



Appeal Decision

Inquiry held on 14–17 and 21–23 January 2025 (inclusive)

Site visits made on 13 and 22 January 2025

by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th March 2025

Appeal Ref: APP/A2335/W/24/3350855

Land west of Sea View Drive, Hest Bank, Lancaster, LA2 6BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Applethwaite Limited against the decision of Lancaster City Council.
 - The application Ref is 23/01470/FUL.
 - The development proposed is erection of 27 no. specialist bungalows for older people with detached garage and associated access, internal roads, infrastructure, open space, landscaping and parking.
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Decision

1. The appeal is allowed and planning permission is granted for 27 no. specialist bungalows for older people with detached garage and associated access, internal roads, infrastructure, open space, landscaping and parking at Land West of Sea View Drive, Hest Bank, Lancaster LA2 6BZ in accordance with the terms of application Ref: 23/01470/FUL and subject to the conditions set out in the attached schedule.

Preliminary matters

2. Reason for refusal 5, as set out in the Decision Notice and relating to housing mix and type, was withdrawn by the Council in the light of further evidence provided by the Appellant after the Decision was issued. As a result, the matters relating to this are no longer contested by the Council. However, there remains dispute between the parties in relation to housing need and the weight it is to be given in the planning balance.
3. It is agreed that the Council cannot demonstrate a 5-year housing land supply with the supply, as at 1 April 2023, identified as 2.4 years in the Lancaster Housing Land Supply Statement 2023 [CD7.7]. The Council accepted in the Statement of Common Ground (SoCG) [CD15.1] that this position represented a significant shortfall in housing supply and acknowledged in its Statement of Case [CD14.1] the importance of housing delivery being boosted across the District to address the shortfall. It is in that context that the housing land supply position in Lancaster District is noted and considered in this appeal.
4. The Government published a revised National Planning Policy Framework (NPPF) on 12 December 2024. Accordingly, this appeal has been determined with regard to that latest version of national policy and any subsequent amendments made to it since.
5. The local planning policy history relating to the development plan and the production of the Slyne-with-Hest Neighbourhood Plan (NP) in relation to the site was set out in detail during the appeal. Having regard to these submissions and whilst the planning history may be considered as material to this case, it is my view that the NP and the policies within are to be considered as they currently stand as made. This forms part of the up-to-date local planning policy context that has been applied as the starting point in the determination of this appeal.

6. A number of appeal decisions and judgements were submitted to support the cases of both main parties. I have had regard to these in relation to the appeal, where appropriate and necessary, as material considerations. Where relevant, I refer to them in my Decision.
7. During the Inquiry, the Council published a new Strategic Flood Risk Assessment (SFRA) [ID09 and ID10]. It is agreed between the parties that this assessment complies with the requirements of the Planning Practice Guidance (PPG), that it uses appropriate evidence and that it has been appropriately consulted upon. This latest SFRA has been considered in my determination of the disputed flood risk matters in this appeal.
8. The Council adopted its Climate Emergency Review of the Local Plan (January 2025) on 22 January 2025 which included two revised development plan documents (DPDs). These adopted DPDs are referred to in this Decision and have been considered in determining this appeal, with particular regard to Policy DM30 in relation to sustainable design and construction, water efficiency, materials and waste in new developments and with regard to Conditions 5 and 12 in the attached schedule.
9. I undertook an initial unaccompanied site visit on 13 January 2025, prior to the opening of the Inquiry. This was to familiarise myself with the site and surrounding area. A further, more detailed unaccompanied site visit was undertaken on 22 January 2025, prior to closing submissions and the close of the Inquiry. Both visits were informed and guided by a site visit itinerary [ID20] provided by, and agreed between, the main parties. These visits, and my observations during them, have assisted me and contributed to my overall findings and determination of this appeal.
10. Following the Inquiry, the Government updated the PPG on Green Belt on 27 February 2025. As such, the main parties were given the opportunity to provide written comments on how this update to the PPG impacts upon their respective cases [ID21 and ID22]. These comments have been considered in my determination of this appeal.

Main issues

11. At an earlier stage in the appeal, I identified main issues relating to the effect of the proposal on the openness and purposes of the Green Belt and regarding very special circumstances. However, as the proposal has been found to be not inappropriate development and on Grey Belt land, it is no longer necessary to consider the matters relating to those previously identified main issues. Therefore, the main issues are:
 - 1) Whether the proposal would be inappropriate development in the Green Belt having regard to the NPPF and relevant development plan policies;
 - 2) The effect of the proposal on the character and appearance of the landscape and the surrounding area, including the setting of the Lancaster Canal at Hest Bank;
 - 3) The effect of the proposal on highway safety with particular regard to highway layout and design, the potential conflict between users and the provision of appropriate connectivity to the Lancaster Canal towpath;
 - 4) Whether the proposal would be at risk of surface and ground water flooding and whether a sequential test to demonstrate that the proposal cannot be located in an area at a lower risk of flooding is required. If required, whether the scope of a sequential test should extend beyond the Bolton and Slyne ward boundary; and
12. The weight to be accorded to the proposal's contribution to meeting identified older persons housing needs.

Reasons

13. The appeal concerns an area of land to the west of Sea View Drive, Hest Bank between the Lancaster Canal to the west and existing residential development to the north and east. The

site is a single field of about 2 hectares. It is a clearly defined and well-contained parcel of land, partly enclosed by hedgerows with some small trees present on the Canal bank adjacent to the western boundary of the site. The rear elevations and gardens of adjacent properties to the north and east predominate along those boundaries of the site. The site also slopes downwards from east to west towards the Canal side.

14. Hest Bank is a large village that is contiguous with both Slyne and Bolton-le-Sands. All three villages are identified and defined as separate Sustainable Rural Settlements by Policy SP2 of the Lancaster Local Plan Part 1: Strategic Policies and Land Allocations Development Plan Document 2025 (SPLA DPD 2025) [CD6.1] and inset from the surrounding North Lancashire Green Belt (GB). There is access to local facilities in both Hest Bank and Slyne and to bus stops on Hest Bank Lane within walking distance of the site.
15. The site also lies within the Slyne-with-Hest NP area and its containment and locational sustainability were recognised and reflected in the site's identification as a draft housing allocation within the draft NP. However, I note that this allocation was subsequently removed prior to the NP being confirmed as made.

Inappropriate development in the Green Belt

16. Within the revised NPPF(2024), the concept of Grey Belt land was introduced along with the 'Golden Rules' as set out in NPPF156. Where land and a proposal satisfy all the tests in NPPF155 and 156 and accords with the NPPF Glossary definition, it is considered as Grey Belt. Moreover, where land is assessed as Grey Belt, the scheme proposed can be determined as not inappropriate development in the Green Belt.
17. In relation to NPPF155(a) and the NPPF Glossary definition of Grey Belt, the proposal is not a policy test involving a consideration of housing need or Government statements on the housing crisis, as the Appellant advocates. The test involves an assessment of whether the proposed site *strongly* contributes to Green Belt purposes (a), (b) or (d), as in NPPF143. It is accepted, acknowledged and agreed that only purpose (b) is contested in this case.
18. In light of the evidence, whilst the site is located on the built edge of Hest Bank, it does not make a strong contribution to Green Belt purpose (b), preventing settlements from merging into one another - in this case Hest Bank and Morecambe. It is a self-contained site adjacent to existing development to the north and east that is easily distinguishable visually and physically from the wider countryside. It has a strong connection to the settlement of Hest Bank and does not play a significant role in preventing the visual or physical merging settlements, whether that is between towns or villages.
19. When considered in the context of the whole North Lancaster Green Belt, the site is very small. As such, its contribution to purpose (b) is relatively limited. The Council's Green Belt Review [CD7.1], undertaken in 2016, assessed the performance of sites and groups of sites against the Green Belt purposes. Although the Review has some age now, I note that very little in the Green Belt has changed since then, including around the site. Furthermore, the Green Belt purposes remain the same. Indeed, during the Inquiry, my attention was drawn to the only changes - highlighted on the Green Belt policy map - relating to the removal of land within the strategic gap between Slyne and Lancaster for an allocation to the south of the Bay Gateway bypass (A683) and the local land designation east of Morecambe. As a result, I consider the age of the Green Belt Review not to be a matter of any significant relevance.
20. The assessment of whether the site *strongly* contributes to purpose (b) is accepted as a matter of planning judgement. Nonetheless, consideration must account for several factors and not just in relation to distance or the size of the site. The Appellant accepted that a focus solely upon the percentage reduction of the strategic gap between settlements that the proposal would represent would only be a partial assessment - and it is. To my mind, a limited approach such as that would likely result in the constant promotion of small-scale changes to the Green Belt through development proposals, as the Council has stated.

