

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Charnwood Centre, Farnborough Road

1 SUMMARY

Application No: 15/01307/PFUL3 for planning permission

Application by: ARV Design Ltd on behalf of Central College

Proposal: New sports hall (revised scheme) and associated works.

The application is brought to Committee because it relates to development in the Green Belt that is a departure from the development Plan.

To meet the Council's Performance Targets this application should have been determined by 13th July 2015

2 RECOMMENDATIONS

1. Consult with the Secretary of State in order to decide whether he wishes to call in the application for his determination as a departure from the saved Local Plan.

2. **GRANT PERMISSION** subject to the application not being called in and subject to the conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Head of Development Management.

3 BACKGROUND

3.1 Central College Nottingham's Clifton site and playing fields extend to 7.57 hectare at the eastern edge of the Clifton estate.

3.2 The college fronts the eastern side of Farnborough Road and is defined by a substantial 2m hedgerow which runs along the front boundary of the site. Immediately to the north of the site are public playing fields and the Clifton All Whites Football Club is located to the south. The eastern part of the campus forms part of the flood plain for the Fairham Brook which runs along its eastern boundary. Two storey residential properties are located to the west on the opposite side of Farnborough Road, facing the site.

3.3 The college buildings occupy the southern part of the site and comprise of a number of single, two and three storey linked buildings. There have been a number of extensions and small scale buildings added to the college, together with a sports pavilion and enclosed all weather sports pitch adjoining the eastern boundary of the

site. A car park providing a total of 148 spaces is located along the northern side of the college buildings.

- 3.4 The application specifically relates to a small rectangular piece of overgrown land located to the east of the main college buildings. This site is largely enclosed by the sports pavilion to the east, the all-weather pitch to the north and an existing mound which runs along the southern boundary of the site. Fairham Brook runs along its eastern boundary.
- 3.5 The college site, apart from the main college buildings, is located within the Green Belt and forms part of the open space network. There is a level change across the site from west to east, with the main school buildings sitting at a lower level than the adjacent Farnborough Road. This level change together with the existing hedgerow along the school's frontage restricts views of the college from the west. The most visible features on the site are the pylons carrying two overhead power lines which cross the site from north to south. These visually dominate the skyline and the site.
- 3.6 A planning application for the sports hall was originally submitted in 2014 but was subsequently withdrawn to allow further discussion to take place with regards to siting and design, together with the resolution of food risk issues.

4 DETAILS OF THE PROPOSAL

- 4.1 This is a revised scheme to erect a new sports hall on the site. The hall is rectangular in shape and would measure 37.5m in length, 20m in width and 8.7m in height. The walls of the sports hall would be clad in a timber effect cladding system with a dark charcoal base plinth and lighter grey finish to the upper part of the walls. The hall would have a shallow pitched roof which would be constructed in a light grey metal cladding.
- 4.2 The sports hall would allow the college to expand the range of sports provided at its Clifton campus, particularly for students studying Sports and Public Services qualifications. Currently students wishing to participate in indoor sports have to travel to alternative facilities in Nottingham. It would also enable the college to expand on its partnerships with external stakeholders and the local community.
- 4.3 The application has subsequently been revised to amend the siting of the sports hall. Its original siting obstructed a mains sewer located immediately to the east of the existing sports pavilion. This has necessitated the building being pushed by approximately 7m towards the eastern boundary of the site with Fairham Brook, to provide a 5m easement to the sewer.
- 4.4 Surplus earth resulting from the construction of the building is proposed to be retained on site. This surplus material would be placed on top of the existing mound which runs along the southern boundary of the site and would increase its height to approximately 4m. The mound would be seeded with grass and wildflowers.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

A neighbour notification letter was sent to the adjacent Clifton All Whites Football Club, and a site notice posted on Farnborough Road and the application was

advertised in the local newspaper (overall expiry date 1 July 2015).

Neighbours were re-consulted upon receipt of the revised plans and ecology appraisal (overall expiry date 28th September 2015).

One letter of objection has been received from a resident of Clifton. Their main concerns are as follows:

- The construction of a new building would be inappropriate development harmful to the openness of the Green Belt and would not constitute an outdoor sports facility as required by Green belt policy.
- It would be harmful to the open views across the site from Farnborough Road and Green Lane.
- New landscaped mounds/bunding would further reduce the openness of the Green Belt and would also be inappropriate development.
- The cumulative impact of an additional building in the Green Belt along Farnborough Road. Reference is made to the sports centre at Farnborough School which was granted planning permission in 2004 and is located further to the north of the college along Farnborough Road in the Green Belt.
- The location of the college at the edge of the city and its ability to provide sports courses to serve the city is questioned.

