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## Appeal Decision

Hearing held on 31 October 2017

Site visit made on 31 October 2017

**by David Richards BSocSci DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 28 November 2017**

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### **Appeal Ref: APP/M2325/3172438**

### **Land north of Beech Road, Elswick, Lancashire, PR14 3ZQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Prospect (GB) Limited against the decision of Fylde Borough Council.
  - The application Ref 16/0645, dated 19 August 2016, was refused by notice dated 15 March 2017.
  - The development proposed is demolition of an existing agricultural outbuilding and erection of 50 dwellings (use class C3) set in attractive landscaping with associated car parking; an adoptable pumping station; a sub-station and new access from Beech Road.
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### **Decision**

1. The appeal is allowed and planning permission is granted for demolition of an existing agricultural outbuilding and erection of 50 dwellings (use class C3) set in attractive landscaping with associated car parking; an adoptable pumping station; a sub-station and new access from Beech Road at Land north of Beech Road, Elswick, Lancashire, PR14 3ZQ in accordance with the terms of the application, Ref 16/0645, dated 19 August 2016, subject to the conditions set out in the attached Schedule.

### **Main Issues**

2. The main issues are the effect on the character and appearance of Elswick and its setting in the countryside, and whether Elswick is an appropriate location for housing development, having regard to accessibility to services, facilities and public transport.

### **Reasons**

3. The appeal site is irregular in shape and extends to approximately 2.6 hectares in area. It is located on the north-western edge of Elswick, on the north side of the B5269 'Beech Road'. The land lies within the open countryside as defined on the Fylde Borough Local Plan proposals map (2005). The site presently comprises grazing land and includes an existing agricultural outbuilding, two existing ponds, and mature trees and hedgerows delineating field boundaries.
4. The site adjoins the currently defined development boundary. Immediately to the south is a grass verge containing a group of mature trees and flower beds. Directly opposite the site are residential properties fronting Beech Road. To the west of the site there are three residential properties on the north side of

Beech Road, beyond which there is more grazing land and then Meagles Lane. The eastern boundary of the site borders open grazing land, beyond which is Copp Lane. To the north, there are open fields, and an existing pond, with Langtree Lane beyond.

5. The land is shown as Grade 3b agricultural land (good to moderate quality) with generally flat topography which falls away gradually to the north.

#### *Planning Policy*

6. The development plan for the area consists of the saved policies of the Fylde Borough Local Plan, as altered in 2005 (LP). Saved policy SP02 restricts development in the countryside, other than for specified categories of development which do not include that under consideration in this appeal.
7. The LP predates the National Planning Policy Framework (the Framework) and this has implications for the weight to be accorded to its policies which I shall consider in the relevant sections of this decision below.
8. A new local plan for the Borough is in course of preparation, the Fylde Local Plan to 2032 (the emerging plan). It has been submitted for examination by an Inspector, which is continuing, with further hearing sessions programmed for December 2017. The emerging plan promotes development in sustainable locations in accordance with the Framework. Policy S1 establishes a settlement hierarchy in which Elswick is identified as a 'Tier 2' settlement, that is a 'Smaller Rural Settlement' capable of taking limited growth – 50 dwellings over the plan period to 2032, having regard to the level of facilities and services available in the village. However the settlement boundary has been retained unaltered from the current adopted LP, with the intention set out in Policy SL5 that sites for the provision of 50 homes should be identified through the preparation of a Neighbourhood Plan for Elswick.
9. As it has yet to be adopted, the weight to be attached to its policies must be considered in accordance with the advice in paragraph 216 of the Framework.
10. I was informed at the hearing that the Parish Council no longer intends to prepare a Neighbourhood Plan, on the basis that they consider that the need for 50 dwellings is already met by existing planning permissions. Accordingly the Parish Council has requested that the emerging LP is altered to reflect this.

#### *Effect on the character and appearance of Elswick, and its setting in the countryside*

11. The Council considers that the appeal site is located at a critically sensitive transitional location on the northern edge of the village where the character of the open countryside predominates. It is argued that residential development in this location will detract from the rural character both by the nature of the land use and the loss of open countryside views from Beech Road and the existing edge of settlement properties along that road which as a result, cannot be considered to be sustainable development.
12. The application was accompanied by a Landscape and Visual Impact Assessment (LVIA). It describes the landscape character as being fairly typical of the Fylde Landscape Character Area<sup>1</sup>, specifically: gently undulating,

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<sup>1</sup> 'A Landscape Strategy for Lancashire': Landscape Character Area 15D: The Fylde.

improved pasture land, with hawthorn dominant boundary hedges and field ponds. External visual influences include pylons, road traffic and the distant Bowland Fells. The existing hedgerows are generally in reasonable condition, though the southern boundary to the road is incomplete, only enclosing the western side of the frontage.