21. The Council advocated that an assessment of purpose (b) also requires consideration of the perception of the strategic gap between the settlements, including the topography of the land, the visual and physical role in preserving the gap and the relationship between the site and the strategic gap and the urban edge of Hest Bank. In terms of topography, the Council took the view that the site faces away from the existing development on Sea View Drive in Hest Bank and towards Morecambe Bay, across the strategic gap. It has also been argued that a disconnect between the site and Hest Bank would exist due to the site sloping away from the existing development along Sea View Drive and the proposal facing westwards across the strategic gap. However, I find this would not result in the site being disconnected from Hest Bank or a lack of relationship to it more so than to the strategic gap. Nor would it give a visual or physical sense or perception of Hest Bank and Morecambe merging.
22. I acknowledge the principal connection of the site to the urban edge of Hest Bank relates to the rear of existing properties along Sea View Drive and that this presents a perception that the settlement of Hest Bank is on the opposite side of a topographical ridge to the strategic gap along the eastern boundary of the site. However, the properties on Sea View Drive along with those on Sunningdale Crescent to the north of the site and Rushley Drive to the northwest – which are on the opposite side of the Lancaster Canal – all provide a visual connection to the built form of development present in the surrounding area of the site. Furthermore, I find that the perceptual quality of the site, as referenced in the CPRE Tranquillity Study within Appendix H of the Appellant's Landscape Visual Assessment (LVA) [CD1.26] does not connect the site more to the strategic gap to the south and west instead of the urban edge of Hest Bank to the north and east.
23. The Council stated that the Appellant's evidence on the screened Zone of Theoretical Visibility (ZTV) (Figure 1.6, Appendix E CD1.26) showed the site to be visible from large areas of the strategic gap. In my assessment, it is noted that in fact the screened ZTV does not demonstrate this. A few viewpoints show the site not to be visible, or only minimally visible, from much of the strategic gap. Indeed, from my observations on the ground, I found the site to be only partially visible from the railway bridge over the West Coast Main Line (WCML) railway on Marine Drive and would be mostly, if not entirely, screened by trees within the rear garden of 61 Marine Drive when in leaf. Similarly, from vantage points along Rakes Head Lane, west of Rakes Head Bridge (including Viewpoint 9, Figure 1.8, Appendix I, CD1.26) and adjacent to the WCML railway, I noted the site to be only partially visible despite its elevated position, screened by existing intervening hedgerows and trees.
24. The site is also not visible for much of the length of the Canal towpath south of Rakes Head Bridge to Viewpoint 12, as identified on the Inspector Site Visit Itinerary [ID20] provided by the main parties. An exception to this was at a particular point when travelling north from Viewpoint 12, just prior to the Canal turning northwards where the site can be glimpsed between the existing planting on the east bank of the Canal. Viewpoint 10 of the Appellant's LVA [CD1.26] also demonstrated this point and the limited visibility of the site from south of Rakes Head Bridge. Furthermore, the site is not visible from much of the eastern section of Rakes Head Lane (Bridleway BW0131005) and the public right of way (FP0131009) adjacent to Reanes Wood due to the topography of the landscape and existing buildings.
25. In addition, the Appellant cited intervening features that result in the site not strongly, or even moderately, contributing to purpose (b) with a focus on the Lancaster Canal as a boundary. It is noted there is no requirement that a canal must be considered a suitable boundary. That is a matter of judgement. Historically, the Canal has not acted as a boundary since the development of Hest Bank, Slyne and Bolton-le-Sands shows development on either side of it in the local area. Indeed, from what I have read and observed on my visits, it is broadly the case that where development has reached the Canal, it has spread across to both sides. However, to my mind, the development of the site in this case would not necessarily put land west of the Canal, opposite the site, at risk of development. There is nothing substantive before me to specifically suggest this would likely occur. The Canal, in

this scenario, would act as a strong physical and immovable boundary to the site and any development on it.

26. The Council has maintained its consistent assessment of the site's strong contribution to purpose (b). I do not find any compelling evidence to indicate that the Council has ever held a different view on the site, notwithstanding where the Council has simply referred to the size of the site. Nonetheless, it is clear to me from the evidence and my experience on the ground that the site does not make a strong contribution to purpose (b).
27. The Appellant's evidence in this regard has largely focused on the size of the site, the strategic gap and the reduction in separation distance between settlements. Having also taken account of all other considerations, I find the specific contribution of the site to purpose (b) to be significantly less than strong. Consequently, the test set out in NPPF155(a) is met.
28. It is agreed there is a demonstrable unmet need for the type of development proposed and this is therefore not in dispute, as stated in the SoCG [CD15.1] and the Council's Addendum Note to that SoCG [CD15.4]. As such and following my assessment of the evidence on housing need, I find the test at NPPF155(b) is met. Nonetheless, the matter between the parties here concerns the weight given to the identified need in the overall balance. This is a matter of judgement to which I shall return later in this Decision.
29. In relation to NPPF155(c), there is clear agreement between the parties in the SoCG [CD15.1] that the proposal would be in a sustainable location. Defined as a Rural Sustainable Settlement in Policy SP2 of SPLA DPD 2025, Hest Bank is specifically identified as such. The site is noted to be accessible by foot, cycle and public transport to a range of amenities and facilities within Hest Bank and Slyne village centres, the local area and the wider District including Carnforth, Morecambe and Lancaster. This is confirmed by Tables 4.4 and 4.5 and the 800m and 2km pedestrian catchment map at Plan 5 of the Transport Statement [CD1.34] submitted with the planning application. Furthermore, I find that the proposal would be in a sustainable location, with particular reference to NPPF110 and 115 concerning sustainable transport modes, highway design, safety and suitable access. Therefore, I am satisfied the above sufficiently demonstrates compliance with NPPF155(c).
30. Whether the proposal meets the requirements of NPPF155(d) is set out in the following paragraphs. In relevance to this appeal, the 'Golden Rules' in NPPF156, identify contributions that major development proposals should make, involving the provision of housing on sites in the Green Belt, subject to a planning application. These relate to affordable housing, necessary improvements to local or national infrastructure and the provision of new or improved existing green spaces which are accessible to the public.
31. In terms of affordable housing, the parties agree the proposal would make a notable contribution to affordable housing locally, at 15% above the Local Plan target of 30%, as agreed in the Addendum to the SoCG [CD15.4]. This contribution is in accordance with NPPF157 and represents a substantial provision above the policy requirement. From all that is before me, I am satisfied that the affordable housing contribution, as set out and confirmed in the signed Section 106 Agreement [ID19], meets NPPF156(a).
32. The provision of necessary improvements to infrastructure is dealt with in more detail under highway safety and connectivity. Nonetheless, as I have determined and set out there, I find that the proposal satisfies NPPF156(b).
33. In my assessment of the evidence presented in this respect, NPPF156(c) is met by the proposal in two ways. Firstly, it would provide accessible green space within the site allowing new residents to have access to good quality green space close to their homes. This provision is directly aligned with NPPF159 and is the primary purpose of NPPF156(c). Secondly, it is noted that the wider public would also have access to the green space within the site through the site management company provisions, as set out within the signed Section 106 Agreement [ID19]. In addition to the green space provided within the overall site

layout to the north of the proposal, there would be a further area of green space in the southwest corner of the site which, whilst identified for surface water drainage or balancing pond use would still provide green space to be experienced within the proposal along with the landscape buffer adjacent to the Canal.

34. For the above reasons, the proposal is determined as not inappropriate development in the Green Belt under NPPF153 as it is Grey Belt land, meeting all the requirements of NPPF155 and 156. In meeting the 'Golden Rules' of the NPPF, it is acknowledged the proposal is to be given at least significant weight in its favour in line with NPPF158. Also, I find there is scope to raise the level of weight in its favour to substantial, given the benefits identified, the national policy position and local housing need and supply situation.

Openness and purposes of the Green Belt and very special circumstances

35. The effect on openness arises only where a site is not considered as Grey Belt land or not inappropriate development in the Green Belt. Given my findings on the proposal as I have set out above, in accordance with the NPPF, an assessment of the effect of the proposal on Green Belt openness and its purposes is not required in this case and therefore it is not necessary for me to undertake such an assessment. For similar reasons, an assessment of whether very special circumstances exist to make the proposal appropriate and acceptable in the Green Belt is also not required and has therefore not been undertaken.
36. Consequently, I conclude that as the site is determined as Grey Belt land and the proposal is not inappropriate development in the Green Belt, the proposal complies with Policy EN4 of SPLA DPD 2025, Policy DM50 of the Climate Emergency Review Development Management DPD 2025 (DM DPD 2025), Policy HE1 of the Slyne-with-Hest NP and the relevant aims and objectives of the NPPF.

Character and appearance of the landscape

37. The parties agreed that both of their landscape and visual assessments considered the same key characteristics of the site and the effect of the proposal on the Landscape Character Area. The Landscape and Visual Impact SoCG [CD15.2] helpfully sets out the differences between the Council and the Appellant on such matters, including the differing methodologies of the assessments undertaken by the respective expert witnesses.

