

Report of Director of Planning and Regeneration

Westbridge House , Holland Street

1 Summary

Application No: 20/02618/PFUL3 for planning permission

Application by: Hockley Developments Ltd on behalf of Forsyth

Proposal: Conversion of existing warehouse to 12 apartments. New three storey building of 15 residential apartments on site of a previously demolished warehouse.

The application is brought to Committee because it is an application recommended for approval, but where any planning obligations are proposed to be waived, or are substantially less than typically required by adopted planning policies.

To meet the Council's Performance Targets this application should be determined by 31st May 2021

2 Recommendations

2.1 To **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to:

(i) the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report;

(ii) prior completion of an agreement to secure a Section 106 planning obligation to secure the following:

- (a) an off-site Open Space contribution of £45,453, and;
- (b) an off-site Affordable Housing contribution of £53,000

2.2 Power to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission to be delegated to the Director of Planning and Regeneration.

2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are (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 site is located on the south side of Holland Street, proximate to

Radford Road. It is and was occupied by a range of two storey light industrial buildings positioned along the back edge of the footpath on Holland Street. There are further similar linked buildings to the rear, with the only undeveloped part of the site being at its western end where there is a service yard/parking area with an access off Holland Street. There are further light industrial buildings of a similar age to the west on Holland Street. To the south/rear is a complex of small light industrial units at Palin Court off Palin Street. To the east is the rear of buildings that front onto Radford Road, which have commercial ground floors with residential accommodation above. Opposite to the north on Holland Street are terraces of two storey residential properties and an enclosed vacant site that is being used for car parking.

- 3.2 Planning permission has been previously granted for the partial demolition and conversion of these buildings. Partial demolition works have commenced and works to implement the conversion element are on-going.

18/02666/PFUL3: Partial demolition and conversion from mixed use building (Class B1 and B8) to 22 residential apartments (Class C3), including two storey new build to southern boundary of site. External alterations.

20/01199/PVAR3: Variation of approved development, including demolition and two storey new build of section of buildings onto Holland Street and demolition of buildings to southern boundary of site, with revised floor plans (proposed variation to approved development for 22 residential apartments under Condition S1.

The applicant has now determined it necessary to review the new build element of the development, which is now being proposed as a three storey building rather than the previously approved two storeys and has submitted the current application.

4 Details of the proposal

- 4.1 The application proposal is for the conversion of remaining existing warehouse on Holland Street to 12 apartments. A new adjoining three storey building containing 15 residential apartments is also being proposed, replacing a previously demolished warehouse. Entrances to the apartments would be off Holland Street. Limited car parking is to be provided within an existing space at the western end of the buildings, via an existing vehicle access off Holland Street. There would be a communal courtyard space to the rear, which would include secure cycle storage. Bin storage would be at points within the ground floor plan and being serviced off Holland Street.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

1, 6 – 12(e), 26 – 30(e) Holland Street
39 – 61(o) Radford Road
Units 1A, 1B and 2 Gemstone Court
Units 4 – 7 Palin Court

The application has also been publicised by site and press notices. No neighbour responses have been received.

The following other responses have been received:

Environmental Health: This application is a revision of permissions 18/02666/PFUL3 & 20/01199/PVAR3. The main material difference from our perspective is that now the new build element is physically higher & therefore there may be less of a barrier effect / shielding from any noisy activities the units on Palin Street. The original noise assessment dated 16/06/2018 included of noise measurements at 1st floor level at the rear (Palin Street). It appears that the additional proposed accommodation will have a clear direct line of sight to most of the activity on Palin Street. Therefore, recommend that an update of the noise assessment is a condition requirement.

Whilst there is only a relatively small garden / landscaped areas, the submitted Ground Investigation Report indicates that there is asbestos below ground. The report's conclusion that there will effectively be no exposure pathway for future residents is accepted providing its recommendations are implemented. A compliance condition is recommended.

