

<b>Agenda Item</b> A12	<b>Committee Date</b> 2 March 2015	<b>Application Number</b> 14/01374/CU
<b>Application Site</b> Land Adjoining Scout Crag Caravan Park New Road Warton Carnforth	<b>Proposal</b> Change of use of land previously used in connection with quarry for the siting of 10 holiday cabins	
<b>Name of Applicant</b> Mr Hugh Daly	<b>Name of Agent</b> Mr Mark Southerton	
<b>Decision Target Date</b> 25 March 2015	<b>Reason For Delay</b> None	
<b>Case Officer</b>	Mrs Eleanor Fawcett	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Refusal	

## **1.0 The Site and its Surroundings**

- 1.1 This application relates to a piece of land to the south of Crag Road, approximately 1km to the west of the village of Warton. There is an existing gated access from the highway with a stone wall at either side. The site slopes downwards away from Crag Road and is overgrown with bushes and trees and has some areas of hard standing. The larger trees are located adjacent to the highway and the other boundaries of the site. The land drops away significantly to the north-west and south of the site boundaries. Adjacent to the site, to the north west, is Scout Crag Caravan Park which is located within a former quarry and accessed from New Road. It is at a significantly lower level than the site and is separated by the cliff face of the former quarry. The submission sets out that the site was previously used in association with the quarry. There is a woodland TPO covering the trees around the edge of the existing caravan park, the application site and the adjacent land to the south.
- 1.2 The site is located within the Arnside & Silverdale Area of Outstanding Natural Beauty (AONB) and the Countryside Area, as identified on the Local Plan Proposals Map. To the north of the site is Warton Crag Nature Reserve. The site and Warton Crag has been locally identified as a Regionally Important Geological Site. Warton Crag is also covered by a Limestone Pavement Order, a Biological Heritage Site (BHS) and a Site of Special Scientific Interest (SSSI). In addition, Morecambe Bay is located approximately 550m to the south west and is designated as a SSSI, Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site.

## **2.0 The Proposal**

- 2.1 Planning permission is sought for the change of use of the land for the siting of 10 holiday cabins. These will be finished in dark/subdued colours. Access would be taken via the existing Crag Road access point, and the cabins will be sited around a new internal road.

## **3.0 Site History**

- 3.1 There have been applications in the past for the use of this site for caravans and chalets which were all refused. The main reason for this was due to the location within an identified area of Great Landscape Value and the AONB.

Application Number	Proposal	Decision
13/01309/CU	Change of use of land previously used in connection with quarry for the siting of 10 holiday cabins	Withdrawn
01/89/1305	Outline application to erect a detached bungalow	Refused
1/74/466	Use of land as seasonal holiday caravan site with winter storage and associated parking of cars	Refused
2/4/6590 (1973)	Use of land for 50 seasonal holiday caravans with winter storage	Refused
2/4/6145 (1972)	Use of land for 50 seasonal holiday caravans with winter storage	Refused
2/4/5460 (1970)	Outline application for the erection of 20-30 holiday chalets	Refused

3.2 There is an extensive site history on the **existing** caravan site which dates back to 1957. The most relevant is set out below:

Application Number	Proposal	Decision
11/00368/VCN	Variation of condition 1 on application number 2/4/2329 to allow year round occupancy	Approved
01/00335/FUL	Modification of condition 1 of application 2/4/2329 to extend period of occupation from 1 <sup>st</sup> March to 15 <sup>th</sup> January	Approved
01/00279/FUL	Erection of a laundry and disabled w.c. building	Approved
00/00779/CU	Change of use from office/shop/toilet block to dwelling for use by site owner/warden	Approved
99/01154/FUL	Erection of laundry and wheelchair accessible toilet, new workshop with canopy and gas bottle compound	Approved
96/00169/FUL	Erection of storage building	Approved
1/88/01223	Erection of new reception/shop garage and toilets and new septic tank	Approved
1/88/0504	Construct improved access	Approved
2/4/4663 (1968)	Increase number of caravans to 145 and re-arrange siting	Approved
2/4/2329 (1961)	Site for 125 caravans	Approved