In response to the neighbour re-consultation exercise the local resident has submitted further objections which are summarised below:

- An important Green Belt landscape view out from Clifton, towards: Long Plantation, and the Green Belt due east /northeast, which is being targeted and would be harmed.
- The revised position of the sports hall would block a set of double gates which provide access to the Fairham Brook. There is concern that this could lead to the creation of a new access from Green Lane leading to a further loss of habitat along the brook.
- Questions whether planning permission was granted for the earth mound along the southern boundary of the site with the football club. It is suggested that this is surplus earth which was placed along the boundary when the colleges car park was extended.

Additional consultation letters sent to:

Pollution Control: No objections.

Highways: No objections. Conditions relating to the provision of and additional sheltered cycle to accommodate 10 cycles and an updated Travel Plan are recommended.

Environment Agency (EA): No objections. The applicant has provided evidence that there are no other suitable locations for the sports hall. In the event that the City Council are satisfied with this evidence, the proposed hall would appear to fall in Flood Zone 2 and as such becomes a matter that can be dealt with using EA standing advice to reduce damage from flooding with flood resilient measure as set out in the advice.

Drainage: No objections subject to the revised drainage strategy.

Sport England: No objections.

Biodiversity Officer: The site is located within the Open Space Network and as such the requirements of Local Plan Policy R1 must be met. Maintaining the ecological value of the site is seen as an important factor in this area continuing to contribute to the wider network. Adherence to the recommendations of the submitted ecological appraisal will help to realise this and should be conditioned. It is also recommended that the small pond and associated rough grassland be replaced elsewhere on the site and that a further reptiles and amphibians survey be carried out.

Nottinghamshire Wildlife Trust: The site is currently scrubland and located next to the Fairham Brook. The Trust consider that the site may have some ecological value and provide suitable habitat for protected species. An ecological survey and protected species survey of the site is recommended to be carried out. It is also recommended that consideration be given to the use of sustainable drainage measures as part of the surface water drainage scheme for the development.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, 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 taking 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; to take full account of flood risk; to contribute to conserving and enhancing the natural environment and to take account of and support local strategies to improve health, social and cultural wellbeing for all.
- 6.3 Paragraph 81 states that once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
- 6.4 Paragraph 87 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.5 Paragraph 88 states that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.6 Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt other than those within a list of

specific exceptions.

- 6.7 Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by applying a range of principles including that if significant harm cannot be avoided, mitigated or as a last resort compensated, then permission should be refused.
- 6.8 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the saved policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

Aligned Core Strategies (ACS) (September 2014)

Policy 1 - Climate Change

Policy 3 - The Green Belt

Policy 10 - Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

Policy 16 Green infrastructure, parks and open space

Policy 17 - Biodiversity

Nottingham Local Plan (November 2005):

CE1 - Community Facilities

R1 - The Open Space Network

NE8 - Green Belt

NE3 - Conservation of Species

NE9 - Pollution

NE10 - Water Quality and Flood Protection

T3 - Car, Cycle and Servicing Parking

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development: Impact on Green Belt and the Open Space Network;
- (ii) Design Considerations and Visual Impact
- (iii) Impact on residential amenity

Principle of Development: its impact on the Green Belt, and the Open Space Network (ACS Policies 3 and 16; Local Plan Policies CE1, NE8 and R1 and the NPPF)