13. Due to the edge of village location, the site is essentially rural in character. To the north, west and east the views are principally of farm land, with only occasional clusters of housing or farm buildings visible. Hedgerows and tree cover break up the views of nearby clusters of housing in these directions. The main built form, visible from the site, is the housing on Beech Road itself.
14. The LVIA states that the site is visually well contained to the east, south and west, by housing along the southern boundary of the site, and by established hedgerows to the east and west. To the north, however the site is very open and the views, both into and out of, the site are extensive. The potential for views, in both directions are strengthened because of some areas of higher ground, notably at Copp, at the northern end of Meagles Lane and at Great Ecclestone. There are numerous public viewpoints to the north including from highways and other rights of way. Within these public views, the site currently merges with the surrounding rural fabric and forms part of the landscape character type. The landscape sensitivity is assessed as being medium-high.
15. With regard to visual impact, the principal views from the north are from Langtree Lane, a minor road serving a small number of properties. Public views from the north are fairly extensive and available to pedestrians and vehicles using the adjacent highways and other rights of way. The impact from public viewpoints is assessed as medium, as the viewers are transitory, while to occupants of nearby properties, the impact is likely to be of medium-high sensitivity.
16. Public views from the east, from Copp Lane are generally curtailed by intervening hedges and planting and as such the impact is assessed as being low-medium sensitivity. Views from private housing are assessed as having medium-high sensitivity.
17. Principal views from the south are from the highway, Beech Road, though the proposal would also be in the direct line of view from a number of properties fronting Beech Road. The impact on views from the highway are assessed as being medium-high impact, and from private properties high impact.
18. Principal views from the west are from Meagles Lane, a minor road running from Elswick to Great Ecclestone. These views are restricted by high hedges along the land, with only glimpses available through gaps such as field gates. The impact on public views is assessed as being low-medium, with impact from the dwellings on the north side of Beech Road assessed as high.
19. The scheme includes proposals to secure mitigation of the landscape and visual impacts, which could be achieved by the attachment of conditions. This would include retention and management of existing landscape features where possible, together with careful landscaping of the site boundaries, to include tree planting, hedge planting and native woodland buffer planting where appropriate, with extensive landscape treatment to the northern boundary to address potential visual impact in views from the north.

20. *The LVIA concludes that 'the development will, without doubt, change the character of the area, with a loss of open, rural land and its replacement with residential housing. The proposed new housing will, essentially move the residential edge of Elswick further north; however it is within an area already partly defined by the extent of existing housing development. As a result the proposal is not unacceptable in planning terms. It is acknowledged that there will be a visual impact, despite landscape treatment of the site boundaries.*
21. *A comprehensive package of landscape mitigation will be provided as part of the development proposal. New landscape will add substantially to tree and hedgerow cover the area and will act not only to further filter views, but also to enhance the area. The planting will also be designed to create new habitats to encourage biodiversity. All retained new landscape will be subject to suitable management ... ensuring that it remains a viable legacy. This is of particular importance when considering the long term future of the existing trees and hedgerows on the site.*
22. *Whilst the proposed development does fit in with the settlement pattern in an acceptable manner and is of similar character to previous village growth, there will be a visual impact. As such, the overall magnitude of the visual impact would be medium adverse.'*
23. The Committee report recommended approval of the development. With regard to landscape impact, the Council's officers noted that the shape of the development site and the location of the site to the north of Beech Road means that the development would not be in character with the historic settlement pattern, and would result in a reduction of the view from Beech Road looking north. However, the site was not considered to be in a particularly prominent location, with only glimpsed views through open fields, trees and individual houses being obtainable when entering the village by road. It was concluded that the harm from allowing the development would not warrant refusal of permission. Officers concluded that 'the application proposes an outward facing development, with significant landscape buffer and retained natural features that will act as a soft barrier to assimilate the proposal into the countryside setting. Such features are intrinsic to the proposal making a successful transition between urban and rural, forming appropriate mitigation against countryside encroachment.'
24. I acknowledge that the proposal would result in urbanisation of a countryside location with resultant harm to landscape character. This is the case with many potential developments in rural locations which border existing settlements. While the countryside on this edge of Elswick has an attractive character, it is not a designated landscape, and it has not been argued that it is part of a valued landscape as referred to in Paragraph 109 of the Framework. It is strongly influenced by the existing settlement edge housing. The development would only be glimpsed from Copp Lane and the southern part of Meagles Lane due to prominent intervening hedgerows. In the short term following the completion of development it would appear more intrusive when viewed from the north, from the right of way near Little Ecclestone and from Langtree Lane. However the proposed boundary planting would quite quickly mitigate this impact, and screening would be increasingly effective in the medium and longer term. I consider that the judgements made in the Appellant's LVIA are fair and reasonable, and that the harm to the countryside

would be at most moderate. This is a matter to be weighed in the overall planning balance.