Drainage: All developments must consider the use of Sustainable Drainage Systems (SuDS) within their application, and should prioritise incorporating rainwater re-use. For a major development which is situated within the catchment for the River Leen and Day Brook, we typically request that the surface water discharge rate is restricted to 5 litres per second per hectare or a flat rate of 5l/s (greenfield run-off rates). At the very minimum, we would seek a 30% betterment compared to the site's previous use. This must be supported by the relevant calculations and drainage strategy, which should be a condition of consent.

Education: No S106 request on the basis of the proposed mix and size of flats.

Nottingham University Hospital NHS Trust (NUH NHS Trust): A financial contribution is requested for additional secondary healthcare services to meet patient demand.

6 Relevant policies and guidance

Aligned Core Strategies (ACS)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Land and Planning Policies Development Plan Document - Local Plan Part 2 (LAPP)

Policy DE1: Building Design and Use

Policy HO1: Housing Mix

Policy HO3: Affordable Housing

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

NPPF (2019):

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7. Appraisal of proposed development

Main Issue

Whether:

- (i) The density, layout and design of development is appropriate for this location, having regard to the amenity of adjacent residential properties and the surrounding area.

- 7.1 The application site has no designation within the LAPP. It is adjacent to the Hyson Green Town Centre, which provides a wide range of local amenities including transport links to other parts of the city. Therefore, it is considered that the principle of the residential redevelopment of the site is appropriate within this context, providing sustainable accommodation in accordance with ACS Policy A. The proposed density, layout and design of development is considered to be appropriate to the character of the area and constraints of the reuse of the existing

warehouse building. No comments or objections have been received from local residents or businesses. It is, therefore, considered that the proposed development accords with ACS Policy 8.

- 7.2 The floorspace of the proposed flats are considered to provide units of good size, which have been revised to comply with the Nationally Described Space Standards in accordance with LAPP Policy DE1. Communal entrance points provide good access and circulation and refuse storage is located adjacent to Holland Street for convenient servicing. A communal courtyard space is provided to the rear which, albeit limit in size, will provide some external amenity for future residents as well as allowing sunlight and daylight to enter the flats to the rear. A secure cycle store is also provided within this courtyard space.
- 7.3 External alterations to the retained buildings are minimised through the reuse of existing openings and respect the character of the buildings through the retention and refurbishment of the existing fenestration.
- 7.4 The limited opportunity for the formation of car parking spaces is noted and considered to be acceptable in the context of the site's sustainable location, and is agreed by Highways subject to an advisory note to state that residents of the new development will not be eligible for parking permits within the existing schemes operating in the area.
- 7.5 It is, therefore, considered that the proposed development accords with Policy 10 of the ACS and Policies NE9, NE12 and T3 of the Local Plan.

8. Sustainability / Biodiversity

- 8.1 The application proposals provides for the appropriate reuse of the retained building. It had been anticipated through the first planning permission that the other warehouse building would be converted (18/02666/PFUL3), however this was subsequently found to be structurally unstable, with replacement new build being the approved alternative (20/01199/PVAR3). The current application is substantially based on this approved alternative but with an additional floor of apartments being provided. The proposed development remains sustainable insofar as it is located immediately adjacent to Hyson Green shopping centre, its other local amenities, and with good public transport links to the rest of the city.
- 8.2 New build construction will be to a 'fabric-first' approach to reduce energy consumption as an appropriate means to reduce carbon emissions. On this basis it is considered that the proposed development would accord with Policy 1 of the ACS and Policy CC1 of the LAPP. Opportunities to enhance the biodiversity of the site are significantly limited due to the sites previous use and noted below ground asbestos. The proposed development is therefore considered to comply with LAPP Policy EN6.
- 8.3 The response of the Drainage Team is noted and a condition requiring the submission and approval of a drainage strategy to minimise surface water run-off rates is recommended in accordance with LAPP Policy CC3.