#### **4.0 Consultation Responses**

4.1 The following responses have been received from statutory and non-statutory consultees:

Consultee	Response
Parish Council	<b>Object</b> -they support the objection lodged by the AONB office.
Environmental Health	<b>Comments</b> - The development is sensitive to any ground contamination that may be present and given the characteristics of the site request conditions requiring the submission of a Desk Study (P.R.A) and the Standard Contaminated Land Conditions.
Tree Protection Officer	<b>Object</b> - The submission and agreement in writing of a detailed Tree Protection Plan is required, to include details of all trees and vegetation proposed for removal in order to accommodate the proposed development. Whilst it is acknowledged that the size and location of many trees means that they could reasonably be retained and protected with regard to the proposed development, there will still be a requirement to remove an element of existing trees and vegetation. This information must be provided pre-determination in the form of a TPP, in compliance to BS 5837 (2012).
County Highways	No objection subject to conditions requiring: visibility splays of 2.4 by 65 metres; access constructed to a minimum width of 7 metres for a distance of 7 metres; scheme for construction of the off-site works of highway improvement (namely an improved metaled and kerbed vehicular drop crossing); access surfaced in bound material for distance of 7 metres; any gateposts erected at the access shall be positioned 7m behind the nearside edge of the carriageway and visibility splay fences or walls shall be erected from the gateposts to the existing highway boundary, such splays shall be 45° to the centre line of the access; details of covered and secure

	cycle storage facilities. Also recommend undertaking a degree of vegetation / hedgerow management along the sites frontage with Cragg Road.
<b>Arnside and Silverdale AONB Partnership</b>	<p><b>Object</b> for the following reasons:</p> <ul style="list-style-type: none"> <li>• Contrary to national &amp; local policies &amp; the AONB Management Plan 2014–19;</li> <li>• Additional caravans development in areas where there is already considerable provision would place further pressure on this nationally protected landscape;</li> <li>• Detrimental impact on the landscape character of the area caused by operational development; increased activity; increased traffic; loss of tranquillity; etc;</li> <li>• Damage to priority habitat and loss of connectivity between areas of priority habitat; the site forms part of an important network of priority habitat areas;</li> <li>• Will result in an intensification of use of the site and will lead to further pressure to develop adjacent areas of woodland.</li> </ul>
<b>Natural England</b>	No comments received within statutory timescale.
<b>County Ecology</b>	Comments will be likely to be available at the time of the Committee Meeting.
<b>County Council Policy - Minerals</b>	No comments received within statutory timescale.
<b>Lancashire Fire and Rescue</b>	It should be ensured that the scheme fully meets all the requirements of part B5 of the Building Regulations

## **5.0 Neighbour Representations**

5.1 No comments received.

## **6.0 Principal National and Development Plan Policies**

### **6.1 National Planning Policy Framework (NPPF)**

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles  
Paragraph 28 – Economic Growth in Rural Areas  
Paragraph 32 – Access and Transport  
Paragraphs 115 and 116 – Areas of Outstanding Natural Beauty  
Paragraph 118 – Conserving and Enhancing Biodiversity

### **6.2 Lancaster District Core Strategy (LDCS) (adopted July 2008)**

SC5 – Achieving Quality in Design  
ER6 – Developing Tourism

### **6.3 Lancaster District Local Plan - saved policies (LDLP) (adopted 2004)**

E3 – Development Affecting Areas of Outstanding Natural Beauty  
E4 – Countryside Area

### **6.4 Development Management Development Plan Document (DM DPD)**

DM9 – Diversification of the Rural Economy  
DM14 – Caravan Sites, Chalets and Log Cabins  
DM20 – Enhancing Accessibility and Transport Linkages  
DM27 – Protection and Enhancement of Biodiversity  
DM28 – Development and Landscape Impact  
DM29 – Protection of Trees, Hedgerows and Woodland

### **6.5 Other Material Considerations**

The Arnside & Silverdale AONB Statutory Management Plan 2014 – 2019

## **7.0 Comment and Analysis**

7.1 The main issues to be considered in the determination of this application are:

- Principle of development
- Landscape and Visual Impact

- Access and highway impacts
- Impact on trees
- Ecological Impacts
- Contaminated land