Effect on landscape character

38. The Guidelines for Landscape and Visual Assessment - 3rd Edition (GLVIA3) [CD12.1] and the Technical Guidance Note 2024/01 [CD12.3] require a balancing exercise of the positive and negative effects of a development to reach a conclusion on the overall level of effect. The Council has undertaken this, setting out its conclusions on the level of landscape and visual harm and concluding that the proposal would result in a significant detrimental impact on the Lancaster Canal and its setting and the rural landscape of the site and study area. The effects of the proposal on the local landscape character have been assessed by the Council as significant and would adversely affect the open countryside, rural landscape and setting of the Canal. Furthermore, it is stated that the proposals' setting would be within the Green Belt. The Council's conclusions have been set out plainly and clearly argued in the written and oral evidence submitted to the Inquiry.
39. The Appellant's witness, Mrs Hyslop, stated in evidence that she was not required, as a landscape expert tasked with assessing the impact of the proposal, to come to a conclusive direction of change brought about by the proposal. To my mind, this does not accord with the guidance in GLVIA3 and results in the Appellant not providing the Inquiry with the level of information needed to fully assess and determine the appeal in terms of the landscape and visual effects of the proposal.
40. The Appellant, through the evidence of Mrs Hyslop, provides no weighing up of positive and negative effects of the proposal or reach a conclusion on its overall effect for the most

important area of difference between the parties – impacts on the Canal and its setting and the effect on Landscape Character Area 12a (LCA12a). However, such an assessment is provided relating to other areas of effect. As a result, the lack of assessment on this particular matter creates some uncertainty as to the consistency and objectivity of the Appellant's overall assessment. As such, only limited weight can be given to this evidence. The Councils' assessment, in contrast, is presented and undertaken in an objective manner, well-reasoned, clear and consistent in its findings.

41. Notwithstanding the above observations, I find the proposal to be well-designed and it is evident that professional landscape input has informed the overall footprint and layout of the proposal, thus minimising adverse landscape and visual impact. The proposal has been laid out to minimise impact on landscape features and landscape character as much as possible. This is found through the inclusion of canal-side vegetation and boundary vegetation and minimising hard surfacing, where possible [CD3.15]. It is also noted that the additional planting has been chosen to replicate existing features within the landscape along the Lancaster Canal within the local area, as illustrated within Photo 2.4 of CD14.2, including native scrub vegetation, hedgerows with trees and tree clumps and in accordance with recommendations from NCA31 and LCA12a.
42. From my observations and the evidence, built form is already present within the baseline landscape along the Lancaster Canal within proximity to the canal-side adjacent to the northwest corner of the site (to the rear of properties on Sunningdale Crescent). In my assessment, this has a direct bearing on the appropriateness of development in this particular location. As a result, the Appellant is therefore correct to record that the proposal would provide beneficial landscape effects through the inclusion of appropriate mitigation planting and enhancements to replicate existing landscape features such as canal-side vegetation and enhanced boundary hedgerows. As was explored and identified in evidence, this specific identification of beneficial effects accords with advice from the Landscape Institute provided through the GLVIA Clarification Note [CD12.3].
43. The Council's landscape objections set out in the reason for refusal must be considered in the context of the Council's own recognition that those objections cannot, on their own, be a basis for refusal of the proposal under NPPF11d(ii). Nonetheless, it is my view that any of the harms identified here are not of a significant level, or at a level that is significant enough, to outweigh the benefits of the proposal.
44. The Council's argument on landscape effects heavily emphasised the emergent view at the northwest corner of the site (Appendix F in CD14.6). It is noted that the Council has used broad landscape receptors such as 'open countryside' and 'rural landscape' rather than specific terms such as 'the field', 'hedgerows', 'canal-side vegetation' and 'the Canal and its immediate setting' which more closely align with and reflect the wording of the LCA12a description and recognises how the landscape supports a high proportion of built development [CD12.6]. Furthermore, the Appellant's point that the Council has focused substantially on the Canal and towpath, although neither will be physically affected by the proposal, is noted.
45. Whilst the Appellants' evidence does not reach specific conclusions on a direction of change, I find that the Landscape and Visual Appraisal (LVA) [CD1.26] systematically and methodically sets out the assessment approach undertaken in Mrs Hyslop's evidence for the Appellant. By comparison, the Council's assessment of landscape effects, through Mr Cousins' analysis [CD14.5 and CD14.6] takes a different approach. Whilst clear and consistent in its findings, it provides insufficient detail to reinforce or support the assessment outcomes. The lack of clarity on how geographic extent has been applied to moderate the scale of change, especially within the landscape receptor, does not adequately demonstrate or support the Council's case. Moreover, there is little recognition of the effect of the 20-metre buffer adjacent to the Canal, such that the development itself would form only a small

part of the frame of the view identified in Mr Cousins' Appendix F [CD14.6] – a view taken on the Canal's west bank, adjacent to the northwest corner of the site, looking southeast.

Pedestrian experience on the towpath and bridleway

46. From my experience on site and the evidence, the views when using public rights of way, including the Lancaster Canal towpath, which formed the Council's primary focus, and the bridleway will be transient with receptors experiencing a range of viewing distances, locations, directions and angles towards the site. At Year 15, with mitigation, the proposal would appear as part of the wider development of Slyne-with-Hest for receptors using the Lancaster Canal towpath [CD1.26]. This is due to a number of factors including the presence of the Canal as a clear, delineating feature, the visual connection of the scheme with existing prominent built form on Sea View Drive, the proposed Canal buffer area and the limited visual connection for users of the scheme with the open countryside to the west.
47. The diverse landscape framework proposed [CD3.15] would provide a buffer which would mitigate the visual impact of the existing urban edge of Slyne-with-Hest as well as the edge of the proposed development. The creation of a vegetated canal corridor similar to that which exists to the north of the site - to the rear of properties on Sunningdale Crescent – and to the south of Rakes Head Bridge would increase the perception of rurality by softening and filtering views towards the existing urban edge of Sea View Drive, which is prominent in current views from the Canal towpath.
48. Policy T3 provides a list of expectations for proposed development adjacent to the Canal, including the integration of the waterway corridor and canal environment into the public realm in terms of design and management of the development. The Council has referred to the rear-facing properties adjacent to this feature being harmful and having an adverse effect on the Canal corridor. However, having considered all relevant aspects of the proposal and the content of Policy T3, it is my view that it would not be substantively harmful and would comply with the policy in this regard.
49. Fundamentally the Council's case on visual effects is heavily focused on the emergence of the receptor from the more wooded canal corridor of Hest Bank into the more open location adjacent to the northwest corner of the site. However, in my assessment of the site and its surrounding area, this view is just one location for users of the Canal towpath. The approach excludes the presence of built form close to the Canal – properties on Sunningdale Crescent – and the constrained views to the west due to the large hedgerow adjacent to the west bank of the Canal and its towpath. The approach also does not take account of the 20-metre set-back buffer for built-form from the eastern edge of the Canal which would provide a substantial landscape and visual setting and limit the intrusion of built form from the proposal into the emerging view at that location adjacent to the northwest corner of the site.
50. Users of the bridleway and footpath (Viewpoints 2, 3, 9 and 11 in the Appellant's LVA) [CD1.26] would be even further from the site with intervening topography or vegetation, notably the high hedgerows and existing trees. Moreover, with the additional planting in place, I find the combination of these intervening features and the greater distance from the site would further lessen any visual impacts.
51. The Council's assessment of visual effects from Mr Cousins initially focused on the Year 15 assessment without mitigation. I note in the SoCG [CD15.2] it is agreed that the Landscape Proposals Plan [CD3.15] provides an appropriate level of detail to inform mitigation proposals. Mr Cousins' argument for splitting the position prior to and after mitigation therefore makes little sense when the appropriate method with a landscape mitigation plan is included as part of the assessment process. Furthermore, it is noted that a clear description of the embedded mitigation process – that is the iterative process to minimise landscape and visual harm - is to be provided and included from the outset [CD12.3]. As the SoCG [CD15.2] reveals, once mitigation is properly considered, the dispute between the parties narrows considerably.

52. The crux of the Council's case in terms of character and appearance and landscape is that moderate adverse effects on landscape would result at Year 15, with mitigation included. However, it is my view that the Appellant's conclusions properly reflect how the development would read as part of the settlement once completed and more so at Year 15. Hence, I find Mrs Hyslop's assessed grading of moderate neutral and moderate-minor neutral landscape effects resulting from the proposal to be more accurate and reasoned overall.
53. I have noted the Council's points concerning the adverse impact of the proposal on views from private residences on Sea View Drive and Sea View Close. However, it is well established that the right to a view, particularly from a private viewpoint, is not a planning consideration. As such, the impact of the proposal on such views can have no substantive bearing on the assessment of its appropriateness, acceptability or effect in and of itself.
54. The site has no landscape designation and is situated in a local planning authority area that has many such designations elsewhere. It is also not a valued landscape in accordance with the NPPF. The landscape and visual impacts are of a highly localised nature, noting the limited number of publicly accessible near and distant views into the site. Furthermore, the Council's landscape objections must be viewed in the context of its earlier support for the allocation of the site. It is noted that the position regarding the site in this appeal is exactly as the Strategic Housing and Employment Land Availability Assessment 2018 (SHELAA) [CD7.3] predicted, in that through the careful siting and design of the proposal and with a restriction to single storey buildings, any landscape and visual impacts can be reduced and limited to an acceptable level.
55. In the context of the wider housing crisis and, more pertinently, a significant shortfall in the supply of housing land locally, the Council cannot simply oppose proposed development in edge-of-settlement canal-side locations, particularly where the landscape and visual impacts are so limited. Policies DM29, DM46, T3, NPPF135(c) and 187(b) all support an approach where development should be brought forward where its siting, layout and landscaping are all appropriate for the location. In my assessment, the proposal delivers this and is therefore in accordance with the development plan.
56. Consequently, I conclude that the proposal would have no significant detrimental effect on the character and appearance of the landscape and surrounding area, including the setting of the Lancaster Canal at Hest Bank. Therefore, it accords with Policy T3 of SPLA DPD 2025, Policies DM29 and DM46 of DM DPD 2025 and the aims and objectives of the relevant sections of the NPPF.

