

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Maville Works, Beech Avenue

1 SUMMARY

Application No: 14/02325/PFUL3 for planning permission

Application by: Zenith Planning And Design on behalf of Maville Court Ltd

Proposal: Conversion of Maville House to 10 houses, erection of 8 new houses, conversion of outbuilding to 4 houses (all within Use Class C3), demolition of extensions and outbuildings.

The application is brought to Committee because it is a major application with complex Section 106 requirements.

To meet the Council's Performance Targets this application should have been determined by 4th February 2015

2 RECOMMENDATIONS

2.1 GRANT PLANNING PREMISSION subject to:

(a) Prior completion of a Section 106 planning obligation which shall include a financial contribution of £59,613.04 for the provision or improvement of open space or public realm.

(b) The indicative conditions substantially in the form listed in the draft decision notice at the end of this report.

Power to determine the final details of both the terms of the planning obligation and conditions of the planning permission be delegated to the Head of Development Management and Regeneration.

2.2 That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

3 BACKGROUND

3.1 The application relates to a large, four storey, former Lace Factory on the south side of Beech Avenue. There is a change of level across the site resulting in the building being 3 storeys when viewed from the front and 4 storeys when viewed from the rear. In addition to the main factory building there are a number of smaller outbuildings along the western and southern boundaries. These are mainly two

storeys in height and brick-built but there is also a modern metal-clad building to the rear. The building was vacated as a factory a number of years ago and more recently the property has been partly used as offices. The building is currently vacant and has been marketed for some time.

- 3.2 Maville House is adjoined to the east by The White House which was also a Lace Factory and is also now vacant. Planning Committee resolved in September 2014 to grant permission for the conversion of The White House to 48 apartments, although the s106 Agreement relating to the application remains to be signed and the permission has not yet been formally granted.
- 3.3 The surrounding area is mixed in character. To the west are industrial premises. To the north and south of the site, the area is residential in character with Victorian terraced houses to the south and modern houses and bungalows to the north.

4 DETAILS OF THE PROPOSAL

- 4.1 The application proposes the conversion of Maville House to 10 four-storey houses. On the ground floor of each house would be an entrance hall, wc and lounge; on the lower ground would be a kitchen diner and storage and utility rooms; the first floor would comprise three bedrooms and a bathroom; on the second floor would be two bedrooms (one en-suite) and a bathroom. To the front of Maville House would be 28 parking spaces in a shared car park. Each house would have a rear garden enclosed by a 1.8m high brick wall with timber gates.
- 4.2 At the rear of Maville House would be constructed 8 new houses in two rows of 4 terraced properties. These houses would be brick and slate with soldier courses for cills, lintols and a string course between ground and first floors and canopies above the doors. The ground floor would comprise entrance hall, lounge, wc and dining kitchen; first floor would comprise three bedrooms and a bathroom.
- 4.3 Four of the new houses at the rear would have curtilage parking in front gardens and there would be eight on-street parking spaces in front of the other four, with these also having front gardens enclosed by metal railings. Surfacing for these parking areas and driveways would be a mix of tarmac and block paving. The houses would have enclosed rear gardens.
- 4.4 The two brick buildings on the eastern boundary would be converted to four two-bed houses. These would have an open living / kitchen area at ground floor and two bedrooms at first floor. Whilst these houses would not have any outdoor amenity space, four parking spaces and a bin storage area would be provided across the access road.
- 4.5 Two vehicular accesses to the site are proposed, both from Beech Avenue and in existing access locations. One would serve the parking for the converted Maville House and the other would pass in front of the smaller building to be converted and then access the 8 new houses at the rear.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Fifty-seven letters of notification sent to neighbouring occupiers: Flats 1 - 15 inc The Mews; 149 - 177 odds Gladstone Street; addresses within Maville Works and The

White House; Units 1 -15 Guy Birkin Place; 165, 167, 169 and 176 High Church Street. The application has also been advertised by a site notice and a press advert. No responses have been received.