*Whether Elswick is an appropriate location for housing development, having regard to accessibility to services, facilities and public transport?*

25. The Council's first reason for refusal states that: *'The development of the site for 50 dwellings will, in combination with recent planning approvals, exceed that assumed in the emerging Fylde Local Plan, which is at an advanced state of preparation, and identified Elswick as a Tier 2 settlement expected to support only limited expansion. In the absence of any significant community facilities within the village, and a limited public transport service in the village, the proposal would result in increased journeys by private motor vehicle and so would be economically, socially and environmentally unsustainable and contrary to the provisions of saved Policy SP2 of the Fylde Borough Local Plan 2005 and Policy S1 of the emerging Fylde Local Plan to 2032.'*
26. The committee report recommended that permission should be granted for the development, subject to the completion of a Section 106 obligation. It is common ground between the main parties that Elswick has a number of local services within its envelope, including a village store, Elswick Memorial United Reformed Church, two public houses, a Village Hall/Community Centre, Hair and Beauty Salon, equipped play area, all weather pitches and a bowling club. All of these facilities are within 800 metres walking distance of the appeal site. Great Ecclestone Copp Church of England School is some 1.1 km walking distance of the northern boundary of the site. For most of this distance Copp Lane has a 40 mph speed limit and a 1m wide footway.
27. The village centre of Great Ecclestone is located some 2 km to the north of the site. It offers a range of additional facilities including a medical centre, dental surgery, post office, pharmacy, three churches, three public houses, a café, a hairdressers, a Nisa convenience store, a market, a newsagent and off-licence, a takeaway and a fashion retailer.
28. I acknowledge that the range of services available in Elswick itself is limited, and residents would need to travel to larger centres for many purposes, including supermarket shopping. However the village shop allows for top-up shopping without having to rely on a car and is an important local facility in this respect. The proximity of the primary school is also, to my mind, an important facility that cannot be ignored. I deal with issues of highway safety in more detail below, and recognise that many existing and potential parents and guardians would not consider Copp Lane as a safe route for their children to walk to school, given the relative narrowness of the footway, the speed of traffic and the need to cross the road to get to the school. Nevertheless the school is close to the site, and while I recognise that traffic conditions at drop-off and pick-up time are likely to very be busy, and require the exercise of considerable caution, this is true of many schools in urban and rural areas. I do not consider that the likely increase in numbers of children attending the school resulting from the development would result in a significant worsening of an existing and by no means unusual problem.
29. Paragraph 55 of the Framework advises that housing should be located where it will enhance or maintain the vitality of rural communities, to promote sustainable development in rural areas. Where there are groups of smaller



- settlements, development in one village may support services in a village nearby.
30. Objectors to the development, including the Parish Council representatives present, stated that medical services in the area were already overstretched, with a ratio of one GP per 2000 population, compared with a national average of one per 1700. It was stated that it could take 4- 5 weeks to get an appointment at the Great Eccleston medical practice. It would appear that a triage system is in operation, with greater priority (and earlier appointments) given in urgent cases. The list remains open, and the practice is still accepting new NHS patients. While I understand the perception that existing services are operating under stress, it is also the case that new housing is required to meet identified needs in Fylde Borough as elsewhere in the nation, and that consequent necessary adjustments to service provision cannot always take place in advance of the housing being provided. I do not consider that the circumstances in the locality are so unusual or exceptional as to amount to a sufficient justification for dismissing the appeal in the absence of other material considerations that indicate that permission should be refused.
  31. Turning to consider public transport connectivity, the closest operational bus stop to the appeal site is located on Main Street, some 340 metres away from the appeal site.
  32. The 80 service operates a two hourly service Monday to Saturday, (from 0730 and 1800) from Myerscough to Preston calling at Great Eccleston, Inskip and Preston. The approximate journey time from Elswick to Great Eccleston is 5 minutes, and to Preston 38 minutes. The 75A service also operates a two hourly service from Copp Lane, Monday to Saturday between 0640 – 1900) from Fleetwood to Preston calling at Kirkham, Great Eccleston, Weeton, Singleton and Poulton-le-Fylde. The approximate journey times from Elswick to Great Eccleston is 5 minutes, Kirkham 12 minutes, Poulton-le-Fylde 19 minutes, Preston 38 minutes and Fleetwood one hour. In total that amounts to some 13 buses a day Monday to Friday (at approximately one hourly intervals) to surrounding service settlements, with 11 services per day on a Saturday. The earliest bus to Preston from Elswick on a weekday is at around 0727 which arrives in Preston at 0806 and the last bus to depart Preston on a weekday leaves at 1930. On a Saturday the earliest service to Preston is circa 0737, which arrives at Preston at 0814, whilst the last return bus from Preston is at 1930.
  33. Objectors pointed out the shortcomings of existing public transport provision, in particular the lack of evening services, and the lack of a direct service connecting Elswick with Blackpool, of particular importance for post-secondary and continuing education, for example, apprenticeship schemes. While there are connecting services to Blackpool, these are unlikely to be practicable for early starts and late returns, and I accept that they are unlikely to be attractive for regular use, requiring some alternative arrangement to be made probably involving car journeys. The Parish Council representative referred to a survey carried out in the village, which indicated high numbers of households owning two cars, and making an average of 5 vehicle trips per day per household. However the survey results were not submitted, and participation was partial, raising legitimate questions about its representativeness. Nevertheless it is reasonable to conclude that many of the additional trips generated by the