## 7.2 Principle of development

- 7.2.1 The application proposes the change of use of land for the siting of 10 chalets which would fall under the definition of a caravan. Although the number is relatively small, the site area is approximately 1.2 hectares and is therefore classified as major development. The site is proposed to be used in association with Scout Crag Caravan Park which is a long established site located within the confines of a former quarry, accessed from New Road. The application site is located above the former quarry and will be accessed off Cragg Road. Paragraph 28 of the NPPF states that to promote a strong rural economy, local plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- 7.2.2 The site is located within the Arnside and Silverdale AONB. Policy DM14 of the DM DPD sets out that within AONBs proposals for new static or touring caravan sites, or the extension or expansion of existing sites will not be permitted where it is concluded that such proposals will have an adverse impact on conserving the landscape and scenic beauty of these areas. The reasoned justification for the policy states that given the significant caravan site provision that already exists within the AONBs, the Council will not encourage proposals which involve the creation of new caravan sites or the further expansion of existing sites. The landscape and visual impact in relation to the AONB will be considered later in this report. In terms of existing provision, in the part of the Arnside and Silverdale AONB covered by Lancaster City Council, there are currently six licensed sites with planning consent, with provision for approximately 243 caravans, including 145 static caravans at the Scout Cragg site. Immediately outside the district in South Lakeland there are two large sites on the northern fringes of Silverdale, and in the area up to 3 miles outside the AONB within Lancaster District there are a further 18 sites, catering for approximately 1,750 caravans.
- 7.2.3 The NPPF (Paragraph 116) sets out that great weight should be given to conserving landscape and scenic beauty in AONBs. It states that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration should include an assessment of:
- The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it upon the local economy;
  - The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and,
  - Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which they could be moderated.
- 7.2.4 As already set out, although the number of chalets proposed is relatively small, the site area is over 1 hectare and comprises major development. The criteria set out in paragraph 116 of the NPPF has not been considered in the submission. There are already many caravan site developments within the local area that would meet the need for holiday accommodation in this location. As such, it is not considered that the development of this site would be in the public interest. As part of the justification for the proposal, the submission sets out that there are currently less than the approved number of caravans within the existing caravan park. This is because the owners have sought to enhance the appearance of the park and improve the quality of the accommodation provided. Therefore, it has been argued that the site could be extended within the extent of the red line boundary shown on the original consent. To do this would require the removal of protected trees and significant engineering works. It has been set out that if consent is granted for the current proposal then they would agree to a legal agreement to ensure that the combined number on the existing and proposed site would not result in the overall increase in numbers from the 145 units which have consent.
- 7.2.5 The agent has set out that the legislation provides for the removal of protected trees if required in the implementation of a full permission. However, the consent for the additional pitches was granted in 1968 and has therefore been implemented. The plan submitted at the time showed that this was

possible. The TPO was placed on the site in 1999, a significant time after the consent had been implemented. As such, it is considered that the trees surrounding the existing caravan development are now afforded protection if the applicant chose to increase the current area that they occupy. The agent has also set out that they could carry out any works necessary to facilitate the use of the land as a caravan site under the provisions of the General Permitted Development Order (Class B of Part 5 of Schedule 2). It should be noted that this relates to development required by the conditions of the site licence, and the current licensed area is quite tight around the existing developed area. As such, it is not considered that this provides justification for the proposal. This argument also raises some doubt about the future of the land where consent is sought. Although the development only relates to 10 caravans, the site area goes significantly beyond that required to site the cabins. As such, there may be potential in the future to extend into the area and inadvertently give permitted development rights as it would all be subject to the change of use.

7.2.6 Paragraph 14 of the NPPF contains the overarching presumption in favour of sustainable development, backed up by the decision-taking guidance that proposals which accord with the development plan should be approved. This implies that proposals that are contrary to the development plan might not be approved, and more specifically paragraph 14 states that where the development plan is silent, permission should be granted unless: the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted. In specific relation to this, footnote 9 indicates that AONBs are an example of a restricted policy contained in the wording of paragraph 14.

### 7.3 Landscape and Visual Impact

7.3.1 Policy DM28 of the DM DPD states that the Council will require proposals which are within, or would impact upon the setting of, designated landscapes to be appropriate to the landscape character type and designation, and that development proposals should, through their siting, scale, massing, materials and design seek to contribute positively to the conservation and enhancement of the protected landscape. Proposals which would have a significant adverse effect upon the character of the landscape or which would harm the landscape quality, nature conservation interests, geodiversity interests or cultural heritage will not be permitted.