Additional consultation letters sent to:

Pollution Control: No objection subject to conditions relating to ground contamination.

Highways: No objection subject to conditions relating to drainage, reconstruction of the footway and accesses and construction management.

Heritage and Urban Design: Considered that the buildings on the eastern boundary, which were originally proposed for demolition, should be retained due to their historical relationship with the main building. Consequently, the applicant has agreed to convert rather than replace these buildings.

6 RELEVANT POLICIES AND GUIDANCE

The National Planning Policy Framework (2012) (NPPF)

- 6.1 The National Planning Policy Framework sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.4 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.5 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.

Nottingham Aligned Core Strategy (ACS) (September 2014)

- 6.6 The Nottingham City Core Strategy was formally adopted by the council on 8 September 2014. The following policies are considered relevant:

Policy A - Presumption in Favour of Sustainable Development

Policy 1 - Climate Change

Policy 4 - Employment Provision and Economic Development

Policy 7 – Regeneration

Policy 8 - Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 11 - The Historic Environment

Policy 14 - Managing Travel Demand

Nottingham Local Plan (LP) (November 2005)

- 6.7 The following Policies have been saved and are considered to be relevant to assessment of the application. The Policies are considered to be consistent with the NPPF and therefore should be accorded full weight in the decision making process.

ST1 - Sustainable Communities.

E4 - Previously-used Employment Sites.

H2 - Density.

T3 - Car, Cycle and Servicing Parking.

NE12 - Contaminated Land.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development
- (ii) Design and Layout
- (iii) Impact on Neighbouring Properties

Issue (i) Principle of Development (NPPF, ACS Policies A, 4, 7, 8 and 11, LP Policies ST1, H2 and E4)

- 7.1 The application premises have been vacant for some time and it is accepted that a mill building of this type is not attractive to modern businesses and is poorly located for such a use. Maville House has been subject to a notification made under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, which allows a change of use from Offices (Class B1a) to Dwellinghouse (Class C3) subject to certain criteria (13/01887/PACPD). This was for conversion to 40 apartments and it was accepted that a prior approval was not required for the change. Committee resolved to grant planning permission for the adjacent White House to be converted to 48 apartments in September 2014. It is considered, then, that in principle a residential conversion is acceptable and that

the proposal accords with Policy E4 of the Local Plan and the Policy 4 of the Aligned Core Strategy.

- 7.2 The proposal allows the retention of this prominent mill building which sits atop a ridge and is visible from many parts of the city to its south. Whilst the building may not be an important heritage asset in its own architectural right, it has a strong value as part of the city's industrial heritage. The smaller, two storey buildings which are to be converted to four dwellings appear to be contemporary with the mill and complement the historical significance of the mill. The retention of all these buildings is welcomed and is in accordance with Policy 11 of the Aligned Core Strategy.
- 7.3 Particularly considered alongside the conversion of the adjacent White House to 48 apartments, in its conversion to a variety of five, three and two bedroom primarily family houses the current proposal provides a mix of housing size and type across the two sites. In providing a mix of housing types on the site and a mix of tenure in the area, the proposal is considered to accord with the Housing Nottingham Plan, the Council Plan and Policies A, 7 and 8 of the ACS.
- 7.4 The density of development is acceptable and compatible with the surrounding area. The site is accessible for public transport and, within the wider area, to local services such as health, leisure, education, shopping and employment. The proposal accords with Policies ST1 and H2 of the LP and Policy 8 of the ACS.

Issue (ii) Design and Layout (NPPF, ACS Policies 10 and 14, LP Policy T3)

