
Appeal Decision

Hearing Held on 1 November 2017

Site visit made on 1 November 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

Appeal Ref: APP/M2325/W/17/3172835
Land North of Mill Lane, Elswick, PR4 3ZH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Story Homes against the decision of Fylde Borough Council.
 - The application Ref 16/0180, dated 15 March 2016, was refused by notice dated 8 February 2017.
 - The development proposed is outline application for residential development of up to 50 dwellings and associated infrastructure (access applied for with all other matters reserved).
-

Decision

1. The appeal is allowed and outline planning permission is granted for residential development of up to 50 dwellings and associated infrastructure (access applied for with all other matters reserved) at Land North of Mill Lane, Elswick, PR4 3ZH in accordance with the terms of the application, Ref 16/0180, dated 15 March 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 application site is adjacent to the eastern boundary of Elswick, being bounded by housing to the west on Linden Fold/ Ash Close, two dwellings to the south on Lodge Lane/ Mill Lane, and farm holdings to the north on Bonds Lane and to the east. There is also a dwelling just to the east of the site on Bonds Lane. The site is 4.7 hectares in size and is almost rectangular in form, comprising of a relatively flat, grassed parcel of land with centrally located pond. Trees, hedgerow and residential fencing define the current site boundaries.
4. The site is designated as Countryside in the adopted Fylde Borough Local Plan (LP) and Submission Version of the Fylde Local Plan 2032 (the emerging plan).
5. Outline planning consent is sought for up to 50 dwellings on the site, seeking approval of vehicular access arrangements only. Detail relating to appearance,

landscaping, layout and scale are to be determined through the reserved matters procedure.

6. Prior to the Council's determination of the application an amendment to the original submission was submitted which reduced the number of dwellings from 100 to 50. The appeal is to be decided on this basis. Access is proposed via a new access road to the north of Mill Lane. This proposed arrangement will result in a change of priority with vehicles using the access road having priority over those vehicles using the existing Mill Lane carriageway.
7. The revised indicative layout shows blocks of housing which are sited adjacent to the eastern edge of the village envelope. The road layout illustrates that housing would be generally outward facing where adjacent to the countryside boundaries of the site. The Planning Statement refers to scale of buildings being 2 storey, though the Design and Access Statement (DAS) refers to housing being predominantly 2 – 2.5 storeys in height, intended as a modern version of traditional suburban architecture similar to that in the locality.

Planning Policy

8. The development plan for the area consists of the saved policies of the Fylde Borough Local Plan, as altered in 2005 (FBLP). 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.
9. 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.
10. A new local plan for the Borough is in course of preparation, the Fylde Borough 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.
11. 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.
12. 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

13. While this issue did not form part of the reasons for refusal, it was of concern to many residents. The site lies on the eastern edge of the settlement boundary of Elswick and forms part of an area of open countryside which extends to the north and east of the village. The site's eastern and southern

boundaries about the built up area of the village adjacent to dwellings on Lodge Lane, Linden Fold and Ash Close. Existing dwellings have a rear facing aspect to the countryside with rear gardens and associated boundary treatment adjoining countryside. A mix of trees and hedgerows form established natural screening on the other boundaries of the site.

14. The applicant submitted a Landscape and Visual Appraisal of the development which concluded that there would be a moderate effect on the local landscape during the initial construction phase, reducing to slight-moderate following the establishment of landscaping. It is stated that the application site lies between Mill Lane and Bonds Lane, which contains the effect on the wider character area, resulting in a low change which corresponds to a slight-moderate effect on wider landscape character. A high degree of visual change is reported for housing adjacent to the application site, and a low change to public footpaths once landscaping is established.
15. The officer's report to Committee accepted that the site is not considered to be in a particularly prominent location, with only glimpsed views through open fields, trees and existing housing being obtainable when approaching the village along Lodge Lane.
16. The illustrative framework plan splits the application site in two, with housing to the village side of a deep landscape buffer which incorporates an existing pond which would be retained. The officer's report comments that *'this would be a natural expansion of Elswick which relates well to the defined village boundary designated in the adopted FBLP. The proposal provides opportunity for an outward facing development, with significant landscaping buffer and retained natural features that will act as a soft barrier to assimilate the proposal into the countryside setting, enhancing the appearance of the village edge. Such features are intrinsic to the proposal making a successful transition between urban and rural, forming appropriate mitigation against the countryside encroachment.'*
17. I acknowledge that the proposal would result in a limited degree of urbanisation of what is presently countryside, with attendant harm to countryside character. That would be true of most development on the edge of an existing settlement. Nevertheless in this case the degree of harm would be minimised by the relationship of the development with existing buildings on the settlement edge, the opportunity to retain existing established vegetation and site features and the provision of extensive new landscaping.
18. Residents referred to the popularity of a circular walk from the village using Bonds Lane, the bridleway to the east and Mill Lane. I accept that the rural experience of users would be adversely affected. However this would only affect the walk for relatively short stretches, and I do not consider that this adds materially to the overall degree of harm.
19. With regard to the outlook and privacy of existing dwellings, the application is in outline and I consider that, with adequate separation distances which is a matter within the planning authority's control, the amenity of existing residents could be protected. I acknowledge that some residents would lose their outlook over an open field. However, it is not the role of the planning system to existing protect private views.