7.3.2 Although the site adjoins the existing static caravan site at Scout Cragg, the two sites are separated by the cliff of the former quarry with no obvious footpath or other connection between them. The agent has confirmed that access on foot to the main site office would be by way of the public footpath on the western side of the park, approximately 400m to the north-west of the application site. The existing caravan site is well contained within the confines of the former quarry which affords it a significant amount of screening from outside the site. This screening is further enhanced by the wooded nature of the surrounding countryside. The development proposed would not benefit from the same level of concealment and its location on higher land. In addition, the proposed site would not be seen in the context of the existing caravans. The existing site is not visible from Crag Road or within the application site. Although there may be some screening from the surrounding trees and bushes, the proposed structures are likely to be more visible in the landscape when viewed from lower land along the coast and higher open-access land to the north-east. The location of the units may also lead to pressure for the removal of trees along the south western boundary to provide views across Morecambe Bay.

7.3.3 The proposed alterations to the access will significantly alter the character of the site when viewed from Crag Road. At present, there is some hardstanding between the highway boundary and the site gate but this has been partially eroded and overgrown. Beyond the gate, there is grass covering most of the previous track, with the main areas of retained hardstanding visible further into the site. When viewed from the highway, the existing access appears quite informal and the site is similar in appearance to the surrounding land. Although the submission sets out that there will not be significant changes to the access point, this does not correspond with the requests from the Highways Officer. The width of the access has been requested to be increased to 7m to allow for two vehicles to pass, and this would extend into the site for a distance of 7m. This would need to be surfaced in a bound material to meet the requirements of the Highway Authority. The agent has also set out that the 3 trees adjacent to the access would not be removed. However, comparing the plan within the highways report and tree survey, these would appear to be within the visibility splays. Confirmation has been requested from the agent. The Highways Officer acknowledges that it is likely that vegetation would need to be cut back and alterations would be required to the boundary wall.

- 7.3.4 The alterations that would be required to the access to meet the Highways Authority's requirement would create a more formalised access into the site, significantly altering the character and appearance of the existing entrance. The likely removal of trees adjacent to this would also open up views into the site, including some of the proposed cabins and associated hardstanding. It is also not clear from the plan how the land would be landscaped around the units and there are also works, such as the installation of decking, which could be carried out under a site licence. Although the units are for holiday accommodation, there is also some potential for elements of domestic paraphernalia, particularly if occupied for a 12 month period. Lighting will also create an additional visual intrusion into the landscape which is not there at present. Although the submission sets out that these will be low level lights, there is also the lighting from within the caravans which will change the character and appearance of the site, with the potential to be visible from low lying land through the vegetation.
- 7.3.5 The site appears to have been previously used in association with the quarry working at Scout Crag Quarry. However, as the site history on the existing caravan park extends back to 1957, it is unlikely that the application site has had any formal use for a long time. In addition, there were several applications in the early 1970s for the use of this land for caravans or chalets which were all refused primarily on landscape impact grounds. Although policies have changed since then and vegetation has likely increased, the visual intrusion of the use of this land for caravans, and the potential impact on the character and appearance of the AONB is still a significant concern.
- 7.3.5 In the Lancashire Landscape Character Assessment, the Warton Crag area is classified as Wooded Limestone Hills and Pavements (LCA 20a Arnside and Silverdale). In the Arnside & Silverdale AONB Landscape and Seascape Character Assessment<sup>1</sup> (LSCA) the area is classified as being of the Wooded Limestone Hills and Pavements Local Character Type. The wooded limestone hills and pavements of the AONB are described in the LSCA as an important and distinctive feature of the area. A key characteristic of this landscape type is the mosaic of wooded and open habitats (wood pasture and open grassland) including semi-natural woodland, scrub and pasture, with limestone pavement, boulders and scars. The sense of tranquillity is identified as one of the key attributes of this landscape type within the AONB. In the response from the AONB Partnership it was set out that the proposed cabins would be within a more natural landscape of scrub and woodland than the existing caravan site, part of the wider wooded limestone hills and pavements landscape type as described above. As such, the proposed changes would have a detrimental impact on the local landscape character and lead to loss of tranquillity. The comments from the AONB Partnership also highlight that the submitted Tree Report identifies that many of the woodland areas are currently over dense with limited available light for herb layer development and that reference is made to the requirement for regular maintenance of the trees in proximity to the development boundaries and suggests this could form part of a management plan for the wider area. However, if thinning is carried out as part of the woodland management there is the potential for the cabins to be more visible from a range of receptors, and for associated lighting to be more visible from both near and distant receptors, particularly over the winter months.
- 7.3.6 As set out above, it is considered that the proposal will result in a visual intrusion within this designated landscape and will significantly alter the character and appearance of the site at present. It is therefore not considered that the proposal complies with Policy DM14 of the DM DPD in relation to caravan sites, or policies specifically relating to AONBs within this document and the NPPF.