- 7.5 The layout has been arranged such that the living conditions of the future occupiers are safeguarded; there are no material privacy or loss of light issues within the site and the family houses are all provided with gardens. Parking for the 10 houses in Maville House would be to their front, the houses at the rear would have a mix of curtilage and on-street parking designed to break up the street scene, and 4 spaces would be available off-street and across the access road from the building converted to 4 units. The proposal accords with Policies 10 and 14 of the ACS and Policy T3 of the LP.
- 7.6 The conversion of Maville House into 10 units would utilise existing window openings (converting some to doors) and would have little impact on the form and appearance of the building. The new dwellings are to be built of traditional materials i.e. brick and tile. They would also have features such as brick sill and lintol detailing, string courses and entrance canopies to introduce character into the design of the development. The conversion of the smaller buildings to 4 units is also proposed in a manner sympathetic to the original buildings. The proposal accords with Policy 10 of the ACS.
- 7.7 New tree planting is proposed within the car parking area along the Beech Avenue boundary and together with the replacement of the existing boundary wall with a low brick wall with railings on top (the same as the White House) would improve the street scene. Bin storage is provided adjacent to the site entrance. The proposed development responds to the character of the existing buildings and the immediate area and as a result is considered to accord with the relevant planning policies and guidance. The proposal accords with Policy 10 of the ACS.

Issue (iii) Impact on Neighbouring Properties (ACS Policy 8)

- 7.8 The new houses at the rear of the site are now considered to have an acceptable impact on the rear of the houses on Gladstone Street to the north. Block B would be 12m from the rear of the Gladstone Street houses and Block C, whilst slightly closer, would be positioned in the same location as the existing building to be demolished and therefore would not make the relationship any worse. There are no windows in the side elevations of the new houses. These distances are considered to be acceptable and would be sufficient to safeguard the amenities of the occupiers of the existing and proposed properties. The proposal is considered to comply with Policy 8 of the Aligned Core Strategy.

Other Matters (ACS Policy 19, LP Policies NE12, R2 and T3,)

- 7.9 In accordance with Policy R2 of the Local Plan, Policy 19 of the ACS, and the Planning Guidance for the Provision of Open Space within Developments SPG it is intended that the Section 106 planning obligation also secures a financial contribution of £59,613.04 towards the upgrade or improvement of open space or public realm.
- 7.10 Highways have no objection to the proposed development subject to conditions relating to drainage, reconstruction of the footway and accesses and construction management. It is therefore considered that the proposed development accords with Policy T3 of the Local Plan and Policy 10 of the Aligned Core Strategy.
- 7.11 Pollution Control advise that they have no objection subject to conditions relating to contaminated land. In accordance with Policy NE12, it is therefore recommended that conditions are attached to the permission.
- 7.12 Provision for local employment and training during the construction and operation of the development is also to be included in the Section 106.

8. SUSTAINABILITY / BIODIVERSITY

The application is accompanied by an Energy Statement which proposes the use of photovoltaic panels to provide at least 10% of the development's energy requirements from renewable sources and use of sustainable urban drainage can be ensured by condition. The proposal complies with Policy 1 of the ACS

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: would provide high quality and sustainable residential development.

Working Nottingham: would provide training and employment opportunities for local citizens through the construction of the development.

Safer Nottingham: would help provide a safer and more attractive neighbourhood.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 14/02325/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NCG3H4LYCB000>

