

REPORT OF HEAD OF PLANNING

Site Of 107, Carlton Road

1 SUMMARY

Application No: 15/03180/PFUL3 for planning permission

Application by: Plan A (North West) Limited on behalf of Lidl UK GmbH

Proposal: New retail store (Class A1) with associated parking, service area and access works.

The application is brought to Committee because it is a major application which has previously been the subject of a presentation to the Committee.

To meet the Council's Performance Targets this application should be determined by 31st May 2016.

2 RECOMMENDATION

GRANT PLANNING PERMISSION 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 Planning.

3 BACKGROUND

The site is currently cleared and was formerly an industrial site known as Albany Works. It lies on the northwest side of Carlton Road and is bounded to the southwest by commercial buildings on Carlton Road and Hawksworth Street. The northern part of the former Albany site, where it fronts Stonebridge Road, is not included in the application site and is marked for future disposal. To the east the site is bounded by Seymour Street, which is stopped up at its junction with Carlton Road. Across Seymour Street is the empty former Co-op superstore site.

4 DETAILS OF THE PROPOSAL

- 4.1 The proposal is for the construction of a foodstore of 2,469 square metres on the ground floor, with a mezzanine floor of 202 square metres providing staff facilities. The building would be located toward the southwest boundary of the site, separated from Carlton Road by landscaping and parking spaces. Disabled, family and cycle spaces would be located adjacent to the building entrance, with a total of 155 parking spaces provided.
- 4.2 The proposed building would have a monopitched roof, and the elevation to Carlton Road would contain the store entrance and full height glazing. The

remaining elevations would comprise silver rainscreen cladding and render with a raised seam roof.

- 4.3 Pedestrian access would be from Carlton Road and Seymour Street. The Carlton Road boundary would comprise a Bulwell stone wall with metal railings above and hedging behind. Further landscaping is proposed around the site with tree planting along the Carlton Road frontage and within the car park.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Seventy-five neighbours notified by letter dated 22.01.2016. Two site notices displayed 25.01.2016. Press advertisement published 03.02.2016. The consultation period expired on 24.02.2016. One representation has been received from a neighbouring office occupier, objecting to the proposal on grounds of loss of light. The Civic Society objected to the initial layout on grounds that the building was sited too far from Carlton Road.

The Co-op, as owners of the adjacent site to the east, object to the proposal on policy grounds, as follows. The proposal is outside the defined centre and should only be permitted if no suitable in centre sites are available; the Co-op site is within the centre and is available and a sequentially preferable site. The Co-op is objecting to the council's proposal to exclude the Co-op site from the designated shopping centre.

Additional consultation letters sent to:

Highways: Discussions are taking place regarding safe access into the site from Carlton Road, taking into account the bus lanes in and out of the city and desire lines of pedestrian access from across Carlton Road.

Pollution Control: No objection subject to conditions regarding ground contamination, external lighting and commercial noise.

Lead Local Flood Authority: Wish to see improved use of SUDS, which can be achieved by condition.

Tree Officer: Wishes to see retention of Lime tree on the highway adjacent to the site on Carlton Road. Council policy requires two replacement street trees for each street tree that is removed: these should be provided within the terms of the Highway Agreement and referred to in a landscaping condition.

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 development plan policies, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 Paragraph 24 requires the application of a sequential assessment for main town centre uses that are not in an existing centre and not in accordance with an up-to-

date Local Plan. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. The NPPF recognises town centres as the heart of communities and Local Planning Authorities should pursue policies to support their viability and vitality. Local Authorities should promote competitive town centres that provide customer choice and a diverse retail offer.

- 6.3 Paragraph 56 states that great importance is attached to the design of the built environment, with paragraph 61 advising this not just limited to architectural appearance but wider design issues such as integration and connectivity.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

CLG Planning for Town Centres Practice Guide on Need, Impact and the Sequential Approach (2009)

- 6.5 The CLG Practice Guide was prepared to help those involved in preparing or reviewing retail assessments. The guidance reinforces that town centre sites are likely to be the most readily accessible locations for retail uses, reducing the need to travel and increasing choice and competition to encourage linked trips.

