if approved),
7. Visual impact by virtue of the infilling of a visually important green space (G6 land),
8. Impact on highway safety due to poor access to the site, namely the poor visibility provided by inadequate splays,
9. Impact on highway safety by further increase in number of vehicles pulling onto Higher Road,
10. Inadequate access to the site for emergency and refuse vehicles,
11. Concerns regarding the appropriate drainage of the site, both for foul and surface waters,
12. Concerns regarding flooding to the south east of the site if this land is developed,
13. Impact on the ecology, environment, flora and fauna of the site if approved,
14. The position of the development in relation to all other development on Higher Road is out of scale, and at variance with the historic layout,

15. Impact on view from rear of properties, which is currently rural, open and uninterrupted,
16. Loss of privacy,
17. Inadequacy of parking provision on site,
18. Proposal will exacerbate the existing parking issues on Higher Road itself,
19. Location of new bin store close to Higher Road will be visually unsightly,
20. We should wait until a decision on the G6 land is made,
21. Noise and disturbance during construction,
22. Impact on infrastructure of the area,
23. Devaluation of property,
24. Further development of this site will increase surface water run-off which will potentially lead to flooding,
25. There is no public benefit to developing this land for more housing,
26. No need for additional housing in Longridge given the proposed developments for Whittingham and Inglewhite Area,
27. Infringement of human rights,
28. Plans submitted are misleading and inaccurate,
29. The proposed highway 'improvements' cannot surely be agreed as due to the cars parked daily on Higher Road, the visibility splay is compromised,
30. Loss of wildlife habitat,
31. Loss of G6 status will impact upon setting of Listed Buildings and Conservation Area,
32. Loss of this site to development will lead to further applications that will erode the heritage of Longridge,
33. The Conservation Area boundary should be extended to include this plot of land,
34. This site has a very high visual amenity value, and this should not be lost by speculative developing,
35. Should we not be waiting until the Core Strategy and LDF is completed, finalised and brought into use?
36. Previous proposals already refused on this site, what is different about this one?

Proposal

This is an Outline Application for the erection of two dwellings with detached garages. The reserved matters for which approval are sought are 'Access'. A previous proposal for three detached dwellings on this site was refused in February 2011.

Site Location

The application relates to land to the rear of 46 Higher Road, Longridge. Permission was granted in 2009 for this land to be classed as 'Residential Curtilage', and therefore part of the garden area of No. 46. The site lies within an established residential area, with houses to either side, and on the opposite side of Higher Road, and is bounded on two sides by gardens to other

houses on Higher Road and Dilworth Lane. It sits on the boundary of Longridge Conservation Area (CA) and is adjacent to Club Row, a row of Grade II Listed terraced properties.

Relevant History

3/2010/1013/P - Outline application for the erection of three detached dwellings with detached garages – Refused.

3/2009/0572/P - Retrospective application for the change of use of land at the rear of the property to residential curtilage/garden – Granted Conditionally.

3/2002/0567/P – Erection of detached dwelling and alterations to existing vehicle access – Granted Conditionally.

2000/0724/P – Outline Application for Erection of 1 No. Dwelling – Refused.

Relevant Policies

Policy G1 - Development Control.

Policy G2 – Settlement Strategy.

Policy G6 – Essential Open Space.

Policy ENV16 - Development Within Conservation Areas.

Policy ENV17 – Details Required with Proposals in Conservation Areas.

Policy ENV19 – Listed Buildings.

Policy T1 – Development Proposals – Transport Implications.

SPG 'Extensions and Alterations to Dwellings'.

PPS3 Housing.

PPS5 – Planning for the Historic Environment.

Historic Environment Planning Practice Guide (HEPPG, March 2010).

Longridge Conservation Area Appraisal (adopted April 2007)

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

'Setting of Heritage Assets: English Heritage Guidance' (EH, October 2011)

Draft National Planning Policy Framework

Environmental, AONB, Human Rights and Other Issues

This application was submitted and made valid on the 21st of July 2011, with the eight-week target period ending on the 15th of September 2011. No formal decision has yet been made in relation to this application, with the delay due to waiting for receipt of formal comments and views of statutory consultees. Despite this delay, the Agent has sought to Appeal against Non-Determination of the Application, therefore the purpose of this report is to gain Council and Planning and Development Committee support/approval for the following reasons for refusal that will be presented to the Planning Inspectorate as part of the Council's Statement of Case.