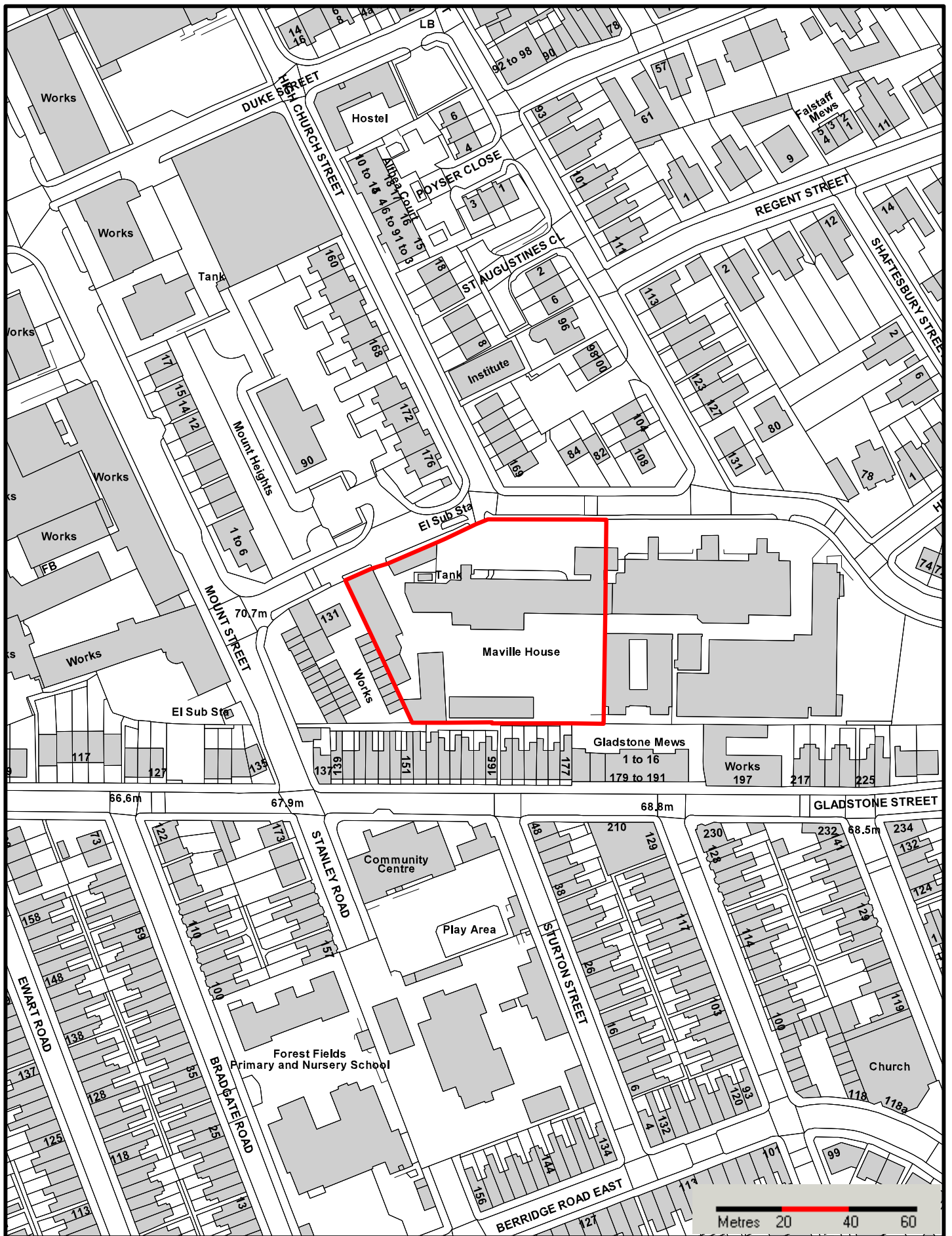
17 Published documents referred to in compiling this report

National Planning Policy Framework
Nottingham Local Plan (November 2005)
The Housing Nottingham Plan (2013)

Contact Officer:

Mr Phil Shaw, Case Officer, Development Management.

Email: philip.shaw@nottinghamcity.gov.uk. Telephone: 0115 8764076



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Nottingham
City Council

My Ref: 14/02325/PFUL3 (PP-03688554)

Your Ref:

Contact: Mr Phil Shaw

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**Nottingham
City Council**

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Date of decision:

TOWN AND COUNTRY PLANNING ACT 1990 APPLICATION FOR PLANNING PERMISSION

Application No: 14/02325/PFUL3 (PP-03688554)
Application by: Maville Court Ltd
Location: Maville Works, Beech Avenue, Nottingham
Proposal: Conversion of Maville House to 10 houses, erection of 8 new houses, conversion of outbuilding to 4 houses (all within Use Class C3), demolition of extensions and outbuildings.