#### 7.4 Access and highway impacts

7.4.1 County Highways have not raised any objections to the proposal. The nature of Crag Road and the surrounding highway network is not conducive to anything other than the movement of low volumes of traffic. As a consequence, it has been set out that any attempts to establish the site for more permanent means of occupation must be strongly resisted. The response also set out that communal secure and lockable cycle rack facilities should be provided for the users of the site and measures are included to formalise the existing field gated point of access to include:

- Creation of an oversized length of driveway to allow two vehicles to pass unhindered prior accessing / egressing to/from the adjacent public highway.
- Laying of metaled surfacing
- Creation of an appropriate view line envelope
- Undertaking vegetation/hedgerow management along the frontage of the site with Crag Road.

All these can be controlled by condition and as such it is not considered that the proposal will be detrimental to highway safety.

## 7.5 Impact on trees and hedgerows

7.5.1 Trees are an important component feature of the AONB and there are also trees subject of a TPO with a woodland designation. The site comprises a central area of scrubland, grass and bramble cover. There is a mixed species woodland and natural regeneration around the site. Trees and vegetation within the site are a significant resource for wildlife. A total of 7 individual trees, 1 group and 5 areas have been identified. Ash and hawthorn are the dominant species. Trees are generally in a good overall condition with long periods of useful remaining life potential. The Tree Protection Officer has outlined that there would inevitably be a requirement to remove some trees and vegetation from within the central area to accommodate the proposal and these details have not been submitted. However the agent has contested this. The central area of scrubland is identified as within the submitted tree report and species present include ash, hawthorn and elder, generally young with occasional early-mature species.

7.5.2 Particularly given the sensitive nature of the site within the AONB and close to environmentally designated areas, details of all trees to be removed and the protection identified for the remaining trees to be able to fully assess the implications of the development and mitigation necessary. The Tree Protection Officer has outlined that whilst many of the perimeter trees are sufficient distance from the development proposed and/or of a size requiring relatively small root protection areas, their relationship to that of the development must be represented within a detailed Tree Protection Plan (BS 5837 (2012) showing the calculated root protection areas. As already set out above when considering the landscape impacts, three trees adjacent to the entrance to the site would appear to be within the visibility splays. Any potential impact on these as a result of requirements to ensure highway safety have not been addressed.

## 7.6 Ecological impacts

7.6.1 This application is in close proximity to the Warton Crag and Morecambe Bay SSSIs. Morecambe Bay SSSI forms part of the Morecambe Bay SAC, SPA and Ramsar. Comments have not yet been received from Natural England. However, in relation to the previous application which was withdrawn, they set out that the proposal is not likely to have a significant effect on the interest features for which Morecambe Bay SAC, SPA and Ramsar have been classified and will not damage or destroy the interest features for which the Morecambe Bay and Warton Crag SSSIs have been notified. As the nature and scale of the development is similar to the one withdrawn it is unlikely that they will raise any objections.