The site lies within an established residential area, with houses to either side, and on the opposite side of Higher Road, and is bounded on two sides by gardens to other houses on Higher Road and Dilworth Lane. It sits on the boundary of Longridge Conservation Area (CA) and is adjacent to Club Row, a row of Grade II Listed terraced properties. The land is partially visible from Higher Road, as well as partially visible from the rear gardens of the adjacent neighbouring properties. Planning permission was sought to erect 2 no. dwellings in the garden of the existing house, each with a separate detached double garage. The plans also indicate a

detached double garage for the property no. 46 Higher Road, however as the application is an Outline Application with only details of the Access being sought, this garage as well as the layout, is for indicative purposes only.

The two houses proposed sit in virtually the same locations as those proposed on the previous Application (that was refused), with the dwelling nearest the Listed Buildings removed from the scheme. The proposed properties would be orientated with the front elevations facing towards the access road, and due to the difference in land levels will contain three living levels. Each property will contain four bedrooms (one with an en-suite) with a bathroom at first floor, and a kitchen/living/dining room, porch, study, utility and W.C. at ground floor and a lounge within the basement. The properties will both have a maximum ridge height of approx. 7.17m as measured from the front elevation.

PRINCIPLE OF DEVELOPMENT

With regards to the principle of the development, the site lies within the settlement boundary of Longridge; the Council must consider Policy G2 of the Local Plan, which supports development wholly within the built part of the settlement or the rounding off of the built up area. However, it also emphasises that it does not permit the development of essential open spaces. This is important as the site also lies within an area defined as Essential Open Space under Districtwide Local Plan Policy G6. This states that development will not be permitted unless it does not compromise the visual quality and value of the general openness or the recreational value of the site or unless warranted by overriding material considerations in the public interest.

The Local Plan Policies above also however need to be seen in the context of National Planning Policy Statement 3 (PPS3) para 71 which states that in the absence of a five year supply of deliverable sites, which is the current position within the Borough, planning applications for housing should be considered favourably having regard to the wider policies within the PPS and including criteria in PPS3 para 69. Paragraph 69 states that, in deciding planning applications. Local Planning Authorities should have regard to, (among other issues):

- The suitability of a site for housing, including its environmental sustainability
- Using land effectively and efficiently and;
- Ensuring that the proposed development is in line with planning for housing objectives reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.

In considering suitability in this context the following are considered to be important:

- The location of the site in relation to the settlement and its services and amenities;
- The density of the proposed development and subsequent visual impact on surrounding areas;
- The ease of access to the site and the potential impact of creating a new access (which would be advised by Lancashire County Council Highways staff).

In addition, it is also important to judge the potential of the scheme to enhance the area and whether the location is considered an important open space.

Having discussed the G6 designation with the Council's Principal Planning Officer (Design and Conservation), he notes that whilst in his opinion that part of the G6 designation north of the application site is not important in safeguarding the setting of the Listed Buildings and the

setting of and views into Longridge Conservation Area, he believes that the proposed development would be harmful to these factors' and 'The cul-de-sac and 'backland' style of development would not appear harmonious with, or reflective of, adjacent roadside (historic and modern) linear development (i.e. 'urban grain' and sustainability issues). HEPPG paragraph 44 states that 'it is important to recognise that new development that relates well to its surroundings is likely to last longer before its replacement is considered and therefore make a greater contribution to sustainability. Local planning authorities are encouraged to seek well-conceived and inspirational design that is founded on a full understanding of local context'.

In considering this, the status of the site as Essential Open Space under Local Plan Policy G6 is important in the consideration of this site, as Policy G2 specifically does not apply to G6 sites. PPS3 para. 69 emphasises that a site must be judged as suitable to be considered appropriate for development in the absence of a 5 year land supply, and within this consideration of suitability there is an emphasis on the preservation of important open spaces. Such sites are therefore considered unsuitable for any development, such as housing, that would fundamentally compromise their function, and as such in this case I do not consider that the proposed development could be supported as the loss of this space would be harmful to the setting of the Listed Buildings and Conservation Area, as well as views into and out of, with the development ultimately being conspicuous, and incongruous with and visually intrusive into the setting of the row of Listed Buildings and the setting of Longridge Conservation Area, and could therefore not be supported in principle.