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
2. The development shall not be commenced until details of all external materials to be used for the new houses and the alterations to the retained buildings have been submitted to and approved in writing by the Local Planning Authority. <i>Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.</i>

3. The development shall not be commenced until details of the design and appearance of all boundary enclosures and retaining walls have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

4. Notwithstanding any details shown on the submitted plans, the windows of the new houses shall have reveals of not less than 70mm.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

5. The development shall not be commenced until details of a landscaping scheme, including the type, height, species and location of the proposed trees and shrubs, and a management and maintenance plan for these areas have been submitted to and approved in writing by the Local Planning Authority. The scheme should include native species.

Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the Aligned Core Strategy.

6. The development shall not be commenced until details of plans for the disposal of surface water, incorporating sustainable drainage systems, and foul sewage have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem to comply with Policy 1 of the Aligned Core Strategy.

7. The development shall not be commenced until a Remediation Strategy that includes the following components to deal with the risks associated with ground and groundwater contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground and groundwater contamination at the site.
 - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) A Remediation Strategy, based on a) and b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 - d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete. The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: In the interests of public health and safety to comply with Policy NE12 of the Local Plan.

8. The development shall not be commenced until details of the access arrangements to the development have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout geometry with tracking, signing, lining and alterations, 'Swept Path Analysis', visibility splays and stage I/II Safety Audit. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

Pre-occupation conditions

(The conditions in this section must be complied with before the development is occupied)

9. No dwelling shall be occupied until the boundary enclosures associated with that plot have been erected in accordance with the details approved by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

10. The dwellings shall not be occupied until the drainage plans have been implemented in accordance with the details approved by the Local Planning Authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem to comply with Policy 1 of the Aligned Core Strategy.

11. No dwelling shall be occupied until the car parking, turning and servicing areas associated with that plot have been completed.

Reason: In the interests of highway safety to comply with Policy 10 of the Aligned Core Strategy.

12. No dwelling shall be occupied until the following has been submitted to and be approved in writing by the Local Planning Authority:

A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

Reason: In the interests of public health and safety to comply with Policy NE12 of the Local Plan.

13. The approved development shall not be occupied until the kerb lines and footways to Beech Avenue, resulting from the existing drop-kerbs and accesses having been made redundant, have been reinstated in accordance with details that are to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of ensuring that these works are carried out in association with the approved redevelopment of the site and in the interests of highway safety in accordance with Policy T3 of the Nottingham Local Plan.

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

14. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become seriously damaged or diseased within five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 5 November 2014.

Reason: To determine the scope of this permission.

Informatives

1. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.



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2. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

3. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All costs shall be borne by the applicant.

The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as licensing may be required during construction of the development. Please contact them on 0115 8765238.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

Provision should be made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period. Vehicles delivering to the site should not wait or park on the highway,

4. Noise Control: hours of work and equipment during demolition/construction
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)
Saturday: 0830-1700 (noisy operations restricted to 0830-1700)
Sunday: at no time
Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9156410; Fax 0115 9156020).

Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression/silencers.

Dust/Grit and other fugitive emissions

Construction and demolition work invariably generates grit and dust, which can be carried offsite and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate methods include:-

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing

Periodic road cleaning

5. The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is strongly recommended to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial preventive or precautionary measures. The developer will be

expected to provide at his own expense such evidence as is required to indicate clearly that the problem has been addressed satisfactorily.

6. The City Council is responsible for the allocation of street names and property numbers/names. If your proposal will create a new property, through either new build or conversion, you should contact the Address Management section at an early stage of the development, if they have not already made contact. The section details are: Nottingham City Council, Loxley House, Station Street, Nottingham, NG2 3NG; e-mail address.management@nottinghamcity.gov.uk; telephone (0115) 8765012.

They will agree an official address with you and ensure that all relevant parties are notified of it, including the emergency services and Royal Mail. This will ensure the allocation of an official and unique address for each property, avoiding any problems with location or misidentification that can arise through the use of unauthorised addresses.

7. Regarding Condition 6, surface water run off should be reduced by 30% (or as close to 30% as is reasonably possible), relative to the site's previous use. This can be achieved by the use of SUDS techniques which can include swales, attenuation tanks, green roofs.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 14/02325/PFUL3 (PP-03688554)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pcs.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



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