9. Section 106 (LAPP Policies HO3 and IN4)

- 9.1 The applicant has submitted a viability appraisal with the application, which has been independently assessed. The Council's consultant's review of the assessment

has agreed that the scheme is unable to provide the full planning policy requirements, but had recommended that the applicant's offer be increased. The applicant has subsequently accepted the findings of the independent assessment and has agreed to the consultant's recommendation of an increased off-site affordable housing contribution of £53,000 (compared to the full policy-compliant figure of £219,385), plus a full open space contribution of £45,453.

- 9.2 It is therefore considered that a Section 106 based upon these amounts would accord with LAPP Policies HO3 and IN4, the Planning Guidance for the Provision of Open Space Within Developments SPG, and the Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance.
- 9.3 Regarding the requested contribution for the NUH NHS Trust, it is accepted that health care provision is a material planning consideration that is referenced in chapter 8 of the NPPF (Promoting Healthy & Safe Communities). Whilst the Council are therefore supportive of the principle of such a contribution, a number of queries and issues arise from the request that have been the subject of separate discussions with the NUH NHS Trust. However, given the viability issues referred to above, it is clear that the scheme cannot support full developer contributions, and that again, given the scheme's contribution to Council key objectives, it is proposed that no NUH NHS Trust contributions are sought.
- 9.4 Pre-application consultation has been carried out with the Council's Education team. Due to the proposed mix of smaller apartments, the proposed development would only generate a minimal number of primary and secondary school places. It has been confirmed that there are sufficient school spaces in the immediate area to accommodate this need and therefore that an education contribution in this particular instance be waived.
- 9.5 Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are (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.

10. Financial Implications

- 10.1 A financial contribution of £45,453 towards the provision of public open space in accordance Policy IN4 and The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance.
- 10.2 A reduced financial contribution of £53,000 (as independently assessed) towards the provision of affordable housing in accordance with Policy IN4 and the Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance.

11 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.

12 Equality and Diversity Implications

None.

13 Risk Management Issues

None.

14 Strategic Priorities

None.

15 Crime and Disorder Act implications

None.

16 Value for money

None.

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

1. Application No: 20/02618/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QKSZICLYG9G00>

18 Published documents referred to in compiling this report

Aligned Core Strategies – Local Plan Part 1 (2014)

Land and Planning Policies – Local Plan Part 2 (2020)

The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance (2019)

NPPF (2019)

Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance.


Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

Email: jim.rae@nottinghamcity.gov.uk. Telephone: 0115 8764074

NOMAD printed map



Key
 City Boundary

Description
 No description provided

My Ref: 20/02618/PFUL3 (PP-09303038)
Your Ref:
Contact: Mr Jim Rae
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Hockley Developments Ltd
FAO: Mr Ewan Cassell
15 Clarendon Street
Nottingham
NG1 5HR

Date of decision:

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

Application No: 20/02618/PFUL3 (PP-09303038)
Application by: Forsyth
Location: Westbridge House , Holland Street, Nottingham
Proposal: Conversion of existing warehouse to 12 apartments. New three storey building of 15 residential apartments on site of a previously demolished warehouse.

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)



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2. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme which has regard to the Acoustic Design Statement by Sound Solutions dated 18/06/2018 shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall include the impact of any transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme and be designed to achieve the following internal noise levels:

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB LAm_{ax}(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

Reason: In the interests of the amenity of future residents and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

3. No development shall commence until a drainage strategy with a detailed drainage layout illustrating how the site will be drained has been submitted to and approved by the Local Planning Authority. For a major development situated within the catchment for the River Leen and Day Brook it is typically requested that the surface water discharge rate is restricted to 5 litres per second per hectare or a flat rate of 5l/s (greenfield run-off rates). At the very minimum a 30% betterment compared to the site's previous use will be sought. The drainage strategy as a minimum should contain:

- i. Details of how the surface water run-off will be managed,
- ii. Drainage plan showing the layout of the proposed drainage (both foul and surface water),
- iii. Proposed Adoption of SuDS features (who will maintain the SuDS features),
- iv. Maintenance plan for the lifetime of the development (how will the SuDS features be maintained),
- v. Relevant surface water calculations from licenced software.