IMPACT ON CONSERVATION AREA & LISTED BUILDINGS

As the above consideration is key in determining the principle of this Outline Application, it is worth considering this in more detail. In assessing the impact on the adjacent Longridge Conservation Area and Grade II Listed Buildings of Club Row, I will refer in some part to the comments made by the Principal Planning Officer (Design and Conservation), Adrian Dowd, in relation to the scheme, however the following relevant Acts and Policies are considered important when considering this proposal.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places the duty on a LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area when considering development proposals ('the desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals which are outside the conservation area but would affect its setting, or views into or out of the area – PPG15 paragraph 4.14).

PPS5 Policy HE9.1 states "there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss is a cultural, environment, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification.'

PPS5 Policy HE10.1 states ‘when considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval’.

PPS5 is accompanied by the Historic Environment Planning Practice Guide (HEPPG, March 2010), and Paragraph 2 of the Introduction of the HEPPG states the practice guidance may be “material to individual planning and heritage consent decisions”. Paragraphs 113 – 124 refer to the setting of designated heritage assets.

Policy ENV16 of the RVDLP states ‘The desirability of preserving or enhancing the character or appearance of a conservation area will also be a material consideration in deciding development proposals outside the designated area which would affect its setting or views into or out of the area’.

Policy ENV19 of the RVDLP states ‘Development proposals on sites within the setting of buildings listed as being of special architectural or historic interest which cause visual harm to the setting of the building will be resisted.’

The draft NPPF is also now a material consideration, with Paragraph 177 of the draft National Planning Policy Framework (July 2011) stating that *‘the Government’s objectives for planning for the historic environment are to conserve heritage assets in a manner appropriate to their significance’*.

Paragraph 183 of the draft NPPF states *‘as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification’*.

The ‘Setting of Heritage Assets: English Heritage Guidance’ (EH, October 2011) is also worth considering as it considers that,

- The cumulative impact of incremental small-scale changes may have as great an effect on the setting of a heritage asset as a large-scale development,
- Entire towns also have a setting, which, in a few cases, has been explicitly recognised in green belt designations. A Conservation Area that includes the settings of a number of listed buildings, for example, will also have its own setting, as will the town in which it is situated. The numbers and proximity of heritage assets in urban areas means that setting is intimately linked to considerations of townscape and urban design,
- The setting of some heritage assets may have remained relatively unaltered over a long period and closely resemble the setting in which the asset was constructed or first used. The likelihood of this original setting surviving unchanged tends to decline with age and, where this is the case, it is likely to make an important contribution to the heritage asset’s significance,
- The recognition of, and response to, the setting of heritage assets as an aspect of townscape character is an important aspect of the design process for new development, and will, at least in part, determine the quality of the final result,
- Arguments about the sensitivity of a setting to change should not be based on the numbers of people visiting it. This will not adequately take account of qualitative issues, such as,
 - the importance of quiet and tranquillity as an attribute of setting;

- constraints on the public to routinely gain access to a setting because of remoteness or challenging terrain;
- or the importance of the setting to a local community, and
- The harmony of other townscape settings may be unified by a common alignment, scale or other attribute that it would be desirable for new development to adopt.

The 1844 and 1886 OS maps show that Club Row curtilages have remained virtually unchanged from the early C19, and importantly Club Row is shown as a salient into the open countryside from the village of Longridge on both the 1844 and 1886 OS maps. In addition, whilst it is not known whether the isolation resulting from this distinct ribbon of development had any historic purpose, the Conservation Officer has welcomed the inclusion of land to the rear of the row within the Local Plan Policy G6 designation as it has helped to safeguard this fundamental (if accidental) element of listed building setting and character. In this regard, he also makes reference to paragraph 116 in the Historic Environment Planning Policy Guidance that states ‘the setting of a heritage asset can enhance its significance whether or not it was designed to do so.’ Mindful that trees enclose much of the G6 site, the following paragraphs of HEPPG are raised as important considerations. Paragraph 117 of HEPPG states ‘the contribution that setting makes to the significance does not depend on there being public rights or an ability to access or experience that setting.’ Paragraph 44 of the HEPPG is also quoted, which states ‘it is important to recognise that new development that relates well to its surroundings is likely to last longer before its replacement is considered and therefore make a greater contribution to sustainability. Local planning authorities are encouraged to seek well-conceived and inspirational design that is founded on a full understanding of local context’.