Aligned Core Strategy (2014)

Policy A: Presumption in Favour of Sustainable Development - working proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy 1: Climate Change - development proposals will be expected to mitigate against and adapt to climate change.

Policy 4: Employment Provision and Economic Development - aims to strengthen and diversify the local economy.

Policy 6: Role of Town and Local Centres - aims to maintain and enhance the vitality and viability of all centres.

Policy 10: Design and Enhancing Local Identity - new development should be designed to: create an attractive, safe, inclusive and healthy environment.

Nottingham Local Plan (November 2005):

ST1 – Sustainable Communities.

E4 – Previously used employment sites.

S5 – New Retail Development, on the Edge of or Outside Existing Centres.

NE9 - Pollution.

NE12 – Derelict and Contaminated Land.

T3 - Car, Cycle and Servicing Parking.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Sustainability, employment and economic considerations
- ii) Retail policy analysis
- iii) Highway impact
- iv) Urban design considerations
- v) Amenity issues

i) Sustainability, employment and economic considerations (Aligned Core Strategy Policy A, Policy 4 and Local Plan Policies ST1, E4, NPPF)

- 7.1 The site is an unallocated site in the adopted Local Plan and therefore its use for retail purposes does not conflict with any strategic designation.
- 7.2 Policy ST1 advises that planning applications should be considered against various criteria, including the need to promote mixed uses, the scheme's contribution to strengthening and diversifying the economic base of the city and access to local employment opportunities (particularly to disadvantaged groups). ST1 also encourages the use of previously developed land and buildings and the efficient use of land.
- 7.3 The site was formerly in employment use but has been cleared of buildings and out of use for a number of years. Policy E4 of the Local Plan allows for the redevelopment of unallocated former employment land where it can be demonstrated that there is sufficient supply of employment sites and premises available, where the proposed development is comprehensive and will benefit the wider area, subject to the inclusion within the new development of job generating uses, and subject to the new use not inhibiting or prejudicing the activities of neighbouring occupiers or businesses. It is considered that there is sufficient employment land in the area, and that the proposed retail store will bring an undeveloped area of brownfield land into use, providing benefits to the local and wider area. The retail use can be accommodated without inhibiting the activity of nearby business, and although not strictly an employment generating use, local job opportunities would be created through both the construction and operational phases of the development.
- 7.4 The site is accessible from surrounding residential areas where a reasonable amount of custom is likely to come from residents. The site is located on a busy road where there are frequent buses providing good public transport links to the city centre and surrounding areas. In principle, the scheme substantially complies with Aligned Core Strategy, Policy A, Policy 4 and Local Plan Policies E4 and ST1.

ii) Retail Policy Analysis (Aligned Core Strategy Policy 4 and Local Plan Policy S5, NPPF and CLG Town Centres Practice Guide)

- 7.5 Paragraph 24 of the NPPF states that "Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date local plan. They should require applications for main town centres uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of

centre sites be considered". Policy S5 of the Local Plan states that planning permission for new retail development outside existing centres will only be granted where no other suitable sites are available within existing centres. Policy S5 prioritises retail development on sites that firstly fall within the City Centre or Town Centre, or secondly on the edge of the City Centre or Town Centre or within Local Centres. This approach is also continued in Policy 6 (Role of Town and Local Centres) of the Aligned Core Strategy. Whilst Policy S5 states that new retail development in out of centre locations will only be given permission "where the need for the development has been demonstrated", the requirement to provide evidence of need has been removed in the NPPF, which supercedes Policy S5 in framing the policy approach to edge of centre retail. In addition, the proposed store is less than the NPPF's threshold of 2,500 square metres, which suggests that it can be considered as serving a local need.

