

REPORT OF CHIEF PLANNER

Nottinghamshire Lawn Tennis Association, Tennis Drive

1 SUMMARY

Application No: 16/00604/PFUL3 for planning permission

Application by: Ecologic Homes on behalf of Nottingham Lawn Tennis Association

Proposal: 8no. 8m high floodlights.

The application is brought to Committee because it has generated significant public interest and objections, some of which are contrary to the officer recommendation

To meet the Council's Performance Targets this application should be determined by 1st June 2016

2 RECOMMENDATIONS

REFUSE PLANNING PERMISSION

Power to determine the final details of the reasons for refusal to be delegated to the Chief Planner.

3 BACKGROUND

The application relates to the tennis courts in the centre of the Park, in the area known as the Park Bowl. These are owned by the Nottingham Lawn Tennis Association (NLTA) and currently leased out to two tennis clubs, the Park Tennis Club and the Castle Tennis Club. There is also a tennis coaching centre operated by Activace. Towards the northern end of the Bowl is a wooded area known as the Paddocks. The Park Bowl is surrounded by housing and is located within the Park Conservation Area.

4 DETAILS OF THE PROPOSAL

- 4.1 The proposal is to erect 8 floodlights to the 3 artificial courts at the northern end of the Park Bowl. The floodlights are 8.3m tall and hold multiple single lamps rather than doubles, in order to reduce glare. The masts and lamp housing are to be aluminium and powder coated with a dark green finish. The originally requested cut off time for the lighting was 10pm.
- 4.2 This end of the Park Bowl is bordered by Tattershall Drive to the west and Tennis Drive to the east, both with residential properties opposite, by further tennis courts to the south and to the north by a wooded area known as the Paddock. The tennis courts sit at a lower level than the land to the north and west.

- 4.3 A similar proposal for floodlights on the courts at the southern end of the Park Bowl is also currently under consideration (16/00603/PFUL3). A report relating to this application is the preceding item on the agenda.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 54 properties were consulted on the application with addresses on Tattershall Drive and Tennis Drive. The proposal was also advertised by press and site notices with the expiry date for comments in May 2016.
- 5.2 In response, the following responses have been received:

35 letters of objection which raise the following issues:

- Vehemently oppose the floodlights
- Direct contrast to the gentle illumination from the gas lights and would increase light pollution
- Property would lose value and prestige
- Noise from the night time use of the courts, not only from the use of the courts but also from people talking and doors slamming. Would disrupt the sleep patterns of those who go to bed early. Amphitheatre of the Park makes noise incredibly apparent
- Courts can be used until 9pm during the summer months and not used sufficiently to warrant the use of the floodlights
- At 8m high the floodlights would be a substantial eyesore in what is a wide open space, visible all around the Bowl. In conflict with the Park's architectural importance, including numerous grade II listed buildings
- Parking already a constant nuisance on Tattershall Drive, which would be exacerbated. Problem of traffic and safety issues
- In conflict with the Park being recognised locally and nationally as an area of conservation; unique heritage and ambience. Would fail to preserve the character and appearance of the conservation area
- Extra car parking generated by the proposal would be harmful to the character of the Park roads and parking spaces
- There are other tennis clubs with floodlights that could be used, eg. the Tennis Centre on University Boulevard
- Cumulative impact with other proposed floodlights (16/00603) needs to be considered
- In conflict with heritage policies of the Aligned Core Strategy, saved Local Plan, emerging Local Plan Part 2 and Park Estate Conservation Area Policy Guidance
- Adverse impact on properties with elevated views over the Park
- Permanent fixed floodlights would be harmful when viewed from the south
- Should be retractable as being proposed on the southern courts
- Where floodlights have been erected on other tennis courts within or adjacent to conservation areas, these are adjacent to major roads with more intense street lighting
- If permitted a cut off time of 6-7pm would be more appropriate
- Would adversely affect wildlife in the Park
- No objection in principle but 10pm cut-off too late regarding the light and associated noise. Should be 8pm
- Cut-off time should be 9pm

- The floodlights will not be hidden by the surrounding trees during the late autumn and winter months
- Majority of people likely to benefit from this may not live in the Park and will therefore not be inconvenienced by the proposals

1 petition signed by 44 residents in Clare Valley, Tattershall Drive and Park Valley (corner properties only), Tennis Mews and Park Terrace. Relates to both this application and 16/00604/PFUL3. Committee site visit requested. Following comments raised:

- Proposals ecologically, environmentally, socially and economically dysfunctional for Park Estate generally and nearby residents in particular (mainly middle-aged or elderly)
- Floodlighting and noisy behaviour from tennis players constitutes community nuisance and annoyance
- Would create character of a night-time industrial worksite
- Intrusive and in conflict with the unique gas lighting
- Residents entitled to privacy and quiet after daylight hours
- Post daylight activities not in-keeping with the ethos of the Park Estate, which is also a conservation area
- Park Conservation Plan (2007) requires the character and appearance of the conservation area to be preserved
- Precedent with application for the same in 1996 which was withdrawn
- Need for floodlit tennis better served by the Nottingham Tennis Centre
- Floodlights would be intensely dominating, dazzling and an irritable eyesore in the midst of listed and historic buildings