Highway safety and connectivity

57. The Council's principal objection to the proposal in terms of highway safety and connectivity concerns the lack of a dedicated footway serving dwellings within the scheme and apparent need for future occupiers to utilise shared surface highway outside the affected properties on 14 of the 27 plots proposed.
58. The starting point on this issue is that the local highway authority (HA) - Lancashire County Council - has confirmed in the Highways SoCG with the Appellant [CD15.3] there is no objection and no highway safety issue with the proposal. As a statutory consultee, the view of the HA must be accorded significance and compelling reasons are required for any departure from that, as per the case referred to concerning *Visao Ltd* [CD11.7].
59. I have carefully considered the Council's concerns in terms of pedestrian access to and from these properties, particularly in the context of the age-restricted nature of the proposal. The principles of shared surfaces are designed to prioritise pedestrian movement over all other vehicular activity within the designated shared highway. As a result, reduced vehicle speeds and vehicles yielding to pedestrians are reasonably to be expected. The concern is that the behavioural activity of highway users may not always adhere to these principles, thus raising the risk of conflict between vehicles and pedestrians. In addition, the lack of dedicated

footways in parts of the scheme, the older-age demographic of intended occupiers of dwellings and potential mobility challenges increase the chance of that conflict.

60. However, I am mindful of the HA's evident, active engagement in the proposal through the design and application process, its review of the Transport Statement (December 2023) [CD1.34] and the submitted proposal. I have also had regard to the confirmation of no objection from the HA recorded in the Council's Officer Report [CD5.1].
61. The guidance in Manual for Streets (MfS) [CD12.2] clearly supports the shared surface approach and sets a focus on lightly trafficked residential streets where traffic levels and vehicle movements are very low. Paragraph 7.2.14 in MfS specifically identifies that, subject to making suitable provision for disabled people, shared surface streets - which are those with no designated or separate footways - work well in situations such as in the proposed scheme. Furthermore, I find the scheme would meet the criteria set out in paragraph 7.2.14 of MfS. Notwithstanding this, I find the detail of the scheme in terms of suitable provisions for disabled or mobility and/or visually impaired people is limited. Mr Wooliscroft, for the Appellant, explained that physical elements such as dropped kerbs could be incorporated and progressed as part of the detailed design process for the construction of the scheme. To ensure this is addressed, I have imposed a condition (23) requiring such details to be supplied to, and approved by, the HA and implemented prior to full occupation of the site.
62. The Appellant contends that distances where no footway is available to occupiers of the proposed properties are relatively short. In my assessment, the furthest direct distance across the shared surface between a proposed dwelling (Plot 19) and a proposed footway is about 40 metres, according to measurements taken from the Landscape Proposals Plan [CD3.15] that was referenced during the Inquiry. Whilst this distance would not be inconsiderable for older people with mobility issues and/or visual impairment, on balance, I find that subject to the approval, provision and maintenance of the highway measures referred to above, as required through condition, and taking account of the HA's clear lack of objection, the proposal would be acceptable in this regard.
63. The lack of dedicated visitor parking throughout the proposal is evident. Noting that the HA is satisfied that the scheme is acceptable in highway safety terms, I have had regard to the Appellant's points that regular visitors to the site would be aware of the environment and drive accordingly. Visitors are likely to include family and friends of residents who, when visiting would likely use dedicated driveways and parking spaces for properties.
64. Other visitors, such as healthcare professionals, may do the same. However, visitors such as delivery drivers and tradespeople are more likely to park larger vehicles (i.e. vans and trucks) on the shared surface highway. In terms of delivery drivers, parking on the highway would be a relatively short-term event. Such drivers are likely to visit regularly and be familiar with the highway and park in safe locations accordingly. Trades vehicles, driven by those perhaps less familiar with the area, may be parked on the highway for a longer period to carry out their work. This will result in a greater likelihood of conflict between all users – including pedestrians - of the highway, which I note is proposed to be narrower than usual, particularly in areas with no dedicated footway.
65. Having considered this concern, whilst potential exists for occasional conflict on the highway, particularly in the shared surface locations, the nature and environment of the proposal would likely ensure the safety of all users would not be fundamentally harmed. Where potential conflict may occur, such circumstances would be short-term and have a relatively minor impact on the highway and occupiers of the proposed dwellings. As such, having regard to all relevant matters raised, including the view of the HA, I find this aspect off the proposal to be acceptable in highway safety terms.

Refuse vehicles

66. The Council's position on refuse vehicles accessing and manoeuvring around the proposed development narrowed during the Inquiry. Whilst the safety concerns of the Council in this regard have been addressed, an issue remains about potential collisions outside of the highway envelope, as the refuse vehicles turn. The Appellant provided a Swept Path Analysis Plan [CD2.8] which demonstrates there will be only slight body overhang of the vehicle outside of the highway extent from the refuse vehicle tracking and no wheel overhang. The Council accepts this aspect is typical of all refuse vehicle tracking in residential developments and acknowledges that the analysis provided is accepted as being safe by the HA [CD15.3]. Accordingly, having considered what is before me on this matter, I am satisfied that the proposal is acceptable in this regard.

Policy T3 – Connection to the Lancaster Canal towpath

67. The Council says the proposal does not comply with Policy T3 of SPLA DPD 2025 as the Appellant has not provided a pedestrian or cycle link from the proposal to the Lancaster Canal to maximise opportunities for health and wellbeing connections to the Canal towpath and access to the wider green infrastructure network. The Council has pointed out that the Appellant made no meaningful enquiries about the provision of a link to shorten the route from the site to the Canal towpath, currently a distance of about 800 metres via Sea View Drive and Rakes Head Lane, to make it more accessible. In addition, the Council argued that the purpose of NPPF155-157 is to ensure the benefits of a proposal are felt by communities, as stated in the Government's Written Ministerial Statement (HCWS48) [CD9.5]. The Council believes the link from the site to the Canal towpath would be a part of this and its provision has not appropriately been considered by the Appellant. The proposal is therefore, in the Council's view, contrary to this Golden Rule (NPPF156(b)).
68. Policy T3(III) refers to improving access to, along and from the waterway *where appropriate*. As a result, this is a very limited policy provision. It does not require the delivery of links, the acquisition of adjacent land outside of a land ownership, nor the acquisition of rights over third-party land particularly where, in this case, the land is not part of the Canal towpath.
69. The Appellant stated in evidence and in Closing [CD15.3 and ID17] that attempts to contact the relevant landowner in writing were made on three separate occasions and none were successful, receiving no response. Mr Love, for the Appellant, set out clearly in evidence the extent of efforts made to explore the deliverability of the link. As a result, the Appellant is unable to acquire the relevant land and therefore cannot carry out the required works over the land. The Appellant has safeguarded land within the site to provide access off the site towards Rakes Head Lane for the future should the adjacent landowner be willing to provide a link. In my view, this is a reasonable step and, given the circumstances, it is all that can reasonably be expected of the Appellant. Furthermore, whilst not ideal, the existing route to the Canal towpath from the site remains. There is, therefore, an alternative route available.
70. For the reasons set out above, Policy T3(III) cannot, in this case, be a basis upon which to refuse the proposal. Due to the presence of an existing alternative route, the Council's request for a link to be provided to the Canal towpath from the site cannot therefore stand as relating to necessary infrastructure for the purposes of NPPF156(b). The new link sought by the Council is not a necessary improvement to local or national infrastructure. Therefore, its provision is not required for compliance with the Golden Rules.

Local highway network

71. The local highways in the area are relatively narrow and I have had regard to concern about an increase in traffic resulting from the proposal, particularly on Hest Bank Lane and adjacent to the local primary school. From the evidence on traffic flows, the Transport Assessment provided by the Appellant, other relevant submissions and noting that the HA has raised no objection to the proposal on any such grounds, I find that the proposal would have no material impact on traffic capacity or highway safety within the local highway network. As such, subject to relevant conditions attached, the proposal would be acceptable.

72. Consequently, I conclude that the proposal would have no substantive adverse effect on highway safety with particular regard to highway layout and design, the potential conflict between users and the provision of appropriate connectivity to the Lancaster Canal towpath. Therefore, it complies with Policy T3 of SPLA DPD 2025, Policies DM8, DM29, DM57, DM60 and DM61 of DM DPD 2025 and the aims and objectives of the NPPF.