20. I conclude that the assessments of impact in the LVIA, and in the Committee Report are fair and reasonable. The slight-moderate harm to the setting of Elswick 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

21. The Council's first reason for refusal states that: *'The development of the site for up to 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 Policy S1 of the emerging Fylde Local Plan to 2032.'*
22. 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.
23. The village centre of Great Ecclestone is located some 2.3 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.
24. 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.
25. 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.

26. Objectors to the development, including the Parish Council representatives present, stated that medical services in the area are 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.
27. Turning to consider public transport connectivity, the closest operational bus stop to the appeal site is located on Lodge Lane, some 190 metres south-west of the centre of the appeal site, and there are further bus stops within convenient walking distance on Beech Road and Copp Lane, within 440 metres of the centre of the appeal site.
28. 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.
29. 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.
30. 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.
31. 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 this Framework, particularly in rural areas.
32. 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 but also 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.
33. 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 Service Centres.'

34. 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.
35. 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.
36. 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 sites 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 a development of the scale under consideration in this appeal, and another appeal at Beech Road, 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.
37. 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 slight-

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

38. The proposal involves a simple priority junction from the development onto Mill Lane, the effect of which would be to change priorities so that the access would have priority over the cul-de-sac part of Mill Lane. The highway authority, Lancashire County Council (LCC), has agreed that these arrangements meet the design standards and are acceptable. Alterations are required where Mill Lane joins Lodge Lane to ensure that sightlines appropriate for the measured speed can be met. This will involve a slight narrowing of the carriageway of Lodge Lane and has been agreed as acceptable by LCC.
39. The trip rates used by the developer indicate that 29 vehicle movements would occur in the AM peak (7 in and 22 out) and 33 in the PM peak (22 in and 11 out). 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.
40. 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.
41. 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.'

42. 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.
43. 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.
44. 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 will no doubt be given detailed consideration through the appropriate planning procedures.
45. 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.
46. 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.

47. A number of residents also raised concerns over potential impacts on wildlife, and flood risk. With regard to wildlife impacts, the Greater Manchester Ecology Unit (which provides advice to authorities in Lancashire amongst others) accepted that with reasonable avoidance measures any residual risk to amphibians could be removed. No significant impacts on bat activity were identified. A substantial area of the site would be retained as open land with potential to provide habitat for birds and other wildlife, through an ecological management plan which can be secured by condition. I consider that the scheme would make satisfactory provision for wildlife to ensure that there would be no significant habitat loss, with opportunities for compensatory provision in the retained open areas of the site.
48. With regard to the potential for flooding, the site lies entirely in Flood Zone 1, in the lowest risk category. The scheme includes sustainable drainage techniques to attenuate flows of surface water by means of detention basins, attenuation ponds and other measures to compensate for any loss of permeable surfaces. Such measures are widely used to avoid the risk of flooding both on-site and downstream of the development and in my view are a satisfactory means of addressing the issue.

Section 106 obligation and conditions

49. 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.
50. 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.
51. 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.
52. 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.
53. In addition to a timetable for reserved matters and commencement, conditions specifying and requiring compliance with the approved plans is necessary to define the permission and in the interests of proper planning. Conditions addressing landscaping and requiring details of floor levels to be approved are

needed to secure a satisfactory appearance. Conditions addressing surface water drainage are required to avoid on-site and downstream flooding risk. Approval of a Construction Method Statement is necessary to protect site trees and in the interests of amenity. Highway conditions, including access details, pedestrian provision, 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. Protection of trees during construction is necessary to retain established features on the site, and in the interests of wildlife conservation. Conditions limiting hours of working and requiring a scheme to suppress dust and vibration are necessary to protect the amenity of neighbours. An ecological management plan is necessary to protect wildlife and secure ecological mitigation. A condition requiring Reasonable Avoidance Measures is necessary to mitigate potential impact on any amphibians present during site works.