The Park Estate raises the following issues:

- Object to the non-installation of retractable floodlights within the context of the conservation area
- The mature landscaping is not evergreen and during a large portion of the year the site is visible from the surrounding properties
- Recommend that the switch-off time be 10pm mid-March to mid-October, and 8.30pm outside of these dates

The Nottingham Park Conservation Trust recognises that one of the best ways to conserve the bowl area is to ensure that the existing site use continues and is successful. Therefore understand the desire of the applicant to find ways to increase the hours that the site can be used. However, raise the following issues:

- The Park Bowl open space makes a significant contribution to the character of the conservation area
- Recognise that the best way to conserve the Bowl is to ensure that the existing use continues and is successful. Understand the applicant's intentions in this regard
- The gas lighting in the Park, with low ambient light levels, contributes significantly to the character of the conservation area. Light pollution is therefore a very important matter
- Light 'bleed' should be minimised as far as possible (see comments regarding gas lights)
- Strongly favour the visual impact of the columns being minimised, to be achieved by being retractable (and lowered when not in use)

- Would favour a reasonable restriction on hours of use, to minimise light pollution and noise for adjacent residents
- Thank applicant for organising a public meeting and listening to the views expressed

Additional consultation letters sent to:

Environmental Health and Safer Places: No comments to make.

Notts Wildlife Trust (May 2016): No ecological information has been submitted. Applications for floodlighting in green spaces close to woodlands would trigger the need for a bat survey. A bat survey is therefore required before the application is determined.

Biodiversity and Greenspace Officer (July 2016): Disappointed by level of survey activity undertaken, and when undertaken.

The data that has been collected has found that bat activity was high throughout both of the surveys and associated with both the northern and southern courts; even on the second transect survey which was following a wet day when abundance of insect prey was likely to be lower. No absolute numbers of bats recorded or specific durations of foraging bouts have been provided in the report, but it does state that bats were recorded constantly foraging and activity was 'high'. Although maybe not significant at a national level given the abundance and relatively low conservation status of common pipistrelle, given the data provided, in a local context it seems that this part of the Park with its open space, trees, grassland and currently very dark profile within an otherwise highly urban area is providing an important foraging resource for bats locally, including those that likely roost in the surrounding old buildings.

I therefore believe that the proposed lighting, which would hugely affect the currently dark profile of the area, has the potential to significantly affect local distribution and abundance of common pipistrelle in The Park, possibly central Nottingham. It is not quite clear from the report whether activity was overall greater on the northern section of the site and the tennis courts located there, or the southern section and those courts, seeming high throughout the survey area. In the absence of a comparison, I would generally expect the northern court to be of greater value in terms of foraging, given the abundance of trees and more natural grassland.

It may therefore be of lesser impacts to bats locally if only one of the courts was lit and the other remained a dark resource for wildlife, with the northern court remaining unlit. This would go some way to mitigating the negative effects of the lighting of the southern court, providing a dark refuge for wildlife and reducing the severity of the impact. Although, it would be helpful if this assertion was supported by some robust survey data.

The mitigation measures suggested by the ecologists are also necessary. The lighting should be as directional as possible, preventing spill onto non-target areas and retaining the dark profile of the area as much as possible. Turning off the lights when not in use would also be necessary. Although, I think that 10pm cut off point is rather late if trying to avoid or mitigate impacts to bats, as in spring and autumn this would still allow for lighting for a considerable part of the evening. We have suggested 9pm for previous floodlighting schemes where bats will be affected and,

in the absence of any survey data from these periods, I think this would be more appropriate.

The survey report also mentions a mammal hole, likely to be a badger sett. Should lighting of the northern court be permitted, whether this sett is in use by badger should first be ascertained and if it is active, care must be taken to ensure that the excavations for the lighting and infrastructure do not damage or obstruct access to the sett or harm badger that might be present.

Biodiversity and Greenspace Officer January 2017): Have reviewed the supplementary bat activity survey report (Emec Ecology 25th October 2016) and are satisfied that appropriate survey methodology has been followed and when combined with the data from the summer a more thorough picture of how the tennis court sites are used by bat is possible.

The data indicate that the upper court (application 16/00604/PFUL3, Tennis Drive) is an important foraging resource for bats locally, more so than the lower court (16/00603/PFUL3, Tattershall Drive). Given how limited bat activity often is in such a city centre location, and how this part of The Park would be so significantly affected by floodlighting (even if the various impact minimisation measures suggested were implemented), do not think that lighting of the upper court would be at all appropriate and I would recommend that lighting of this court is not permitted for that reason and therefore object to application 16/00604/PFUL3.