Flood risk

73. In the NPPF review in December 2024, the Government made a change at NPPF174 and 175 which makes clear that although an SFRA is the basis for identifying whether a site may be at flood risk, the final decision as to whether a sequential test is required is determined by the existence and result of a site-specific flood risk assessment. This change to the NPPF has the intention of providing a more proportionate approach to flood risk matters, as set out in the notes attached to Q.80 in the NPPF Consultation Response (Q.80) [CD9.27].
74. In its NPPF Statement [CD14.7] and Opening Statement [ID03], the Council focused on NPPF174 on the SFRA and gave very little effect to NPPF175. During the Inquiry, the Council's argument was focused on the pre-December 2024 NPPF175 text and the present PPG text (PPG 7-027), based on the premise that the updated NPPF175 was only applicable for the detailed stage of the assessment. In my view, this approach does not reflect the wording of the current NPPF175, nor the explanatory note relating to Q.80.
75. In contrast, the Appellant's approach still gives effect to PPG 7-027, as currently drafted, as the proposed site has been assessed by the Appellant to be at a low risk of surface water flooding. The Council referred to *Mead Realisations* [CD11.5] and the equal status given to the NPPF and PPG. However, this does not explicitly, or otherwise, require the decision-taker to apply PPG text that has not been updated to reflect the updated NPPF in a manner that is inconsistent with the clear wording of the NPPF.
76. The updated NPPF is the latest expression of national policy. As such, all aspects of the PPG, as national guidance, must be considered in that policy context and regard therefore must be had to the updated NPPF175. It is an unfortunate situation where national guidance is, in effect, awaiting update to align with national policy. Nonetheless, in this situation, I find that current up-to-date policy must take precedence over guidance, particularly where that guidance is expected to be updated shortly to reflect the updated policy.

Limitations of the SFRA and Risk of Surface Water Flooding (RofSW) mapping

77. It has been agreed between the parties that the published caveat to the SFRA plans is typical. Consequently, it is agreed that where the NPPF and PPG refer to SFRA, there is a recognition of the constraints of that data. However, the Council's case on the SFRA does not reflect the clear explanation that the Environment Agency's (EA) RofSW maps have inherent limitations which result in the fact that they cannot be used to undertake a full assessment of risk 'at any scale'. This is clearly set out on every map produced by the EA, including those within ID05, and is confirmed and reproduced at paragraph 4.4.1.2 of the Council's SFRA 2024 [ID09]. As such, and as is shown from the evidence, I find the RofSW to be an inherently high-level starting point not suitable on its own for a full assessment of flood risk at a site-specific level.
78. The SFRA interactive mapping for both the RofSW and future scenarios outputs simply predicts the extent of potential flooding for the 1 in 100-year and 1 in 30-year return period storm events. Therefore, it cannot provide a full or final assessment of risk. Risk must incorporate both the likelihood and the consequences of flood events [ID10]. The interactive mapping captures the likelihood of an event based on the probability of specific rainfall events occurring. However, it cannot determine the consequences of such an event. As a result, the application of such mapping is limited.

79. The Council points to the fact that the new SFRA plans [ID05] show the site to be at risk of future surface water flooding in all tested scenarios. The site also remains at risk of surface water flooding now [CD15.1]. Furthermore, the Council refers to the Appellant's agreement, through Mr Nicholas, that in SFRA terms when one compares the plans in Mr Nicholas' Technical Note 003 [ID11] with the SFRA plans, the access point to the north, the access road to the south and two dwellings to the south of the site (plots 26 and 27) are at risk of surface water flooding in the future. Therefore, the issue between the parties is whether, as a matter of policy, a sequential test is required in those circumstances.
80. NPPF174 makes clear that the SFRA is the basis for the sequential test. In my assessment of the term 'basis' in this context, it is the first step for determining whether a sequential test is required. Therefore, and quite simply, where an SFRA identifies that the site in question is at risk of flooding now and/or in the future from any source of flooding, a sequential test is required, unless a site-specific assessment demonstrates otherwise, as set out in NPPF175. In this case, the latest SFRA (ID09) indicates the site is at risk of flooding now and in the future from surface water. Consequently, in accordance with the NPPF, unless a site-specific flood risk assessment shows otherwise, a sequential test is needed.

Site-specific assessment

81. I have had regard to the Appellant's site-specific assessment [ID11] for current surface water flooding which shows the risk of such flooding is low, using the EA's Hazard Rating. I have also considered the Appellant's further site-specific assessment in respect of future surface water flooding which reaches a similar low risk conclusion. It is noted that the EA Hazard Rating was introduced by DEFRA and the EA in 2005 and is established and recognised as a useful reference in terms of flood risk assessment. Importantly, it is acknowledged that it brings together both the likelihood and consequences of flooding to measure overall risk. As a result, when employed in the Appellant's site-specific assessments, in both the current and future scenarios, the Rating of overall flood risk falls into the "very low hazard" category.
82. There is nothing before me to indicate that the Council disputes any of the calculations, methodology or the overall findings of the Appellant's site-specific flood risk assessments. As such, I conclude that the results provided are agreed. I have also had regard to the two flow routes identified in Figure 2 of the Appellants Technical Note 003 assessment [ID11]. Whilst the southern flow route runs through two proposed properties (plots 26 and 27), I am satisfied the reasoning in the assessment relating to the negligible depths of the routes would have no substantive adverse impact on the level of flood risk relating to the built development proposed. Furthermore, I am satisfied any such impact can be adequately mitigated through the surface water drainage works required through conditions.
83. Whilst a very low risk level of surface water flooding for part of the site now and in the future is concluded in the Appellants' assessment, no area at risk relates to any proposed built development within the site boundary, including access or escape routes. In light of this, and as no other elements on the site, as identified in NPPF175, would be impacted by a risk of flooding from any source, now and in the future, a sequential test is not required.
84. For all the reasons set out above, I conclude that there is no requirement for a sequential test. Moreover, based on the evidence, I find there to be no strong reason to refuse the grant of planning permission under footnote 7 of the NPPF. The site is demonstrated to be only at a low risk of surface water flooding on a site-specific assessment and no land upon which built development is proposed is at risk of flooding now and in the future. As a result, the proposal accords with Policy SP8 of SPLA DPD 2025, Policy DM34 of DM DPD 2025 and the relevant aims and objectives of the NPPF.

Housing need (assessment of weight)

85. The Council has argued there is little in national or local policy that requires a particular weight to be attributed to the need for older persons housing generally or for 'over 55'

housing specifically. It is a matter of planning balance. However, in making that judgement, I must take into consideration the acknowledgement in the PPG of a critical need for older persons housing generally. An assessment must also be based on the agreed need for such housing in the Lancaster District. On that basis, it is noted that the Council gives significant weight to the provision of 'over 55' housing through the proposal.

86. The Appellant, through the evidence of Mr Love, argued for substantial weight to be given to meeting this need. The reasons for this conclude in paragraph 12.19 of Mr Love's evidence [CD13.3] where there is a reliance on the evidence of Mr. Beauchamp for the Appellant [CD13.5] to show a contribution to the unmet need for specialist retirement housing in Slyne-with-Hest Parish. At the Inquiry, Mr Beauchamp accepted that to assess whether there is a need for the proposal, it is necessary to assess whether there is a need for 'over 55' M4(2) bungalows (i.e. for the type of development) and a locational need at Parish level.
87. Mr Beauchamp relied on the Housing in Later Life (HiLL) methodology [CD9.10] as the basis for the conclusions he makes for the Appellant on unmet need. The Council argued this was not a sound basis for evidence on need and should be disregarded and set out reasons for that. Those reasons included that HiLL was published in 2012, and not updated since. This was prior to an amendment to the definition of older persons housing in 2019 to include age-restricted housing. Therefore, it does not assess need for the development type proposed. Furthermore, the Council says HiLL does not include a methodology to assess the specific need for this proposal. It is not Government guidance, it has not been adopted as such and does not reflect the view of Government. In fact, the Council believes that it does quite the opposite [CD9.10, p2]. HiLL is produced by, and reflects the views of, commercial providers of specialist older persons housing. As such, it should not be taken as independent advice.
88. It is noted the Council's position on the need for specialist older persons housing in the Parish has shifted from a clear acknowledgement that there is a need at the application stage to stating in its Statement of Case [CD14.1] and the SoCG [CD15.1] that there is *likely* to be a need arising from the Parish.
89. The proposal qualifies as specialist older persons housing within the definition of both NPPF63, as explained in the NPPF Glossary definition of older people, and the PPG (ID:03-010). It is also acknowledged that the proposal contains elements of age-restricted general market housing as it will exclusively consist of bungalows as a fully age-restricted community. The Appellant's evidence provided by Mr Beauchamp [CD13.5] identified a quantitative need for retirement housing, either age-restricted or sheltered, for 55 additional units for sale and 41 additional units for rent in the Parish.
90. Furthermore, a qualitative need for such housing has been demonstrated within the Appellant's evidence from Mr Love [CD13.3] due to a clear need for contemporary, purpose-built, age-restricted accommodation of the type proposed. This is noted as being in line with the findings of the Older People's Housing Taskforce Report (OPHTR) [CD9.15]. It is noted and accepted there is a significant number of existing bungalows within the local area. However, much of this stock comprises older properties which require some updating, adaptation and renovation to fully meet present day standards for such accommodation.
91. As noted in the PPG [ID:63-004], the future requirement for specialist accommodation for older people may need to be assessed and can be obtained from online toolkits provided by the sector. Although the specific example of HiLL is not given in the PPG, the principle of using such an online resource is endorsed and HiLL clearly meets the PPG's description. Accordingly, I find the use of HiLL to be appropriate and acceptable in determining specialist older persons housing needs.
92. Contrary to the Council's view, I find the estimates identified of minimum need cannot in any way be compromised by the composition of the OPHTR working group. I have had regard to the fact that HiLL was developed in response to the HAPPI2 Inquiry by the All-Party Parliamentary Group on Housing and Care for Older People, and directly supported by

Housing LIN. As a result, I find there to be a strong policy and evidential basis for the use of a prevalence rate-based toolkit, such as HiLL, to assess housing needs. Furthermore, I note that in 2020 HiLL was recognised by the Royal Town Planning Institute (RTPI) as the main such toolkit still available and is the only toolkit for the estimation of overall need included in this way [CD9.12].