- 7.1 The site is in established educational use and as such the principle of providing new school buildings to create an improved education and community facility is in accordance with Local Plan Policy CE1.
- 7.2 The college site, apart from the main buildings, is wholly located in the Green Belt and the proposal to locate the new Sports Hall on in the north eastern corner of the site needs to be assessed in this context. Policy 3 of the Aligned Core Strategy relates to the Green Belt and states that Local Plans will review Green Belt boundaries to meet the other development land requirements of the Aligned Core Strategies. Therefore, Policy NE8 of the Local Plan remains the principal policy in relation to the consideration of the proposed development.
- 7.3 The fundamental aim of Policy NE8 of the Local Plan, which is consistent with Government Guidance contained in the NPPF, is to preserve the openness of the Green Belt by restricting development to 'appropriate uses'. It stands that the proposed development does not fall into any of the categories of development that are defined as 'exceptions' by the NPPF in relation to development within the Green Belt. Such exceptions include buildings for agricultural or forestry activities, essential facilities for outdoor sport and recreation, essential facilities for cemeteries and for other uses of land which preserve the openness of the Green Belt, limited infilling of existing developed sites and, conversion of existing buildings that would not be detrimental to the character or appearance of the Green Belt. The NPPF defines "inappropriate development" to be that which is harmful to the general intention of the Green Belt and the onus is placed on applicants to show why permission should be granted and that special circumstances exist that would outweigh the harm to the Green Belt caused by inappropriate development.
- 7.4 The sports hall is required to expand and improve the range of sporting activities on offer to students attending the college and local community groups. To achieve this unavoidably requires developing on Green Belt land and a departure from the Local Plan, due to the tightly defined boundary of the Green Belt on the site. A non-Green Belt location severed from the college would fundamentally undermine the objectives of its provision.
- 7.5 Options for siting the building have been constrained by the overhead power lines, which the college is situated under, and the need to provide a separation distance between them and the new building. A large public sewer also crosses the site to the east of the existing college buildings which cannot be built over. A further constraint has been the need to ensure that the development does not impact on the college's sports fields which take up most of the remaining open areas of the site. Cumulatively these constraints have resulted in the new building being restricted to a small unused area of overgrown land that sits to the rear of the college buildings. The site also has the added benefit of being located adjacent to the all-weather sports pitch and the existing sports pavilion which would provide changing facilities.
- 7.6 In this instance it is considered there are 'very special circumstances' that justify this development on Green Belt land. It will result in important educational and community benefits that are in line with other national planning guidance and local planning policies. Furthermore, the building would share a close relationship with the existing college complex, although these are situated at a higher, more prominent ground level. It would not constitute a major increase in the developed area of the site. The visual impact of the proposed development is considered further in the subsequent section on design considerations.

- 7.7 For these reasons it is considered that the proposal would be that the development accord with ACS Policy 3 and Local Plan Policy NE8 in relation to development within the Green Belt.
- 7.8 Policy R1 of the Local Plan seeks to protect the Open Space Network from inappropriate development. The application site constitutes a small part of the Open Space Network which extends around the whole of the eastern edge of Clifton estate. The building would not result in the loss of integrity of the Network or be detrimental to the function of the remaining part of the college site which is within it. The proposal would not have a detrimental impact on the environmental, landscape or wildlife values of the Open Space Network.
- 7.9 The location of the sports hall would not result in the loss of playing field and would increase the range of sporting activities provided by the college. Sport England have raised no objections to the proposal on this basis.
- 7.10 In conclusion the principle of the development is considered to be in accordance with ACS Policies 3 and 16, Local Plan Policies CE1, CE2, NE8 and R1 and the NPPF.

Design Considerations and Visual Impact (ACS Policy 10)

- 7.11 To minimise its visual impact upon the Green Belt, a low impact approach has been taken in the siting, design and scale of the new sports hall. The proposed building would be set well back from Farnborough Road and would largely be hidden from view by the existing college buildings to the front of it. Its siting ensures that it would be viewed against the backdrop of existing buildings and extended mounding would further restrict and soften views of the building from the south.
- 7.12 The sports hall is simple in form and its palette of materials help to ensure that the building would sit as 'quietly' as possible within this urban fringe setting. Details of the final materials for the building and a landscaping scheme will be required by condition.
- 7.13 The principle of retaining surplus earth on site is considered to be acceptable. Details of the final height, profile and landscaping of the mounding along the southern boundary of the site is proposed to be dealt with by condition.

Impact on Residential Amenity (ACS Policy 10 and Local Plan Policy NE9)

- 7.13 The new sports hall would be located further away from neighbouring properties than the existing college buildings and it is not considered that the amenity of residents would be adversely affected by virtue of general noise and disturbance.

Other matters (ACS Policies 1 and 14; Local Plan Policies NE10 and T3)

- 7.14 The Environment Agency have raised no objections to the development on the grounds of flood risk. Details of surface water drainage are proposed to be conditioned, which the applicant has indicated would be dealt with via attenuation tanks. There is potential for an attenuation pond to be incorporated into the drainage scheme to further boost the use of sustainable drainage measures.
- 7.15 An updated travel plan and the provision of additional sheltered cycle spaces would

be dealt with by condition.