- development would be car borne, notwithstanding the availability of alternatives.
34. Residents also drew attention to the high costs of reliance on public transport as an option for regular commuting, and the additional expense that would be incurred by new residents without a car. It was suggested that this would be a deterrent to potential occupiers of affordable housing.
35. While these concerns are not without some foundation, I consider that the public transport connections described above offer a reasonable public transport alternative for shorter journeys, to take advantage of facilities in Great Eccleston, and longer trips to larger centres such as Poulton-le Fylde and Preston. I appreciate that the locational strategy set out in the emerging LP, in line with the advice in the Framework, is so far as possible to ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However Paragraph 34 of the Framework also advises that this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.
36. Policy S1 of the emerging plan sets out a fourfold settlement hierarchy with key service centres at the top, local service centres (urban areas) occupying the next rung, after which come Tier 1 larger rural settlements (Newton, Staining and Wrea Green, providing small scale essential services, as well as local opportunities for employment, and Tier 2 smaller rural settlements (Clifton, Elswick, Singleton and Weeton) described in the policy as having fewer essential services and employment opportunities, and limited transport connections with the Key Service Centres and Strategic Locations for Development. Development that is appropriate to the scale and character of settlements at each level of the settlement hierarchy will be promoted in accordance with the development strategy. Policy DLF1 identifies the four strategic development locations relating to the key services centres, but also refers to non-strategic development sites (of between 10 and 99 dwellings) within principal development locations and within or adjacent to the Tier 1 settlement at Newton and Tier 2 smaller rural settlements at Clifton and Elswick. Policy SL5 does not make a specific allocation for Elswick, but proposes a development of 50 dwellings to be brought forward through a Neighbourhood Plan. As confirmed above, the Parish Council no longer intends to proceed with a neighbourhood plan. There is no specific justification in the plan for the levels of development proposed but paragraph 7.21 refers to a Settlement Hierarchy Background Paper which identifies Tier 1 settlements as being suitable for 100 to 150 homes over the plan period, and Tier 2 settlements as being suitable for up to 50 homes.
37. The background paper gives scores to each settlement assessing accessibility to a range of services and facilities, including the availability and frequency of public transport connections. Elswick was originally included as a Tier 1: larger rural village, with a score of total score of 13. Tier 1 settlements are described as follows: 'The larger rural settlements provide small scale essential local services, as well as local opportunities for employment. They can therefore be regarded as sustainable communities, albeit with a dependency on, and sustainable transport connection to/from the Key Service Centres and Local Services.

38. In response to objections to the inclusion of Elswick within Tier 1, the Council revisited the settlement classification in 2017. On the basis that Elswick scores below Singleton and Weeton, identified as Tier 2 settlements, the background paper recommends that Elswick be reclassified as a Tier 2 settlement, and this has been carried forward in the submitted version of the emerging plan. The lack of a primary school within the village and the loss of the bus service to St Annes and Blackpool were key considerations in this reclassification. This reduced Elswick's score from 13 to 11.
39. I acknowledge that since the date of the background paper, Bond's restaurant has closed, but it was indicated at the hearing that the new owners intend to re-open it. The nursery has also closed. Ultimately the settlement hierarchy is a matter for the emerging local plan. However to my mind the scoring system adopted undervalues some key elements, such as the extent of existing service provision in the village and particularly the proximity of the primary school at Copp. While it is not within the village, it is very close, and would have attracted an additional 5 points if it had been included. There is no specific reference to the two public houses which could be considered valuable community assets, as well as providing some employment. There is no recognition of the additional facilities available at Great Ecclestone, some 2.3km north of Elswick, and accessible by public transport.
40. The Borough Council accepts that Elswick is a sustainable location for some development, but does not put forward a specific justification for limiting development in Elswick to 50 dwellings. The Parish Council's view, supported by many local residents, is that the 'target' of 50 dwellings for Elswick set out in policy SL5 has been reached through the grant of permissions, and there is accordingly no longer a need to proceed with a neighbourhood plan. I note that a number of these are within the settlement boundary or involve conversions of existing buildings, and would normally be regarded as windfalls. There is also a site at Copp Lane for 25 dwellings, outside the development boundary. It is stated that 50 dwellings would represent an 11% increase, and that granting this permission would double that. Having regard to the level of service provision in Elswick and the nearby settlement of Great Ecclestone, I do not consider that further development of the scale under consideration in this appeal, and another appeal at Mill Lane, amounting to 100 dwellings in total, in addition to those already granted permission (which may or may not come forward for development) would put an intolerable strain on existing services, or the capacity of the village to absorb new residents.
41. The emerging plan, though at an advanced stage, is not yet adopted, and the weight to be attached to it is limited. While the broad development strategy of directing most development to the more sustainable locations is in accordance with guidance in the Framework, it is acknowledged that Elswick has capacity for some housing development. There are outstanding objections to the emerging plan which have yet to be resolved, particularly as regards the status of Elswick as a Tier 2 settlement. I accept that these objections are from would be developers, but as stakeholders in the process they have a right to submit representations. (It was also reported that there are objections to any development at Elswick, having regard to the pressure on existing services and the capacity of the road network). Bearing in mind that some development will have to occur on the edge of settlements if housing need as quantified in the emerging plan is to be met, the harm to the countryside would be moderate at