93. I note the figures provided by HiLL are cautious. In total, the provision requirements for sheltered, enhanced sheltered and extra care amount to only 245 units of specialist housing per 1,000 aged 75+. It is also acknowledged that the residents of such schemes may be significantly younger and therefore provision is likely to amount to less than that amount.
94. I have had regard to the points made about the definition of provision rates labelled in HiLL and about various terms and definitions including conventional and leasehold sheltered housing and other relevant types of housing. As a result, I am of the view that the same key features are found across all. These are the presence of age-restricted properties, a community of properties of the same type and accessible, adaptable housing. These features are also found in the proposal. As such, I find that the proposal appropriately reflects the type of housing that HiLL was seeking to address.
95. Overall, given my acceptance of the validity of HiLL and the Appellant's evidence regarding its application and findings, it is my assessment that the Appellant has provided a robust and transparent description of a need figure within the Parish which aligns with the broader evidence available. The Appellant, through Mr Beauchamp, has provided full estimates of specialist housing need, by type and tenure at the District and Parish levels, based on HiLL and has acknowledged this as a cautious estimate of minimum need. Furthermore, the Appellant has convincingly set out the many ways in which bungalows meet a real need for older persons accommodation in a qualitative assessment and identified clearly that there is a national and local need for the type and tenure of homes proposed and in this location.
96. For all the above reasons, the Appellant has indicated that the provision of the proposal should attract substantial weight within the planning balance. Given the level and detail of the evidence before me and considering the Council's position and response to this, I find that I agree with the Appellant in terms of the substantial weight their evidence of need should attract. Consequently, this is the weight in favour of the proposal I attribute to the housing need evidence before me in the overall assessment and balancing exercise.

Other matters

97. In addition to the main issues, I have given due consideration to other matters raised by interested parties who oppose the proposal. In many instances, the Appellant has provided written submissions in response to the points raised. Taking this all into account and having reached a view on each matter as material considerations, I have set out my findings below.
98. With regard to access to local services and facilities, the proposal would be a short walking distance from Hest Bank Lane and the bus stops for Service 55 which operates hourly in either direction for Carnforth and Lancaster. I find this to be an accessible and reasonable service for future occupiers of the proposal to use to reach services and facilities locally and District wide using a regular and frequent sustainable mode of public transport.
99. I acknowledge the proposal would result in some inevitably adverse impacts on ecology and biodiversity. However, based on the evidence provided and on balance, I am satisfied the proposal would provide appropriate mitigation measures relating to any adverse impacts in relation to ecology and biodiversity that may arise due to the proposal. Furthermore, appropriate mitigation and enhancements and biodiversity net gain would be provided and secured by the relevant conditions in the schedule attached to this Decision.
100. Concern was raised regarding foul water and storm water drainage capacity at the site. This was with particular reference to the Lancaster Canal being polluted by storm water run-off

were the sustainable urban drainage and permeable road surfaces in the proposed scheme not effectively maintained. A condition is attached to this Decision to ensure that a site-specific lifetime operation and maintenance manual for the surface water drainage system is submitted to, and approved by, the Council and implemented accordingly thereafter. In addition, a legal agreement is to be put in place for a management company to be set up which will maintain the unadopted highway and drainage infrastructure within the proposal. In my view, this will ensure that suitable mitigation against the risk of polluted run-off entering the Canal is in place and operates appropriately.

101. There was also concern that the capacity of the existing foul water pumping station would be overwhelmed by the proposal. For clarity, there is no evidence before me to indicate that this would occur. It is noted in the SoCG [CD15.1] that Lancashire County Council, as lead local flood authority, and United Utilities, as statutory provider, have no objection to the proposal, subject to the relevant conditions set out in the attached schedule. Considering this and having regard to all I have seen on the matter, I find the proposal acceptable in terms of the arrangements identified and agreed for managing surface water and flood water.
102. There was an objection in relation to an impact on views from a private garden, restricting views of the landscape for Sea View Drive residents and I acknowledge these concerns. However, there is no right to a private view in planning terms. It is noted that the proposal has been designed to limit the impact on views from the adjacent properties on Sea View Drive. I have also had regard to the use of planting to assist in softening the appearance of the proposal for neighbouring occupiers. As a result, I conclude that the proposal would be acceptable in this regard.

Planning balance

103. The NPPF recognises the need for a pragmatic and flexible balance to be found on Green Belt policy and sets out a new approach to Green Belt land release where there are significant shortages of housing generally and affordable housing.
104. The site is determined as Grey Belt land, in accordance with the NPPF and all criteria set out in NPPF 155 and 156 are met. The proposal is therefore not inappropriate development in the Green Belt. As such, assessments on the contribution it makes to the openness and function of the Green Belt and whether very special circumstances exist for the development to be considered appropriate are not necessary. There are no footnote 7 policies that provide a strong reason for refusal. Therefore, NPPF11d(ii) is to be applied in the overall planning balance. For clarity, the scale of weight applied in this balancing exercise is as follows: limited; moderate, significant; substantial.
105. The proposal will have limited harm on the character and appearance of the area and the surrounding landscape due to the highly contained nature and physical context of the site. On the basis of the evidence submitted and my overall assessment of the issues, I give the limited harm identified to the character and appearance of the landscape and the setting of the Lancaster Canal at Hest Bank limited weight.
106. In terms of the impact on highway safety and connectivity, the proposal would have a moderate impact. The lack of dedicated footways to properties within the proposal would result in an increase in the level of risk to the safety of users of the shared surface areas. However, the nature of the proposed shared surface scheme, the limited extent of the lack of dedicated footways and the cul-de-sac nature of the proposed layout in those areas leads me to the view that the adverse impacts on safety would be limited. Furthermore, where the proposal does not provide a direct connection to the Canal towpath, I find the impact of this to be limited given that an alternative route, albeit longer, already exists. Therefore, having considered all the above, I give limited weight to the harm identified.
107. Flood risk has been considered in detail and I have had regard to the evidence provided on this matter that has emerged during the Inquiry. Following the findings of the SFRA and the

site-specific flood risk assessment, there is a very low risk of flooding on the site and no land is at risk of flooding now and in the future upon which built development is proposed. As such, I find that the potential risk for flooding at the proposed development is very limited, particularly when taking account of the mitigation proposed. Accordingly, based on the evidence, I attribute limited weight to harm associated with flood risk in this case.

108. With regard to other matters, when considered both individually and cumulatively, and having due regard to the submitted evidence, the mitigation proposed and the conditions attached to this Decision, I find that the overall limited harm that these matters and considerations amount to should be attributed only limited weight against the proposal.
109. The significant benefits of the proposal include the provision of retired and older people's specialist housing in Slyne-with-Hest Parish to assist in meeting the identified local need which the Council has acknowledged and which the Government has emphasised as being of critical need at a national level. This attracts substantial weight in favour of the proposal. The proposal would also bring many health and well-being benefits associated with specialist bungalows for retired and older people for which I give moderate weight. The proposal would also assist in enabling and encouraging downsizing or 'right-sizing' and 'freeing-up' larger housing units to meet wider housing market needs and providing cost savings for social care and health care systems. Significant weight is afforded to this benefit in favour of the proposal.
110. The provision of this development will assist in addressing the limit to meeting such specialist housing need elsewhere outside the Green Belt and in less harmful Green Belt locations in Slyne-with-Hest Parish. Furthermore, it will deliver market housing to help address the significant shortfall in the five-year housing land supply position in Lancaster District. This attracts substantial weight in favour of the proposal in the overall balance.
111. Other key benefits include the 'above policy level' delivery of affordable housing to address the significant shortage of such housing in Lancaster District, for which I also give substantial weight. Pedestrian and cycle connections to Sunningdale Crescent attracts significant weight and, potentially, a connection to the Lancaster Canal towpath which, given the uncertainty of achieving this as it is subject to third party landowner agreement, I give only limited weight to. Benefits of the proposal concerning biodiversity net gain and local economic benefits relating to the construction and operation of the proposal attract moderate weight in favour of the development.
112. Overall, having regard to NPPF11d(ii), I conclude that the limited harms related to the proposal would not significantly and demonstrably outweigh the significant and substantial benefits that would be realised through the delivery of the proposal when assessed against policies of the NPPF and the development plan, taken as a whole. Furthermore, there are no other matters or material considerations which outweigh my findings in the overall balance.