8. SUSTAINABILITY / BIODIVERSITY (ACS Policies 1 and 17 and Local Plan Policy NE3)

- 8.1 The submitted ecological appraisal identified that the main potential impact of the proposal would be the loss of a small pond located along the eastern boundary, which may provide breeding habitat for common amphibians. As the pond cannot be retained in this position, the appraisal recommends that a pond be recreated elsewhere within the grounds of the college. It also recommends that all lighting should be 'bat friendly' and has identified the need for a further reptiles and amphibians survey to be carried out. Landscaping the existing mound on the southern boundary with a species-rich wildflower and grass seed mix would further enhance the wildlife potential of the site. All of these will be addressed by condition.

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

The proposal would improve ease of access for all in respect of the DDA on the site and provide opportunities for community use

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Supporting Nottingham People. The proposal would improve services for young people and the wider community.

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: 15/01307/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NOA6FALYCB000>

2.Third Party representation 23.06.15 and

3.Highway comments 08.06.15 and 30.07.15.

- 4.Environment Agency comments 04.06.15 and 28.09.15.
- 5.Nottinghamshire Wildlife comments 05.06.15 and 04.09.15.
- 6.Parks and Leisure comments 07.08.15.
- 7.Pollution Control comments 01.06.15.
8. Sport England 08.06.15 and 07.09.15.
9. Drainage comments 10.08.15, 15.09.15 and 30.09.15.

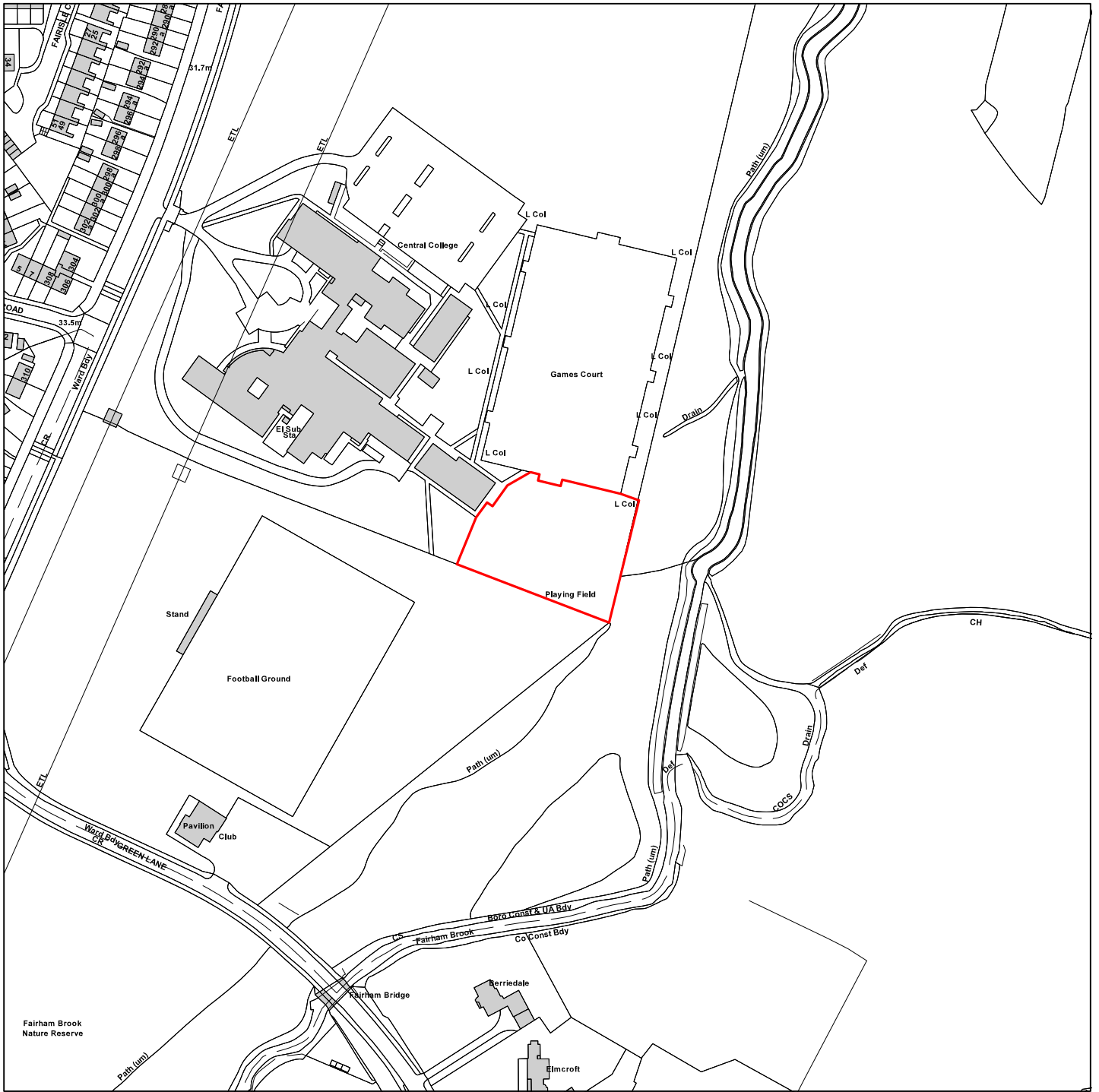
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs Jo Briggs, Case Officer, Development Management.