7.6.2 An ecological appraisal has been submitted as part of the application and County Ecology have been consulted in relation to this. Comments are awaited and will be reported at the meeting. The delay is due to the appraisal not being submitted with the other application documents. The AONB Partnership have raised some comments in relation to biodiversity. Their response sets out that whilst it is acknowledged that the application site was associated historically with quarrying and ancillary activities, it has been unused for a long period of time, other than for low impact amenity use, and has benefited from extensive natural regeneration. The overall site is identified as priority habitat and provides an important link to other nearby high value wildlife habitats. Barrow Scout BHS, Crag Road Verge BHS, Warton Crag South of Occupation Road BHS, Warton Crag Quarry and Cliffs BHS and Warton Crag Local Nature Reserve form a network of priority habitat linking with Warton Crag SSSI. The comments go on to say that application site forms part of this ecological network, linking the area of priority woodland to the south of the site with the designated areas to the north and it is the Partnership's view that the development would have a detrimental impact on the integrity of this network. Enhancing, restoring and improving ecological networks within the AONB, and conserving and improving priority habitat and its connectivity are key priorities within the AONB Management Plan.

7.6.3 The site is in a sensitive location and there is obviously potential for the development to impact on biodiversity. The advice from the County Ecologist will be taken into account in determining whether the proposal will have a detrimental impact on ecology and will be reported at Planning Committee.

## 7.7 Contaminated Land

A former magazine is located in the far south of the site and the proposed development is located in a Radon Affected Area (3-5%) and next to a former quarry. The proposed development is also sensitive to any ground contamination that may be present. A desk study and the standard contamination conditions have been requested. In response to this, the agent has set out that there was a magazine on the southern periphery of the application site in the 19th century and the magazine building was still there up to the First World War but there does not appear to have been any use made of it for at least 100 years and the magazine site is well away from any of the proposed units. In addition, the agent has set out that as these units will have a 60cm plus air space/void beneath them the radon issue will be minimised and the fact that foundations are not needed will reduce any ground disturbance although there is no evidence to suggest any contamination of the land has occurred here. It is considered that issues of land contamination can be adequately dealt with by way of condition.

## 8.0 Planning Obligations

8.1 The agent has offered that the existing agreement can be extended to include the application site and restrict the overall number of units to 145. This would also be required to limit the occupation of the cabins to holiday use and the opening season. No information has been provided in relation to this last aspect in the submission but it is assumed that they are seeking consent for year round occupancy similar to the existing site.

## 9.0 Conclusions

9.1 NPPF policy advice encourages local planning authorities to balance the need for sustainable rural and tourism development against the need to protect the landscape and other significance aspects of AONBs. Existing local plan policies take a similar approach, with specific limitations on development in protected landscapes. As set out above, it is considered that the proposal will result in a visual intrusion to the detriment of the character and appearance of the site within this protected landscape. It is also a major development within an AONB and it has not been demonstrated that the proposal would be in the public interest, as required by paragraph 116 of the NPPF. The proposal also fails to fully assess the impact on trees and other vegetation within the site which is particularly important given the sensitive location. As such, it is not considered that the proposal complies with policies in the development plan of the NPPF.

## Recommendation

That Planning Permission **BE REFUSED** for the following reasons:

1. As a result of the works required to the access and the elevated position of the site, the proposal will be visually intrusive within the landscape and will significantly alter the nature and character of this set which is within the Arnsdale and Silverdale AONB and is therefore afforded the highest level of protection. The proposal also relates to a major development and it has not been demonstrated that it would be in the public interest. As a consequence the proposal is contrary to the aims and objectives of National Planning Policy Framework, in particular the Core Planning Principles and sections 3 and 11, Saved Policies E3 and E4 of the Lancaster District Local Plan, policy SC5 of the Lancaster District Core Strategy and policies DM14 and DM28 of the Development Management Development Plan Document.
2. The proposal fails to fully assess the impact on all trees and other vegetation within the site which is particularly important given the sensitive location of the site within an Area of Outstanding Natural Beauty and in close proximity to environmentally designated areas. As such, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Principles and Section 11, and Policy DM29 of the Development Management Development Plan Document.

## Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

In accordance with Article 31 of the Development Management Procedure Order, the Development Plan policies and other material considerations relevant to this particular application are those that are referred to in



this report.

This proposal has been assessed on site by the local planning authority. Regrettably the proposals are unacceptable for the reasons prescribed in this report and the problems are so fundamental that they are incapable of being resolved as part of the current submission.

### **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

### **Background Papers**

None