- 7.6 The application site is located immediately adjacent to but outside the Carlton Road Local Centre and is therefore an out-of-centre location when considering government guidance and Policy S5 regarding edge of centre retail development.
- 7.7 The applicant has undertaken a sequential test for suitable alternative sites, focussing on Carlton Road Local Centre, Carlton Road Centre of Neighbourhood Importance (as defined in the emerging Local Plan Part 2 – Publication version 2016), the Robin Hood Chase and Sneinton Dale Local Centres. The area of search adopted for the sequential test is considered to be reasonable, and the applicant's conclusion that no suitable alternative sites are available in Robin Hood Chase or Sneinton Dale Local Centres is accepted.
- 7.8 Regarding the vacant Co-op site on Carlton Road, the applicant notes that the Co-op site is one third smaller than the application site; whilst the Co-op building itself is larger than Lidl's requirement, its parking arrangements, including underground parking, are not suitable for a modern food store. Replacing the building and providing an acceptable level of parking would mean reducing the scale of the new building. It is accepted that, owing to the particular needs of a discount operator, it would not be reasonable to require Lidl to reduce the scale of the proposed development by one third in order to utilise the Co-op site.
- 7.9 Policy S5 advises that where there are no suitable in-centre sites, this proposal should be considered with regard the other stated criteria, including the impact upon the vitality and viability of existing centres. There is, however, no local threshold for Retail Impact Assessments, and in such absence the NPPF threshold of 2,500 square metres is applicable. As the gross floorspace of the proposal falls below the NPPF threshold the applicant has concluded that an impact assessment is unnecessary. In this regard, the scheme does not conflict with Policy S5.
- 7.10 Policy S5b requires that consideration be given to the extent to which the site is, or can be made, accessible by a choice of means of transport and whether the proposal would add to the overall number and length of car trips. There are regular bus services on Carlton Road with bus stops nearby on both sides of the road. The scheme proposes cycle parking facilities and the site is accessible to pedestrians from residential areas to the north and south. While it is anticipated that many customers would travel by car as is evidenced by the proposed number of parking spaces, people wishing to travel by other means could have that option. In this regard, the proposal complies with Policy S5(b). The site is vacant and previously used. Whilst the proposal would not specifically facilitate wider redevelopment, the use provides the opportunity to improve the site's unsightly appearance. The

principle of redeveloping the site therefore does not conflict with the aims of policy S5(c) enabling the wider redevelopment of brownfield sites.

iv) Urban Design Considerations (Aligned Core Strategy Policy 10 and NPPF)

- 7.11 Policy 10 requires, amongst other things, that the development will make a positive contribution to the public realm and sense of place and create an attractive, safe, inclusive and healthy environment. Raising standards in design is supported by the NPPF which requires that high quality design is secured through the planning process.
- 7.12 The building would have a pitched roof and be wall clad with full glazing to the elevation facing Carlton Road. Improvements to the layout have been negotiated, including moving the building closer to Carlton Road, improved pedestrian access through the car park, Bulwell stone wall, railings and hedging to the Carlton Road boundary, railings to other boundaries and trees within the car park. The proposal is considered to comply with Policy 10.

v) Amenity Issues (Aligned Core Strategy Policy 10 and Local Plan Policy NE9, NPPF)

- 7.13 The concerns of neighbouring office occupiers at the Renewal Trust are noted but the new retail building would be 14m from the offices and 5.5m high on that elevation; this is an acceptable relationship between windows and a blank wall. It is not considered that there are any other material issues regarding amenities of neighbouring residents.

vi) Highways Issues (Aligned Core Strategy Policy 10 and Local Plan Policy T3)

- 7.14 The site is located in an edge-of-centre location where it is anticipated that a reasonable proportion of customers would travel from the local area. The nature of the use is such that even people travelling locally may drive to the site in order to transport shopping. The edge-of-centre location encourages shared trips to other in-centre shops and local facilities and the site is on a good bus route linking the city centre to the north east, with bus stops close to the site
- 7.15 The scheme proposes two dedicated pedestrian links through to the building entrance from Carlton Road, which would separate pedestrian movements from cars. The pavement would wrap into the site at the vehicular entrance to improve the safety of those walking to and from the store from the north.
- 7.16 Discussions are ongoing regarding alterations to Carlton Road, including provision of a ghost island marking and a pedestrian refuge on Carlton Road with other works as necessary to allow for the safe operation of the access into Seymour Street and then into the site. The outcome of these discussions will be reported to the Committee as an update.

8. SUSTAINABILITY / BIODIVERSITY

None.

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

Working Nottingham: the development will provide local employment opportunities.