Conditions

113. I have listed the conditions in the attached schedule to reflect the chronological order in they are to be met as the development process progresses rather than as they appeared in the submitted suggested conditions documents [CD16.1 & ID13]. Furthermore, I am satisfied that the conditions attached to this Decision meet the relevant tests set out in NPPF57.
114. In addition to the standard conditions relating to time (1) and approved plans (2), a condition is necessary concerning the minimisation of risks from soil contamination on the site (3) to future occupants and neighbouring occupants together with those to controlled waters and ecological systems. The condition is also required to ensure that site workers are not exposed to unacceptable risks from contamination during construction. This condition is in accordance with Policy DM32.

115. A number of pre-commencement conditions (4 to 12 inclusive) are identified which are necessary, reasonable and justified in making the development hereby permitted acceptable in planning terms.
116. Condition (4) has regard to the provision of site access works and is necessary to ensure that the impacts of the development on highway safety and the operation of the highway network are appropriately mitigated and to ensure the promotion and accessibility of alternative, sustainable transport modes as sought by Policies DM60 and DM61. Condition (5) is necessary to provide the safe operation of the highway and residential amenity during the preparation and construction phases of the development in accordance with Policies DM29, DM30(c) and DM60. Condition (6) is required to ensure that protected species, designated sites and habitats are given adequate protection during construction to accord with Policy DM44. Condition (7) relates to a Canal Protection Method Statement and is necessary to prevent land instability on site and to protect the structural integrity of the Lancaster Canal in line with the Policy T3 in the SPLA DPD 2025.
117. A condition ensuring that satisfactory sustainable drainage facilities are provided to serve the site (8) is necessary, reasonable and in accordance with Paragraphs 181 and 182 of the Framework and Policies DM33 and DM34. Condition (9) requires the submission and approval of a Construction Surface Water Management Plan prior to construction of the proposal. This is necessary and reasonable to ensure the proposal is served by satisfactory arrangements for the disposal of surface water during construction, so it does not pose an undue surface water flood risk on-site and elsewhere. This condition ensures the proposal is in accordance with NPPF181 and Policies DM33 and DM34. Condition (10) has regard to the submission and approval of an Employment and Skills Plan and is required to enhance education, skills and employment opportunities within the District to help achieve sustainable economic development in accordance with Policy DM28.
118. Condition (11) is necessary to ensure that the details of finished floor levels to each dwelling and the finished site levels to all gardens, parking areas, roads and footways are acceptable prior to development commencing. It is also required to ensure that the visual amenity of the area and accessibility of the occupants is acceptable prior to commencement of the development and meet the requirements of Policies DM8 and DM29. Condition (12) is necessary to ensure that the dwellings to be constructed within the approved proposal will not be commenced until a detailed scheme for the sustainable design and water efficiency of each dwelling has been submitted to, and agreed in writing by, the local planning authority. This will ensure the development meets the requirements of Policy DM30a and DMC30b, as adopted within the DM DPD 2025.
119. Condition (13) is required to ensure that impacts on protected and priority species are appropriately mitigated and habitats are enhanced, in accordance with Policy DM44. Condition (14) relates to external details, finishes and materials and is necessary to ensure such features are acceptable in terms of visual amenity in the area and good design prior to the construction of the dwellings, as sought by Policy DM29.
120. Condition (15) deals with external lighting within the proposal and is required to ensure such lighting is acceptable in terms of visual amenity and that nearby habitats are not adversely impacted. Moreover, it is necessary to ensure the lighting is appropriate to meet the needs of the intended occupants of the proposal. This condition ensures the proposal accords with Policies DM8, DM29 and DM44. Condition (16) relates to the submission and approval of an acceptable maintenance regime for the approved landscape scheme and is necessary in the interests of amenity, the design and maintenance of the overall proposal and in terms of providing mitigation and enhancements to biodiversity on the site, in accordance with Policies DM29 and DM44. A condition regarding the provision of appropriate cycle storage (17) is required for the proposal to accord with Policies DM60 and DM61.
121. Conditions (18) and (19) are necessary to ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised together

with those risks to controlled waters, property and ecological systems, and to ensure the proposal, as constructed, and the sustainable drainage system is subsequently maintained in compliance with the requirements of NPPF181 and 182 and Policies DM33 and DM34. Condition (20) relates to the compliance of the proposal with an Arboricultural Implications Assessment and Method Statement. The condition is necessary to ensure trees and hedges to be retained are adequately protected during the construction phase in the interest of the amenity of the area and the biodiversity of the site in accordance with Policies DM44 and DM45.

122. Condition (21) is necessary to ensure the proposal genuinely meets the needs of intended occupants by providing accessible and adaptable homes to meet future needs and maintain independent living in accordance with Policy DM8. Condition (22) relates to parking provision and turning of vehicles within the approved proposal. It is necessary to ensure the provision of adequate car parking on site and in the interests of highway safety, in accordance with Policies DM60 and DM62. Condition (23) relates to the submission, approval and delivery of a detailed scheme for the suitable provision of shared surface highway features, such as dropped kerbing, to ensure those with disabilities can safely negotiate and move around the proposal hereby permitted. The condition is necessary in the interests of pedestrian and highway safety and to ensure the approved proposal accords with Policies DM60 and DM61.
123. Finally, condition (24) relates to the removal of permitted development rights. Whilst permitted development rights have not been withdrawn in the Green Belt in the General Permitted Development Order (GPDO) in this case I consider there to be a clear justification to do so. This condition is necessary and reasonable to ensure the impact of any extensions to the roofs of the single-storey buildings, any additional hardstanding to the front of the dwellings and any additional or altered boundary treatments can be assessed in terms of the design and impact on the amenity and character of the surrounding area. This is particularly important where the proposal is viewed from public rights of way and the Canal towpath, given the elevated position of the site. The condition is also required to ensure that the proposal accords with Policy DM29.

Conclusion

124. For the reasons given, having had due regard to all other matters raised and subject to the conditions set out in the attached schedule, I conclude that the appeal should be allowed and planning permission for the proposed development be granted.

A McCormack

INSPECTOR

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Inquiry Documents (ID):

ID01	Suggested Policy EN6 modification: Green Belt boundary adjustment relative to appeal site
ID02	Appellant's Opening Submissions
ID03	Lancaster City Council's Opening Statement
ID04	Level 1 - Strategic Flood Risk Assessment Draft Report (January 2025): Appendix D: Surface Water Climate Change Modelling
ID05	SFRA Draft Report (January 2025) - Surface Water Flood Risk Maps: 30-year event (+35% Climate Change Allowance) 30-year event (+45% Climate Change Allowance) 100-year event (+35% Climate Change Allowance) 100-year event (+50% Climate Change Allowance)
ID06	Part One DPD SPLA CERLP Adopted draft version
ID07	Part Two DPD DM CERLP Adopted draft version
ID08	EAC 'Age Exclusive Housing' Definition
ID09	Level 1 Strategic Flood Risk Assessment Report (January 2025)
ID10	Level 1 Strategic Flood Risk Assessment Report (January 2025) Appendices A to J
ID11	Surface Water Flood Risk Future Scenarios - Technical Note 003 of Richard Nicholas – 20 January 2025
ID12	<i>'What is the Risk of Flooding from Surface Water?'</i> Map, Environment Agency (April 2019)
ID13	Updated (Tracked Changed) Schedule of Suggested Conditions following Round Table Session (22 January 2025)
ID14	Updated draft S106 Agreement document to reflect public access to on-site public open space provision and revised open space contribution
ID15	Revised Calculation for off-site POS contribution for the proposed scheme (as per Table D.3 - Appendix D of the Development Management DPD)
ID16	Council's Closing Submission
ID17	Appellant's Closing Submission
ID18	Appellant's Comments on Council's Closing Submission
ID19	Signed and Sealed Final S106 Agreement document (signed, sealed and received on Tuesday 28 January 2025).
ID20	Site Visit Itinerary and suggested route plan for the Inspector
ID21	Council's Statement on Update to PPG on Green Belt (10 March 2025)
ID22	Appellant's Submission on Update to PPG on Green Belt (10 March 2025)
ID23	Appellant's Rebuttal to the Council's Statement on Update to PPG on Green Belt (12 March 2025)