most. I do not consider that there would be material conflict with policy HL02 of the LP in respect of the proposed scale of development.

## **Other matters**

### Highway safety

42. Access to the site would be from Beech Road, via a simple priority junction. Lancashire County Council have no objection to the proposed access, subject to the provision of a junction table near the proposed access, gateway signing, and modification to the junction between Beech Road and Thistleton Road to reduce speeds.
43. The Appellant prepared a detailed Transport Statement and two supplementary technical notes, included estimated additional trip generation using the TRICS database. The trip rates associated with the appeal scheme equate to 7 arrivals and 22 departures at AM weekday peak, and 22 arrivals and 11 departures at PM peak.
44. The Parish Council disputed these figures, arguing that the survey undertaken in connection with the neighbourhood plan showed high levels of car ownership, and an average daily trip rate of 5 movements per dwelling. However, as previously discussed, the return on the survey was partial, and as such cannot be relied upon as an objective study of trip rates. It was not made available to the Appellant for comment. The Appellants trip rates were taken from a standard industry database (TRICS) and were agreed as appropriate by LCC. The distribution of trips to various junctions were also found to be acceptable. LCC did not comment on the impact on the A585 junctions, but recommended the views of Highways England (HE) were sought, as the body responsible for Trunk Roads.
45. Highway safety was not cited as a refusal reason by the Borough Council. However local residents, Councillors and the Parish Council do not consider that proper consideration has been given to the potential cumulative effects of this and other developments on the existing highway network, particularly the junctions with the A585 at Thistleton. Residents have described crossing the A585 at the northerly Thistleton junction as 'a nightmare' and turning left at the southerly junction as 'highly dangerous' due to heavy traffic and limited visibility to the right. It is said that excessive waiting times, particularly at peak periods, encourage frustrated drivers to take chances by pulling out in front of fast moving traffic. Car ownership is a necessity and the majority of trips from Elswick and nearby villages, including Great Eccleston, involve joining or crossing the A585.
46. HE commented that 'there are known issues with the Thistleton junction.' The Appellants technical note (TN) demonstrated that the development would generate between 15 and 16 trips that would use the Thistleton junction in the AM or PM peak hours, equating to one additional vehicle every 3 – 4 minutes. There would be 6 right turners from Thistleton Road in the AM peak and 9 right-turners from Mile Road in the PM peak, equating to an additional right turning vehicle every 10 and 15 minutes. On this basis the Appellant's TN concludes that the forecast increases are minimal, and will not result in any material changes to the operation or highway safety of the junction. Notwithstanding, HE commented that 'the risk of incidents happening at the

junction will undoubtedly increase incrementally as development comes forward that is served by the Thistleton junction in areas such as Elswick.