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: 15/03180/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NZP7M5LYCB000>

17 Published documents referred to in compiling this report

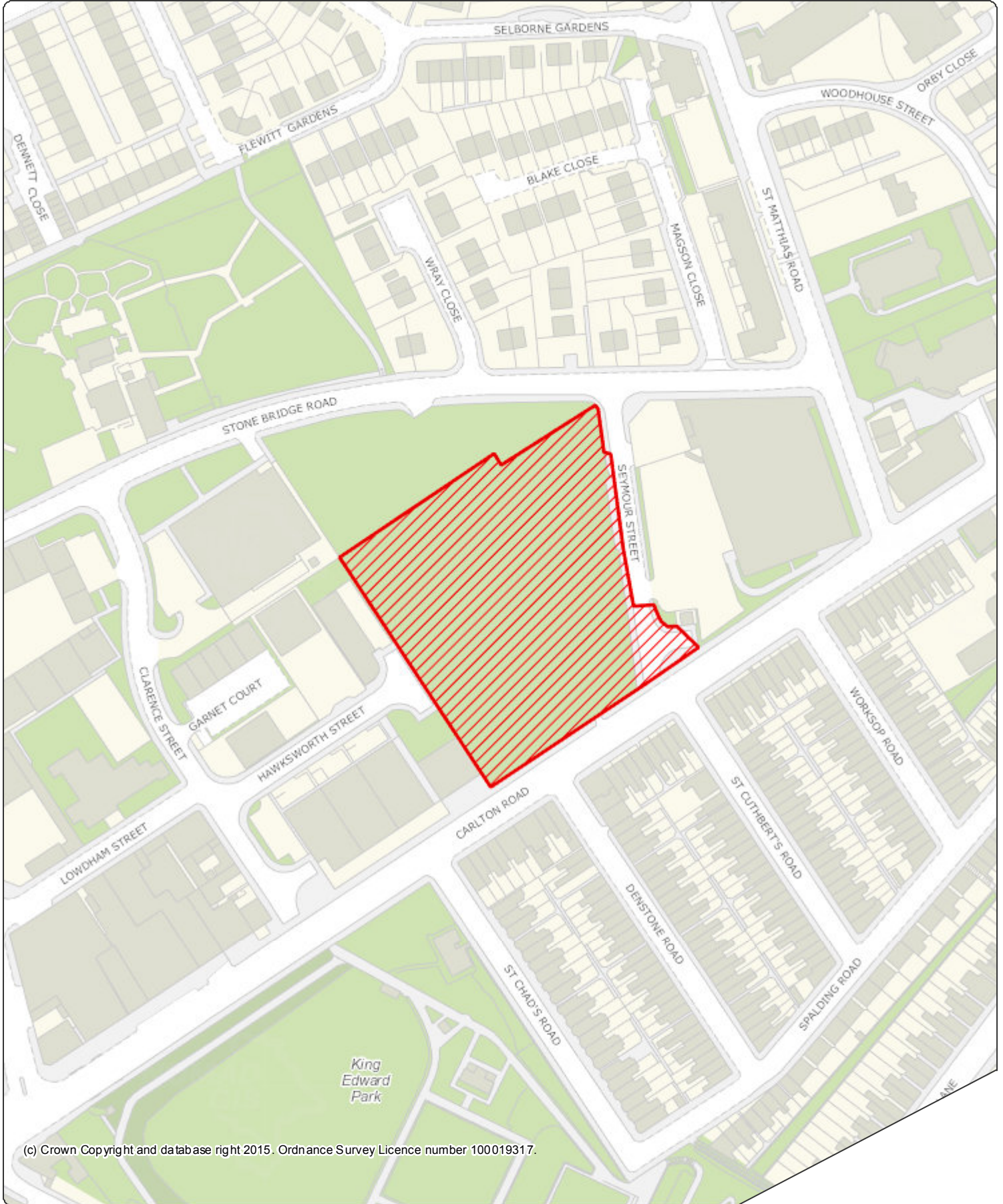
National Planning Policy Framework
Planning for Town Centres: Practice Guidance on Need, Impact and the Sequential Approach (CLG – 2009)
Aligned Core Strategy (2014)
Nottingham Local Plan (2005)

Contact Officer:

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Key

-  City Boundary
-  Planning Application Polygons

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Description

No map description

My Ref: 15/03180/PFUL3 (PP-04711558)
Your Ref:
Contact: Mr Phil Shaw
Email: development.management@nottinghamcity.gov.uk



**Nottingham
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Plan A (North West) Limited
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Date of decision:

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

Application No: 15/03180/PFUL3 (PP-04711558)
Application by: Lidl UK GmbH
Location: Site Of 107, Carlton Road, Nottingham
Proposal: New retail store (Class A1) with associated parking, service area and access 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 detailed scheme for dealing with the gaseous emissions on the site has been submitted to and approved in writing by the Local Planning Authority. This shall include:-
 - i) details of an investigation and assessment of the gaseous emissions on the site;
 - ii) proposals for ensuring the safe removal of gas;
 - iii) proposals for preventing the lateral migration of gas; and
 - iv) any other remedial measures shown in the assessment to be necessary.

Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Local Plan

3. The development shall not be commenced until details of an external lighting scheme have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with Policy NE9 of the Local Plan.

4. The development shall not be commenced until a traffic construction management plan detailing how the development works are to be carried out, including details of the type, size and frequency of vehicles arriving at and leaving the site, site access details, contractor staff parking provision, traffic management, haul routes and a phasing programme, has been submitted to and approved in writing by the Local Planning Authority. This shall also include details of wheel washing facilities and measures to prevent the deposit of debris onto the highway.

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

5. The development shall not commence until further details regarding the disposal of surface water have been submitted and approved in writing by the Local Planning Authority. As a minimum this shall include sizes of tanks, discharge rates, control devices, details of how the system will be maintained, and incorporate Sustainable Drainage methods where possible. The development shall not be carried out other than in accordance with the approved details.

Reason: To reduce the risk of flooding in the interest of sustainable development in accordance with Policy NE10 of the Nottingham Local Plan.

6. The development shall not be commenced until details of off-site highway works, including provision of a ghost island marking and pedestrian refuge on Carlton Road with other works as necessary to allow for the safe operation of the access arrangements, have been submitted to and approved in writing by the Local Planning Authority.

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

7. Notwithstanding the details shown on the submitted plans, the development shall not commence until details of boundary enclosures of the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory 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)

8. A landscaping and planting scheme shall be provided for the development. In particular;
- a) the store shall not be used until a detailed landscaping scheme, including the provision of new street trees, indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved in writing by the Local Planning Authority;
 - b) the approved landscaping scheme shall be carried out in the first planting and seeding seasons following its occupation; and
 - c) 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 will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy

9. The store shall not open until mechanical services, plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented as outlined within the report by NoiseAssess Ltd, December 2015, referenced 11733.01.v1

Reason: In the interests of the amenities of neighbouring occupiers in accordance with Policy NE9 of the Local Plan.

10. The store shall not be used until remedial or precautionary measures required to deal with ground contamination have been completed, and the approved regime of proof testing has been implemented to demonstrate the effectiveness of the remediation work, and the results have been submitted to and approved in writing by the Local Planning Authority.

Reason: Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.

11. The store shall not be used until the car park has been provided and surfaced with porous or permeable materials and individual spaces marked out in accordance with the approved plans.

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

12. The store shall not be used until the off-site highway works have been 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

13. The store shall not be used until the boundary enclosures have been provided in accordance with the approved details.

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

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 following drawings/documents:
Planning Layout reference 8657 - P02 revision D dated 8 April 2016

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.

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. Contaminated Land, Ground Gas & Groundwater
The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Pollution Control Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Pollution Control Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

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 required 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 shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

4. External Lighting Scheme

The approved external lighting scheme shall be maintained and serviced in accordance with manufacturer's recommendations while the development continues to be occupied.

5. Planning consent is not consent to work on the highway. To carry out the off site works (add basic description and location) associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

6. Prior to occupation of the consented development, it is necessary to introduce / amend / revoke Traffic Regulation Orders. This is a separate legal process and the Order can be made on behalf of the developer by Nottingham City Council at the applicant's expense. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed; please contact Highways Network Management on 0115 876 5293 to instigate the process.

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: 15/03180/PFUL3 (PP-04711558)

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.



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DRAFT ONLY

Not for issue