Bearing this mind, it is considered that the cul-de-sac and ‘backland’ style of development would not appear harmonious with, or reflective of, adjacent roadside (historic and modern) linear development (i.e. ‘urban grain’ and sustainability issues), and that whilst the Conservation Officer does not (in his opinion) consider that the part of the G6 designation north of the application site is not important in safeguarding the setting of the listed buildings and the setting of and views into Longridge Conservation Area, the proposed development submitted as part of this application would be harmful to these factors.

IMPACT ON HIGHWAY SAFETY

The previous scheme for this site was recommended to be refused by the LCC Highways Officer at the time, however following the reduction in the number of units on site, and a number of other alterations to the plans (detailed in the LCC response earlier in this report), they now have no objections to the proposal. The Officer, following a member of the public questioning this response, sent a further response noting the following.

Our most recent survey data on Higher Road, recorded over a seven-day period in 2008, revealed average vehicle speeds to be 28mph. The 85th percentile speed, the speed at which 85% of traffic is travelling at or below and generally accepted by traffic engineers as a reasonable guide for the speed limit, was 34mph. PC Paul Worswick of Longridge Police has been in discussion with us regarding excessive traffic speeds at a number of locations in Longridge, however Higher Road has not been mentioned as having a particular problem. I would conclude therefore that traffic speeds at the application site are nothing unusual for a road of this type. The length of Higher Road between the White Bull and Chaigley Road has had no reported traffic collisions resulting in injuries over the last 5 years.

There is no intention for the access road to become adopted public highway and therefore what is proposed is essentially a private driveway shared by two houses. That being the case we have advised the applicant of the best arrangement that can be achieved within the constraints of the site and are satisfied with what has been proposed. The revised gradients, pedestrian access provision and refuse collection arrangements are all acceptable. Our main concern therefore is the access point to the public highway and a 1 in 20 gradient at the entrance is perfectly acceptable.

Regarding the visibility splay at the access onto Higher Road, Design Bulletin 32 (Residential Roads and Footpaths) specifies that in urban areas with a speed limit of 30mph or less an 'X distance' setback of 2.0m is suitable for an access serving up to half a dozen dwellings. This is consistent with the advice in Manual for Streets 2 for access points with low vehicle flows, as is the case here. The slight kerb realignment required on either side of the access to achieve this is commonly used technique to improve visibility at access points for new developments.

It is clear that this particular response has drawn a significant amount of interest from a number of objectors to this application, to the extent that a request was made that a more 'Senior' Officer at LCC look at the proposal. The Head of Public Realm at LCC agreed to this request, with the following view received via e-mail.

The current application relates to the construction of two properties to the rear of 46 Higher Road, Longridge with the construction of a private access road to serve the two properties utilising the existing access point. It is classed as a private drive not an estate road. As a general rule a driveway can serve up to 5 properties at which point we will start to consider whether a more formal highway layout should be considered dependant on the size of the development. Lancashire County Council as Highway Authority (LCC) does not consider that the access drive would be of public benefit and therefore has no plans to adopt the access drive. LCC commented on the previous application where the access road design and the visibility arrangements at the junction of the access road with Higher Road were considered to be unsatisfactory. For this reason it was recommended that the application be refused on highway grounds. The current design has been amended to take those comments into account and is now fulfils the requirements of LCC. There are consequently no grounds for LCC to object to the application on highway grounds.