47. An analysis of the accident record showed that between 2011 and 2016 11 accidents occurred at the junction, six accidents during 2016 alone. 9 involved vehicles using the junction and making turning manoeuvres at the junction. 8 occurred outside of peak times. HE conclude that this is likely to be due to inadequate gap acceptance by drivers, and can occur at any time during the day, having regard to the weight of traffic throughout the day on the A585. Calculations presented in the TN
48. I note that various options to improve the safety of the A585 junction have been considered by HE, including improvements to markings, signalisation, a roundabout and installation of a cycle crossing, but have been placed on hold pending consideration of a major scheme to improve the A585 between Windy Harbour and Skippool junctions. Furthermore previous improvement schemes were considered to increase delays to traffic using the A585 to the extent that they outweighed the accident saving benefits. I acknowledge the thorny nature of these issues, but it does not seem to me that development needed to boost the supply of housing should be placed on hold pending the resolution of these issues, provided there is no overwhelming evidence of adverse safety outcomes. HE have expressed concerns about the cumulative impacts of development on the A585 junctions, but have not expressly objected to this or other applications in Elswick, and consequently were not present at the hearing. Paragraph 32 of the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. I am not aware of any detailed evidence from HE or others that this threshold would be crossed as a result of development proposals currently under consideration in the locality.
49. I was informed at the hearing that HE were not re-consulted on the 25 dwelling proposal at Copp Lane, as it was considered to be within the allocation of 50 dwellings within the emerging LP. I was also informed of an unauthorised commercial development on Lodge Lane giving rise to additional heavy commercial vehicles on the local road network, and the prospect of additional traffic in connection with a 'fracking' application in the locality yet to be determined. While I fully understand the concern of local residents, there is no detailed evidence before me of the effects, if any, of these schemes on highway safety. These are matters which no doubt be given detailed consideration through the appropriate planning procedures.
50. I note also that there are other developments proposed and underway in the adjoining Wyre Borough which have implications for the junctions with the A585, but again I have no detailed information which would allow me to reach a justifiable conclusion that the cumulative effects of development in the localities would have unacceptable effects on the operational safety of the A585 junctions.
51. In summary, I consider that LCC's conclusion that the impacts of a development of this scale on the local highway network would be acceptable are justifiable and reasonable, and, on the basis of the evidence before me, I do not consider that the limited number of additional peak hour movements predicted at the Thistleton junctions would have a materially adverse effect on the operational safety of those junctions. Accordingly I conclude that the traffic

effects of the proposal would not amount a justifiable reason to refuse permission for the development.

#### Wildlife

52. A resident of Beech Road was concerned that the development would cause loss of habitat and be harmful to wildlife. An ecological survey was submitted with the application and considered by the Greater Manchester Ecology Unit which provides advice to local authorities. The Unit noted that the site itself is not designated for its nature conservation value. Although it is within 3km of Morcambe Bay/Wyre Estuary protected sites, the character of the site means that it does not have significant value for the bird communities associated with the Estuary/Bay. It is recognised that ponds, hedgerows and trees of most significance for wildlife could be retained as part of the scheme and managed to benefit wildlife. The availability of extensive alternative habitat would prevent any long term harmful effect on feeding bat populations. On this basis I conclude that wildlife interests are capable of being satisfactorily addressed by the attachment of appropriate conditions.

#### Flooding

53. A Flood Risk Assessment was submitted with the application. It proposes to avoid flood risk by designing the drainage system to provide rain-water storage on-site, and reduce the rate of discharge to adjacent water courses to that which would occur if the site remained in agricultural use. There are no objections from relevant consultees, and I consider that the use of sustainable drainage techniques would avoid any risk of the development increasing the potential for flooding on or off site.

### **Section 106 obligation and conditions**

54. The appellant has submitted an executed Section 106 obligation, which addresses matters raised by the County and Borough Councils. The obligation would secure 30% of the dwellings as affordable housing, with a scheme to be submitted for approval before development commences. It would also secure a contribution to secondary school provision made necessary by the development, in accordance with the methodology prepared by the education authority.
55. A contribution of £100,000 would be payable to be used to enhance existing bus services and/or to provide new services routed through Elswick. The Appellant initially questioned the necessity of a bus contribution in view of the existing level of services and public transport in the village. However it is clear to me that the viability of existing bus services are subject to review, and a contribution to support acceptable levels of service, to provide continuing realistic alternatives to reliance on the private car for residents of the development, is both necessary and proportionate.
56. The Council provided a Statement of compliance with the Community Infrastructure Levy (CIL) provisions. In my judgement the provisions of the obligation comply with the requirements of Regulation 122 in that they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

57. A draft schedule of conditions was submitted to the hearing. I have considered the suggested conditions in the light of advice in the guidance and where necessary have made minor amendments in the interests of clarity and precision.
58. In addition to the timetable for commencement, a condition specifying and requiring compliance with the approved plans is necessary to define the permission and in the interests of proper planning. Conditions requiring samples of materials and finished floor levels to be approved is necessary to ensure a satisfactory appearance to the development. Conditions addressing drainage are necessary to avoid pollution and the risk of downstream flooding. Highways conditions, including access details, a construction management travel plan, and wheel washing are necessary in the interests of highway safety and amenity. A travel plan is needed to reduce reliance on the private car as a means of transport. Conditions limiting hours of working and requiring a scheme to suppress noise, dust and vibration are necessary to protect the amenity of neighbours. A condition requiring compliance with the method statement within the ERAP report reference 2016-114 is necessary in the interests of wildlife protection during construction.
59. A condition requiring provision of public open space and playspace within the development is necessary to ensure satisfactory provision of open space for recreation. A condition requiring approval of materials for hard surfaced areas and street lighting is necessary to ensure a satisfactory appearance to the development. Conditions restricting permitted development rights are necessary to retain the character and appearance of the development in future, and ensuring garages are retained for parking cars in the interests of highway safety and amenity.
60. Conditions controlling clearance during the bird nesting season and protection of trees during construction are necessary to retain established features on the site, in the interests of amenity and wildlife conservation. A condition requiring obscure glazing to side elevations is necessary to protect the privacy of neighbours.
61. Finally, a condition requiring landscaping to be carried out in accordance with the approved plans is needed to secure a satisfactory appearance.