In the interests of ensuring the appropriate management of surface water and to minimise the risk of surface water flooding events affecting occupants of the development in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

Pre-occupation conditions

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

4. Prior to first occupation of the development, all soft landscaping areas shall be laid with a clean cover layer consisting of:
- a) A 600mm of clean topsoil / subsoil, above
 - b) A high visibility geotextile membrane, above
 - c) A 200mm hard dig layer

All other landscaping areas shall be consistent with the proposals set out in drawings Westbridge House - Proposed External Works Site Section WH-P2-2091-C-# and Westbridge House - Phase 2 - External Works Key Plan WH-2090P2-C-#.

Furthermore a Verification Report shall be submitted to and be approved in writing by the Local Planning Authority providing verification of the cover layer, its depth and in situ testing of soils at appropriate depths at the rate of 2 samples per garden for a standard suite of metals, asbestos, PAHs and TPHs.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

5. Prior to first occupation of the development, verification that the approved sound insulation scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of future residents and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

6. The development shall not be occupied until the approved secure cycle storage provision has been implemented in accordance with the approved drawings, which shall thereafter be retained for use in association with the approved development.

Reason: In the interests of ensuring the provision of this facility for residents and opportunity for sustainable travel choices.

7. The development shall not be occupied until the parking area has been provided with the parking spaces marked out in accordance with the approved plans. The parking area shall thereafter be retained for the life of the development.

Reason: In the interest of ensuring the provision of this minimum number of parking spaces and therefore to minimise the impact upon levels of on-street parking in the area in accordance with Policy 10 of the Aligned Core Strategies.

8. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for each car parking space to be supplied with an electric charging point in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To enable future occupiers to make green vehicle choices and to comply with paragraph 110 of the National Planning Policy Framework (February 2019)

Regulatory/ongoing conditions

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

9. No significant alteration to the landscaping surfaces on site shall take place without the prior



approval of the Local Planning Authority.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

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:
Drawing reference WH-P2-2100-PL-B
Drawing reference WH-P2-2200-PL-B
Drawing reference WH-P2-2300-PL-C
Drawing reference WH-P2-2400-PL-B
Drawing reference WH-P2-2010-PL-B
Drawing reference WH-P2-2090-P2-PL-A

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.

3. Contaminated Land, Ground Gas & Groundwater

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.

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. Environmental Noise Assessment

The environmental noise assessment shall be suitable and sufficient, where appropriate shall consider the impact of vibration, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise and any other appropriate British Standards. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.

The approved sound insulation scheme must be maintained &, in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

5. It should be noted that the new residential units will not be eligible for parking permits for the on-street parking schemes in the vicinity.

6. For further information on the requirements for electric vehicle charging points, please contact Rasita Chudasama (rasita.chudasama@nottinghamcity.gov.uk; 0115 8763938).

7. Planning consent is not consent to work on or from the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place.

8. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway. If the development works will have any impact on the public highway, please contact Network Management 0115 8765238. A Construction Traffic Management Plan will be required. All associated costs will be the responsibility of the developer.

9. If the development will create one or more new addresses, either for new build or conversion, you should contact the Council's Address Management Team, who are legally responsible for agreeing and registering addresses. Contact should be made at the latest by the time you receive Building Control permission to avoid any problems for developers, occupiers or visitors, which often occur when unofficial addresses come into use. If you are unsure whether this applies to the development, please contact the Address Management Team who will be happy to give advice. The Team can be reached via their web page at: <http://www.nottinghamcity.gov.uk/about-the-council/access-to-information/managing-addresses/> They can also be contacted by email at: address.management@nottinghamcity.gov.uk or by phone on 0115 8765012.

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: 20/02618/PFUL3 (PP-09303038)

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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