SCHEDULE OF CONDITIONS

- 1) The development to which this permission relates must be started not later than the expiration of 2 years beginning with the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 23-164-I01-Rev A: Location Plan
 - 3655-F01 D: Proposed Site Access Arrangement Plan
 - 23-164-P01-Rev B: Proposed Site Layout Plan
 - 23-164-P07-Rev B: Proposed Affordable Housing Layout Plan
 - 23-164-P02-Rev B: Proposed External Materials Plan
 - 23-164-P03-Rev B: Proposed Boundary Treatments Plan
 - 23-164-P04-Rev B: Proposed Refuse Management Layout Plan
 - 23-164-P06-Rev B: Proposed EV Charging Layout Plan
 - 12605-LUC-DR-1000 Rev P04: Landscape Proposals Plan
 - HT-AB-01: Proposed House Type A - Vertical Boarding (B) Floor Plans and Elevations
 - HT-AR-01: Proposed House Type A - Tile Hanging (T) Floor Plans and Elevations
 - HT-BB-01: Proposed House Type B - Vertical Boarding (B) Floor Plans and Elevations
 - HT-BR-01: Proposed House Type B - Tile Hanging (T) Floor Plans and Elevations
 - HT-CB-01: Proposed House Type C - Vertical Boarding (B) Floor Plans and Elevations
 - HT-CR-01: Proposed House Type C - Tile Hanging (T) Floor Plans and Elevations
 - HT-DB-01: Proposed House Type D - Vertical Boarding (B) Floor Plans and Elevations
 - HT-DR-01: Proposed House Type D - Tile Hanging (T) Floor Plans and Elevations
 - HT-SG-01: Proposed Single Garage Detail Floor Plans and Elevations
- 3) No soil or soil forming materials derived inside or outside the boundary of the application site shall be used or brought onto, or applied anywhere on the site unless and until;
 - (a) The source of the material has been confirmed, documented and assessed for risks of contamination.
 - (b) The material has been sampled and analysed for contamination in accordance with a methodology submitted to, and approved in writing by, the local planning authority. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by risk assessment), and source material information.
 - (c) Following conclusion of sampling and analysis, confirmation and process validation evidence has been submitted to, and approved in writing by, the local planning authority.
- 4) No development or site preparation/clearance shall commence until a scheme for the construction of the site access and the off-site works of highway improvement 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:
 - (a) Site access including: Pedestrian link to Sunningdale Crescent;
Provision of tactile paving.
 - (b) Off-site highway works: Upgrade of 2no. bus stops on Hest Bank Lane to quality standard;
Pedestrian footway provision on Sunningdale Crescent.
 - (c) A timetable for implementation.

The works shall be carried out in accordance with the approved details and the approved timescale.
- 5) No development or site preparation/clearance shall commence until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:
 - 24 Hour emergency contact number.
 - Details of the parking of vehicles of site operatives and visitors.
 - Details of loading and unloading of plant and materials.
 - Arrangements for turning of vehicles within the site.

- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.
- Measures to protect vulnerable road users (pedestrians and cyclists).
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Wheel washing facilities Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction.
- Measures to control the emission of dust and dirt during construction.
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works to meet the requirements of policy DM30c.
- Construction vehicle routing.
- Delivery and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) No development or site preparation/clearance shall commence until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- (a) Risk assessment of potentially damaging construction activities.
 - (b) Identification of "biodiversity protection zones".
 - (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - (d) The location and timing of sensitive works to avoid harm to biodiversity features and protected species.
 - (e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - (f) Responsible persons and lines of communication.
 - (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - (h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

- 7) Prior to the commencement of works relating to the proposed attenuation basin, a Canal Protection Method Statement, detailing measures to demonstrate how the stability of the bank and risk of seepage from the canal will be addressed during the works on site and including protection measures that will be put in place and provided, shall be submitted to, and approved in writing by, the Local Planning Authority. Works on site shall thereafter be carried out in accordance with the approved details. This shall be informed by cross-sectional drawings showing the works in relation to the canal. The works shall be carried out in accordance with the approved details.
- 8) No development or site preparation/clearance shall commence until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority. The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water sustainable drainage strategy submitted (LRD31541, Issue 3, January 2024, Sutcliffe) and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. The details of the drainage strategy to be submitted for approval shall include, as a minimum:
- (a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 45% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep.
 - (b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary.
- ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels.
- iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient, as appropriate.
- iv. Drainage plan showing flood water exceedance routes in accordance with DEFRA Technical Standards for Sustainable Drainage Systems.
- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150mm+ difference in FFL.
- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary.
- vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components.

- (c) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

- 9) No development or site preparation/clearance shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority. The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:
 - (a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
 - (b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

- 10) No development shall commence until an Employment and Skills Plan (ESP) has been submitted to, and agreed in writing by, the local planning authority. The ESP shall include:
 - Targets in accordance with the benchmarks in the Council's Employment and Skills Plan Supplementary Planning Document for construction career advice events, employment, training and apprenticeships during demolition / site clearance, construction and fitout phases of development;
 - Method statement setting out how and when the above targets will be achieved;
 - Details of arrangements for monitoring and evaluating the ESP.

The approved ESP shall be adhered to throughout the construction phase of the development. Prior to no less than 50% of the approved dwellings being practically complete an Interim Report evidencing compliance with the approved ESP shall be submitted to and agreed in writing by the local planning authority. If the Interim Report does not evidence such compliance, then a scheme of remedial measures to address and mitigate any noncompliance shall be incorporated into the Interim Report. Construction of the remaining parts of the development shall be carried out in accordance with the approved ESP and, where relevant, the approved remedial measures set out in the Interim Report. A final report evidencing compliance with the approved ESP and remedial measures in the Interim Report (where relevant) shall be submitted to, and approved in writing by, the local planning authority prior to final occupation of the development.

- 11) No development shall commence until the final finished floor levels of each dwelling and the finished site levels to all gardens, parking areas, roads and footways, including details of any retaining features, have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved detail.

12) Before the construction of any dwellings on site, a detailed scheme for the sustainable design and water efficiency of each dwelling shall be submitted to, and agreed in writing by, the local planning authority. The scheme shall ensure the development meets the requirements of policy DM30a and DM30b of the Development Management DPD (CERLP adopted 22 January 2025) and shall include details of the retention and maintenance of any identified renewable technology forming part of the approved scheme. The development shall be carried out in accordance with the agreed details.

13) No development above slab level of any building shall commence until details of the following ecology mitigation and enhancement measures have been submitted to, and approved in writing by, the Local Planning Authority:

- Details of new roosting provision for bats at the site and their timescale for implementation;
- Details of new provision for nesting birds at the site and their timescale for implementation;
- Details of measures for the maintenance of habitat connectivity by the accommodation of gaps beneath fence lines for the movement of hedgehog (Priority Species) and amphibians between gardens and between the site and the wider area, and the timescale for implementation; and
- Details of the design of the attenuation basin to demonstrate that it provides appropriate habitat for amphibians.

The development shall be carried out in accordance with the approved details and retained as such at all times thereafter.

14) Notwithstanding the details shown on the approved plans, no development above slab level of any building shall commence until the following details and samples have been submitted to, and approved in writing by, the Local Planning Authority:

- External finishes to the walls of the dwellings and garages.
- External finishes to the roofs of the dwellings and garages.
- Eaves, verge, ridge and rainwater goods details.
- Details of windows and doors including amount to be recessed from the outer face of the wall.
- All external surfacing materials.
- All boundary treatments.
- Details of the shared external seating area.

The development shall be carried out in accordance with the approved details prior to the occupation of the associated dwelling/ plot.

15) No development above slab level of any building shall commence until precise details of all permanent external lighting associated with the development has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details, prior to the first occupation of the development, unless an alternative phased timescale is first submitted to, and agreed in writing by, the Local Planning Authority.

16) No development above slab level shall commence until details of the maintenance regime of the approved Landscape Proposals Plan [Drawing No:12605-LUC-DR-1--- Rev P04] have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or following first occupation/use, whichever is the earlier, and maintained at all times thereafter in accordance with the approved maintenance regime.

17) Prior to first occupation of each dwelling, covered and secure cycle storage facilities shall be provided for each dwelling in accordance with a scheme that shall first be submitted to, and approved in writing by, the Local Planning Authority. The approved cycle storage shall be retained in accordance with the approved details at all times thereafter.

18) The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include, as a minimum:

- (a) A timetable for its implementation;
- (b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures;

- (c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- (d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- (e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- (f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- (g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

- 19) The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.
- 20) The development hereby permitted shall be carried out in accordance with the submitted Arboricultural Implications Assessment and Method Statement (Revision C) and associated Tree Protection Plan 6580.03-C. In particular, the approved protection measures being fully implemented prior to any equipment, machinery or materials being brought onto site, retained in situ for the duration of the works, and only removed once the development is complete and all machinery and works material removed from the site.,
- 21) The development hereby approved shall be constructed in full accordance with Building Regulations Part M4(2) (accessible and adaptable dwellings) and shall be retained as such at all times thereafter.
- 22) The parking provision and turning, where appropriate, associated with each residential unit shall be provided in full before occupation of that residential unit. Thereafter the approved parking provision shall be kept available for the parking of cars at all times.
- 23) A detailed scheme of measures providing appropriate shared surface highway elements, such as dropped kerbing, to assist those with disabilities, including mobility and visibility issues, that is to be applied throughout the proposed scheme shall be submitted to, and approved in writing by, the local highway authority. The approved scheme is to be completed in full prior to the occupation of all dwellings within the development. Thereafter, these elements shall be retained and maintained for the lifetime of the development.
- 24) Notwithstanding the provisions of the Town and County (General Permitted Development) Order 2015 (or any Order revoking and reenacting that Order), no development under Classes B and F (where it is between the principle elevations of the property and a highway) of Part 1, and Class A of Part 2, Schedule 2 of that Order, shall be carried out without the express planning permission of the local planning authority.

END OF SCHEDULE