54. The S106 requires an affordable housing scheme to be submitted for approval in writing before development commences which requires the mix of housing to be agreed, and at least 30% of the dwellings to be affordable housing. In my judgement this would give the Council an opportunity to influence the type and tenure of affordable housing to be provided, and would be unnecessarily duplicated by the Council's suggested affordable housing condition. I note that the Council did not suggest a similar condition in respect of the Beech Road appeal (Ref APP/M2325/W/17/3172438).

Planning balance

55. 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.
56. 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.
57. 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 limited extent of the harm, this objection carries limited weight.
58. 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 has not fully justified its stance that Elswick should be treated as a smaller settlement suitable for only 50 dwellings.

59. I acknowledge 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 justification for restricting development, but it also important to bear in mind the urgent need to provide more housing which is at the heart of national planning policy.
60. 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.
61. 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:

Dan Mitchell	Barton Willmore
Tim Russell	Croft Transport Solutions
Hannah Walker	Barton Willmore

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Ellis	Urban Vision
---------------	--------------

INTERESTED PERSONS:

Paul Hayhurst	County and Borough Councillor, and Chair of Elswick Parish Council
John Hobday	Elswick resident
Mark Reed	Chair of Governors, Copp Primary School and vice-chair of Elswick parish Council
Dave Francis	Elswick resident
Maxine Chew	Borough Councillor
Ann Stupple	Elswick resident
Mr Rowe	

DOCUMENTS

- 1 Letter of notification of hearing
- 2 Final S106 obligation
- 3 CIL compliance statement
- 4 Photograph of low loader
- 5 Highways England consultation Ref: 16/0846 (Copp Lane application)
- 6 Local Plan Inspector's note

Appeal Ref APP/M2325/W/17/3172835

Schedule of conditions

- 1) Application for approval of reserved matters must be made not later than the expiration of three years from the date of this permission and the development must be begun not later than:
 - the expiration of three years from the date of this permission; or,
 - two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 2) The approval of the Local Planning Authority shall be sought in respect of the following matters before the development is commenced:
 - Layout.
 - Scale.
 - External appearance.
 - Landscaping.
- 3) This permission relates to the following plans:
 - Drawing number 15-063 LP01 (Site Location Plan).
 - Amended drawing number 15-063 FP02 revision H (Framework Plan).
 - Drawing number 0826-F02 revision C (Proposed Access Arrangement).

Except as provided for by other conditions to this permission, any application for approval of reserved matters submitted pursuant to condition 2 of this permission shall accord with the outline permission insofar as it relates to the means of access to the site and the maximum number of 50 dwellings.

- 4) Any application which seeks approval for the reserved matter of layout pursuant to condition 2 of this permission shall accord with the parameters shown on amended drawing number 15-063 FP02 revision H:
 - the developable areas of the site.
 - the areas to be laid out as open space and landscape buffer.
 - the scale of development being no greater than 2 storeys in height.
- 5) Any application which seeks approval for the reserved matter of landscaping pursuant to condition 2 of this permission shall provide for a development which demonstrates compliance with the principles of the landscape strategy indicated on drawing number 15-063 FP02 revision H. The scheme shall include, but not be limited to, the following details:
 - retention of existing trees, hedgerows and other vegetation on/overhanging the site.
 - a compensatory planting scheme to replace any trees or hedgerows to be removed as part of the development.
 - the introduction of a landscape buffer and public open space to the east of the built form proposed.

- the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (1) to (3).
- the type, size, species, siting, planting distances and the programme of
- planting of hedgerows, trees and shrubs.

The approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

- 6) No development shall be commenced unless and until details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 7) As part of any reserved matters application and prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details. Those details shall include, as a minimum:
 - Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), 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.
 - The drainage strategy should demonstrate the surface water run-off in relation to the pre-development greenfield runoff rate.
 - Details of any off site works required.
 - Flood water exceedance routes, both on and off site.
 - A timetable for implementation, including phasing as applicable.
 - Evidence of an assessment of the site conditions to include site investigation
 - and test results to confirm infiltrations rates.
 - 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.