### **Planning balance**

62. The development plan remains the starting point for determination of the appeal. However, it was common ground between the main parties that the Council cannot currently demonstrate a 5 year supply of housing land, and that development plan policies relevant to the supply of housing, including the currently defined settlement boundary for Elswick, are out of date. Paragraph 14 of the Framework is applicable, which means that the appeal should be determined in accordance with the first limb of Paragraph 14 of the NPPF. This means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
63. The development would conflict with Policy SP02 of the LP, as it is outside the development boundary for Elswick and in the countryside. However it is accepted that existing development boundaries in Fylde will have to change to accommodate identified housing needs.

64. I give considerable weight to boosting the housing supply, including the provision of affordable housing. There would also be economic benefits which weigh positively in the balance. I accept there would be some harm to the countryside and the setting of Elswick, but in view of the current lack of a 5 year housing supply and the very limited extent of harm, this objection carries limited weight.
65. With regard to the emerging plan, I acknowledge that the development hierarchy, which seeks to focus most development in the most sustainable locations, is broadly in accordance with advice in the Framework. However the issue of whether or not Elswick should be identified as a large or small village remains the subject of objection. This limits the weight I can give to the relevant emerging policies. The Council accepts that Elswick is a sustainable location and to my mind the Council has not fully justified its stance that Elswick should be treated as a smaller settlement suitable for only 50 dwellings.
66. I accept that some local services are under pressure, though businesses in the locality would in general benefit from new custom. Pressure on local services is often cited as a reason for refusing development, but it is also important to bear in mind the urgent need to provide more housing which is at the heart of national planning policy.
67. I also acknowledge the strength of concern about highway safety, though that does not alter my conclusion that the effects of the development would not be so serious as to warrant dismissal of the appeal.
68. Accordingly, I conclude that the adverse impacts of allowing the appeal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, and that the appeal should be allowed.

*David Richards*

INSPECTOR



## **APPEARANCES**

### FOR THE APPELLANT:

Philip Robinson	G L Hearn
David Griffin	Trevor Bridge Associates
Andrew Rogers	G L Hearn

### FOR THE LOCAL PLANNING AUTHORITY:

Matthew Ellis	Urban Vision
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### INTERESTED PERSONS:

Paul Hayhurst	County and Borough Councillor and Chair of Elswick Parish Council
Dave Francis	Elswick Parish Council
John Hobday	Resident
Mark Reed	Chair of Governors, Copp Primary School and vice chairman of Elswick Parish Council
Ann Stupple	Resident
Andrew Scholz	Resident
Peter Hall	Resident
Michael Donnelly	Resident
Mr Rowe	
Malcom Smith	Resident
Beryl Smith	Resident

### DOCUMENTS

- 1 Notification of hearing
- 2 Final amended S106 Obligation
- 3 Statement of CIL compliance
- 4 Local Plan Inspector's note

## **Appeal Decision APP/M2325/W/17/3172438**

### **Schedule of conditions:**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on the 19 August 2016, including the following plans:
  - Site Location Plan (drawing ref. 16025\_00);
  - Site Layout Plan (drawing ref. 16025\_01\_Rev\_E);
  - Section and Streetscene (drawing ref. 16025\_03 Rev B);
  - Boundary Treatment Plan (drawing ref. 16025\_04);
  - Affordable Housing Layout Plan (drawing ref. 16025\_05 B);
  - House Type Plan - Shallon (drawing ref. 16025\_HT01);
  - House Type Plan - Samphire (drawing ref. 16025\_HT02);
  - House Type Plan - Samphire Side Aspect (drawing ref. 16025\_HT03);
  - House Type Plan - Mallow (drawing ref. 16025\_HT04);
  - House Type Plan - Sorrell (drawing ref. 16025\_HT05);
  - House Type Plan - Brookline (drawing ref. 16025\_HT06);
  - House Type Plan - Charlock (drawing ref. 16025\_HT07);
  - House Type Plan - Woodrush (drawing ref. 16025\_HT08);
  - House Type Plan - Hollhock (drawing ref. 16024\_HT10)
  - Garage Details Plan (drawing ref. 16025\_HT09);
  - Sales Centre Details Plan (drawing ref. 16025\_HT10);
  - Tree Survey Plan (drawing ref. 5307.01);
  - Tree Protection Plan (drawing ref. 5307.02C);
  - Landscape Proposal Plan (1 of 2) (drawing ref. 5307.03);
  - Landscape Proposal Plan (2 of 2) (drawing ref. 5307.04); and
  - Proposed Site Access Arrangements Plan (drawing ref. SCP/16316/F01 Rev F)
- 3) Notwithstanding any denotation on the approved plans samples of the roof treatment and wall cladding [both inclusive of colour] shall be submitted to and approved by the Local Planning Authority no later than 21 days prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.
- 4) Foul and surface water shall be drained on separate systems.
- 5) No development shall commence unless and until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:
  - a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post