With regard to road safety, the ACPO guidelines do not govern County Council policy but they are a factor to consider when making decisions. Where LCC undertake work in the highway, whether safety schemes or other works then road safety audits will be undertaken as part of the scheme design. The audits will include road safety impacts as well as the impact on vulnerable road users. When discussing potential mitigating measures for new developments, highway works may be proposed and if so will be included in the planning approval conditions. The collision data for this road has been assessed and at the point of the access there are no recorded injury collisions. The 85%ile speed of 34mph is within the ACPO enforcement guidelines and vehicles travelling at this speed would not be subject to enforcement action by the Police. The Police are aware of a small number of individuals who show disregard for the speed limits and will take action as they deem necessary. Speed enforcement is not the responsibility of Lancashire County Council.

The widening of the footway at this point is considered to be a reasonable mitigating measure to improve visibility. LCC have used this approach when designing a considerable number of safety schemes throughout the county to improve visibility at road junctions. This has included the construction of build outs either through a kerbed construction or through the use of road

markings. This serves to keep vehicles from parking close to the junction and also allows the give way line to be brought further out thus improving visibility. As LCC use this measure for its safety schemes it is reasonable to permit the use of similar measures at private developments as a mitigating measure.

In relation to this planning application, there is minimal highway work and a minimal increase in traffic movements, both of which have little material impact on the existing highway operation. Whilst concerns about this development proposal are appreciated, my team are responsible for responding on behalf of Lancashire County Council in its function as Highway Authority. We have to ensure that we are satisfied that the development will have no adverse impact on the highway network. If there is an impact then we will discuss with the developer any necessary works that will be needed to mitigate the impact. In this case measures have been agreed and the proposed measures will satisfactorily mitigate the impact of the development.

Therefore, following his review of the application, he confirms that the comments and recommendations submitted are justified and that LCC has no objection to the planning application on highway grounds.

IMPACT ON RESIDENTIAL AMENITY

Given the distance between the front elevation of the proposed dwellings and the rear elevations of the properties on Higher Road, over 40m away, the intervening boundary treatments between the front elevation of the properties and the garden/domestic areas to the rear of dwellings on Higher Road and the significant difference in land levels, I am satisfied that the proposal has no significant detrimental impact on the amenity of the occupiers of the adjacent dwellings.

IMPACT ON ECOLOGY/TREES

The plans as submitted indicate the existing trees to be retained on the site, however no additional tree survey has been supplied with the application to determine whether or not the trees shown on the plans will be able to be retained on site following completion of the development, despite them being indicated as being retained. That said, as the application only seeks approval of the access to the site, this is a matter that could be dealt with at full application stage in respect of the layout of the site.

As the land is used as extended residential curtilage for the dwelling at no. 46, granted formally in 2009, there is considered to be no requirement for a Phase One Habitat Survey/Ecological Survey to be carried out on this site prior to the determination of this Outline Application. Having discussed this with the Council's Countryside Officer he has noted that as the land is considered to be classed as amenity improved grassland which is land that has been treated with artificial fertilisers, may have received herbicide treatments and is cut on a regular basis so that the grass sward is such that there is little opportunity for emergent flora of ecological value to become established. Any trees and shrubs will be of an ornamental nature and therefore would not be considered as important to the native flora and may not be in keeping with the landscape character of the area. The landscaping on site is therefore unlikely to attract or provide habitat usually associated with native fauna.

CONCLUSION

In conclusion, on the basis of the above, the application as proposed cannot be considered acceptable due to it being at variance with the relevant local and national planning policies and guidance, and it is respectfully requested that Members of the Planning Committee endorse the following two reasons for refusal that will be presented to the Planning Inspectorate as part of the Council's Statement of Case in the forthcoming Appeal relating to this proposal.

RECOMMENDATION: That Committee be minded to REFUSE the application on the following grounds:

1. The proposed development would compromise the visual quality and openness of the land in question, designated as 'Essential Open Space' and considered to be of important visual amenity value, to the detriment of the area, without an overriding material consideration(s) in the public interest, and therefore contrary to Policies G1 and G6 of the Ribble Valley Districtwide Local Plan.
- 2, The proposed development would be conspicuous, and incongruous with and visually intrusive into the setting of the row of Listed Buildings and the setting of Longridge Conservation Area. This would be harmful to the character, appearance and significance of the adjacent Listed Buildings and Conservation Area settings, and therefore contrary to Policies ENV19 and ENV16 of the Ribble Valley Districtwide Local Plan, PPS5 - Planning for the Historic Environment and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).