- 8) None of the dwellings hereby approved shall be first occupied unless and until details of a management and maintenance scheme for the surface water drainage system to be installed pursuant to condition 6 of this permission has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the drainage system and, as a minimum, shall include:

- arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company.
- arrangements concerning funding mechanisms for the ongoing maintenance of all elements of any sustainable drainage system (including mechanical components) to include details such as:
- on-going inspections relating to performance and asset condition assessments;
- operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
- any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- means of access and easements for maintenance purposes;
- A timetable for implementation.

The drainage system shall thereafter be installed in accordance with the details and timetable contained within the approved scheme, and shall be managed and maintained as such thereafter.

- 9) All detention basins and flow control devices/ structures are to be constructed and operational prior to the occupation of any other development and prior to any development phase.
- 10) No development including site set up and the removal of any trees or shrubs shall be commenced unless and until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:
- construction vehicle routes to and from the site.
 - arrangements for the parking of vehicles for site operatives and visitors.
 - details of areas designated for the loading, unloading and storage of plant and materials.
 - details of the siting, height and maintenance of any security hoarding.
- 11) No development shall be commenced unless and until, a detailed design of the site access, including the junction of the application site with Mill Lane and junction of Mill Lane with Lodge Lane, shall be submitted to and approved in writing by the Local Planning Authority. The approved access

design shall be implemented prior to commencement of the development and retained thereafter.

- 12) No development shall be commenced unless and until wheel wash facilities shall be provided within the site which will be used to clean the wheels of vehicles before leaving the site. The wheel wash facilities shall be available for use throughout the construction period.
- 13) No development shall be commenced unless and until a scheme for the construction of off site highway works has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include, but is not limited to, the following:
 - continuation of existing footpath network on Lodge Lane to Mill Lane.
 - pedestrian environment improvements to Lodge Lane, including kerb realignment at the junction of Lodge Lane and Roseacre Road.
 - provision of raised boarding areas to local bus stops in vicinity of the site.

The approved scheme of off site highway works shall be implemented prior to the first occupation of any part of the development and retained thereafter.

- 14) Prior to occupation of any part of the development hereby approved, a Travel Plan including a timetable for its implementation shall be 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 accordance with the approved timetable unless otherwise agreed in writing with the Local Planning Authority for a minimum of 5 years following the first occupation of any part of the development.
- 15) Prior to occupation of any part of the development hereby approved, a Travel Plan including a timetable for its implementation shall be 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 accordance with the approved timetable unless otherwise agreed in writing with the Local Planning Authority for a minimum of 5 years following the first occupation of any part of the development.
- 16) No development shall be commenced unless and until a scheme to protect retained trees and hedgerows during the construction period has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate trees and hedgerows 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 BS5837: 2012 and shall be maintained as such during the entirety of the construction period.

- 17) 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.
- 18) On site works shall only take place between the hours of:
 - 08:00 - 18:00 Monday to Friday.
 - 09:00 - 13:00 Saturday.
 - No on site works on Sundays or Bank Holidays.
- 19) No development shall be commenced unless and until a scheme for the control of noise, vibration and dust during the period of construction has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be used throughout the construction process.
- 20) No development shall be commenced unless and until an Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The content of the plan must include:
 - on site mitigation for loss of semi improved grassland.
 - on site mitigation for any changes to the open water habitat on site, to include full design details for any alterations to the pond.
 - replacement trees and hedgerows on the site.
 - enhancement of retained hedgerows on or overhanging the site.
 - provision of bat and bird boxes within the development.
 - lighting scheme to avoid lighting to the pond and immediate surrounding vegetation.
 - a five year implementation and management plan.

The approved planting will be implemented in accordance with the approved details during the first planting season after the development is substantially completed. Any trees or hedgerow removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted. The approved bat/ bird boxes and lighting shall be implemented prior to last occupation of the development and be retained on the site in perpetuity.
- 21) No development or other on site works, including site set up and the removal of any trees or shrubs, shall be commenced unless and until a Reasonable Avoidance Measures (RAM) method statement for amphibians has been submitted to and approved in writing by the Local Planning Authority. The method statement shall outline the RAM measures to safeguard amphibians during any on site works associated to the

development. The approved RAM measures shall be implemented for duration of the construction period in accordance with the approved details.