development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

d) Flood water exceedance routes, both on and off site;

e) A timetable for implementation, including phasing as applicable;

f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;

g) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

- 6) No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
- 7) No development shall commence unless and until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
  - a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
  - b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
    - i. on-going inspections relating to performance and asset condition assessments
    - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
  - c) Means of access for maintenance and easements where applicable.

The development shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the

- sustainable drainage system shall be managed and maintained in accordance with the approved details.
- 8) No development shall commence unless and until facilities have been provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.
  - 9) No part of the development shall be commenced unless and until the site access works have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.
  - 10) No part of the development hereby approved shall be commenced unless and until a scheme for the construction of the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. No part of the development hereby approved shall be occupied until the approved scheme has been constructed and completed in accordance with the approved details.
  - 11) No part of the development hereby approved shall commence unless and until a Construction Traffic Management Plan been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. The Construction Traffic Management Plan shall thereafter be complied with at all times until the development is complete.
  - 12) No development shall be commenced unless and until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.
  - 13) No part of the development hereby approved shall be occupied unless and until, a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures to encourage alternative sustainable modes of transport by prospective occupants of the development. The approved Travel Plan must be implemented in full in accordance with the timetable within it unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for a minimum period of 5 years following the occupation of the last dwelling which forms part of the development.
  - 14) No development shall be commenced unless and until details of finished floor levels and external ground levels for each plot have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
  - 15) No demolition or construction work shall begin unless and until a scheme for protecting the surrounding residential premises from noise, vibration and dust from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which

- form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.
- 16) The times of construction shall be restricted to 08.00 – 18.00 Mondays to Friday; 08.00 -13.00 Saturdays and no activity on Sundays or Bank Holidays.
  - 17) The method statement within ERAP report reference 2016-114 shall be implemented in full throughout the construction period.
  - 18) No clearance of trees and shrubs in preparation for or during the course of development shall take place during the bird nesting season (1st March - 31st August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.
  - 19) No development shall be commenced unless and until a scheme to protect retained trees and hedgerow during the construction period has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate trees and hedgerow for retention and provide for a Construction Exclusion Zone around the Root Protection Areas of those trees/hedgerows identified as being retained. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be maintained as such during the entirety of the construction period.
  - 20) No development shall take place unless and until full details of scheme indicating areas of public open space and / or children's play areas have been submitted to and approved by the Local Planning Authority. Such a scheme shall make provisions in accordance the Council's adopted policy on public open space in terms of layout and requirements, and include a phasing scheme for the construction of this play area and open space. The approved scheme shall be implemented and the areas provided retained as open space and play area thereafter.
  - 21) Samples of materials proposed for all hard surfaced areas and street lighting within the site shall be submitted to the Local Planning Authority for approval 14 days prior to the commencement of any surfacing work on site, and thereafter only approved materials shall be used either during the initial works or subsequently in any repairs to the surfaces.
  - 22) Notwithstanding the provision of Article 3, Schedule 2, Part 1, Classes A, B, C, D, E, F and G of the Town and Country Planning General Permitted Development Order 2015 [or any Order revoking or re-enacting that Order], no further development of the dwellings or curtilages relevant to those classes shall be carried out without Planning Permission.
  - 23) Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the proposed garages shall be retained solely for the housing



of a private motor car, and at no time shall any works be undertaken that would prevent it from being used for that purpose.

- 24) Obscure glazing shall be provided in the first floor side elevation windows of the dwellings hereby approved and shall thereafter be retained.
- 25) All landscape works shall be carried out in accordance with the approved details shown on landscaping proposal sheets 5307.03 and 5307.04 prior to the occupation of any part of the development or in accordance with a program to be agreed in writing with the Local Planning Authority and shall thereafter be retained and maintained. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees of similar size and species to those originally required to be planted.