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Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 15/01307/PFUL3 (PP-04193550)
Application by: Central College
Location: Charnwood Centre, Farnborough Road, Nottingham
Proposal: New sports hall (revised scheme) and associated works.

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.

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.

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 a reptile and amphibian survey has been carried out and has been submitted to and approved in writing with the Local Planning Authority.

The development shall only be carried out in accordance with the agreed recommendations of the survey.

Reason: In the interests of preserving a protected species in accordance with Policy 17 of the Aligned Core Strategy and Policy NE3 of the Nottingham Local Plan.



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Not for issue

Continued...

3. Notwithstanding the submitted plans, the development shall not be commenced until details of all external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in full accordance with the approved details.

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

4. Notwithstanding the submitted plans, the development shall commence until a detailed Drainage Strategy, based on sustainable drainage techniques (SuDS) has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in full accordance with the approved details.

Reason: To prevent the increased risk of flooding and ensure the provision of a satisfactory means of surface water disposal and in the interests of sustainable development in accordance with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Nottingham Local Plan.

Pre-occupation conditions

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

5. No part of the development hereby permitted shall be brought into use until a detailed landscaping and planting scheme indicating the type, height, species and location of the proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority.

The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development or the completion of the development whichever is the sooner, and any trees or plants which die, are removed or become seriously damaged or diseased within a period of 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 in accordance with Policy 10 of the Aligned Core Strategy.



6. The development shall be carried out in accordance with the recommendations of the ecological appraisal by EMEC Ecology dated August 2015, unless otherwise agreed in writing with the Local Planning Authority.

No part of the development hereby permitted shall be brought into use until details of the following ecological mitigation and enhancement measures have first been submitted to and approved in writing with the Local Planning Authority, including a timetable for their implementation:

- a. The siting of the replacement pond and details of its wildlife features;
- b. External lighting;
- c. A planting scheme, to include native species, for the extended mound along the southern boundary of the site.

The development shall be carried out in full accordance with the approved details and the timetable for their implementation.

Reason: To protect and further enhance the ecology and biodiversity of the site in the interests of nature conservation in accordance with Policy 17 of the Aligned Core Strategy and Policy NE3 of the Nottingham Local Plan).

8. No part of the development hereby permitted shall be brought into use until an additional covered cycle shelter for 10 cycles has been provided within the immediate vicinity of the sports hall, the details of which shall first be submitted to and approved in writing with the Local Planning Authority.

i Reason: In the interests of ensuring that an appropriate Travel Plan is in place and, therefore, in the interests of highway safety and promoting sustainable transport in accordance with Policy 14 of the Aligned Core Strategy and Policy T3 of the Nottingham Local Plan.

9. No later than 3 months after the sports hall is first brought into use, an up-to-date campus Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The campus Travel Plan must as a minimum contain up-to-date travel to campus data (for the appropriate academic year) for students, staff and visitors, revised SMART targets and measures alongside timescales for implementation, monitoring and review.

Once approved the Travel Plan shall be implemented at all times.

Reason: In the interests of ensuring that an appropriate Travel Plan is in place and, therefore, in the interests of highway safety and promoting sustainable transport in accordance with Policy 14 of the Aligned Core Strategy and Policy T3 of the Nottingham Local Plan.

Regulatory/ongoing conditions

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

There are no conditions in this section.

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 18 May 2015.

Reason: To determine the scope of this permission.

Informatives

1. 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.

2. 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.

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: 15/01307/PFUL3 (PP-04193550)

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/pes.

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.