The lower court appears from the survey data to be a less important resource for bats locally and therefore the lighting of this court may not be as detrimental to foraging and commuting bats. Do still think that floodlighting of this area generally would be inappropriate as it will significantly change the light profile of the area for bats and all wildlife, reducing a rare dark space for such an urban location. However, if minded to permit this development, think that 22:00 is too late for the lights to be turned off to prevent adversely affecting bats, as they will be utilising the area for foraging straight away after emerging from roosts nearby. Would therefore suggest that should you permit flood lighting of this lower court, an earlier cut off time is observed. Elsewhere in the city where lighting is designed to avoid impact to bats a cut off time of 21:00 has been conditioned. The other measures on pages 10-11 of the bat survey letter report should also be adhered to, reducing the impact of light spill onto non-target areas.

There is also an active badger sett in proximity to the upper court. Although this would not preclude development, only lighting the lower court and not the upper court would mean that the sett could be left undisturbed.

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

BE12 - Development in Conservation Areas.

NE3 - Conservation of Species.

NE9 - Pollution.

R1 - The Open Space Network.

Aligned Core Strategy:

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 13: Culture, Tourism and Sport

Policy 16: Green infrastructure, parks and open space

Policy 17: Biodiversity

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development
- (ii) Design, appearance and impact on the character and appearance of the Conservation Area
- (iii) Impact upon neighbouring residents
- (iv) Ecological impact

(i) Principle of the development (Local Plan policy R1, ACS policies 13 and 16)

7.1 Floodlights are a common requirement of many external sports facilities. They are typically required to maximise the use of such facilities, generally outside of working hours when there will be a greater demand, and in doing so are the type of ancillary development that is supported in general terms by both national and local planning policy, namely the NPPF (paras. 70,73,74,76, 77) and ACS policy 13. In this instance the tennis courts also fall within part of the Open Space Network (OSN) and, therefore, the proposal additionally requires assessment against policy R1 of the Local Plan. This is intended to protect the parks, open spaces and green links that form the OSN from inappropriate development, particularly where the development would result in the loss of the part of the OSN. Clearly that is not the intention here but rather the floodlights, which are in themselves a minor form of development in terms of their footprint, would be positioned on an existing 'hard/developed' sporting facility within the OSN, rather than impinging into a natural or landscaped 'green' space. The floodlights are therefore considered to be an appropriate form of development within the context of this existing sports ground, which in itself is appropriately found within the OSN, providing an open air facility for health and leisure that is a primary purpose of the OSN.

7.2 It is noted that the proposal is supported in principle by the Nottingham Park Conservation Trust, who acknowledge the importance of such facilities to securing the future of the tennis courts at the Park Bowl.

7.3 However, whilst the principle of the proposed development is accepted, its suitability in relation to other development plan policy needs to be carefully assessed.

(ii) Design, appearance and impact on the character and appearance of the Conservation Area (Local Plan policy BE12, ACS policies 10 and 11)

7.4 Given their height and luminance, floodlights can have a significant visual impact

upon their surroundings. This is particularly so in more sensitive environments such as this, where the site is within a Conservation Area and the OSN. The type of floodlights selected has been chosen with this in mind, to mitigate their visual impact:

- they are proposed to be 8.3m in height, rather than the more typically found 10m+ high floodlights
- the columns and lamp housing are to be finished in a dark green colour
- their use is to be limited until 9pm in the evening

- 7.5 Many representations have been received from local residents expressing objection to the proposed floodlights in terms of the visual impact of the columns and the lighting they will provide, both of which they feel are at odds with character and appearance of the conservation area, particularly given the unique ambient luminance levels found in the Park as a result of the gas-lit street lights.
- 7.6 Regarding the appearance of the columns, it is recognised that for floodlights these are relatively modest in size, and that they would be seen within the context of a large and well established sports ground comprising hard tennis courts, their enclosure, pavilion buildings etc. However, the northern end of the Park Bowl is also defined by the adjacent Paddock and surrounding trees which present a greener, more naturally landscaped context. These would provide some screening of the floodlights during the summer months and along with the colouring of the columns/cowling, would help to mitigate the views that would be available of them through the trees. However, this would not be the case during the winter months when the trees are not in leaf and when the floodlights are more likely to be in use.
- 7.7 Although within a conservation area, the Park Bowl is defined by the character of the expansive array of tennis courts which are found there. These provide an open, sports ground character to the heart of the Park which in itself contributes positively to the conservation area and is an important part of its history. Given the nature of the Park Bowl, it is also the case that the tennis courts are generally at a lower ground level than their immediate surroundings (in this instance to the north and west) which, along with the dark green colour finish and surrounding trees at its northern end as described above, would help to mitigate the visual impact of the floodlights. However, as permanent 8.3m high structures which would be provided with little screening during the winter months when they are most likely to be in use, and set against the more naturally landscaped context of the northern end of the Bowl, it is concluded that the columns would be harmful to the character and appearance of this part of conservation area.
- 7.8 The lighting from the floodlights would also clearly have an impact upon their surroundings, particularly in the context of the low level luminance from the gas-lit street lights. The applicants have acknowledged this and consideration given to how this impact can be mitigated. The columns are proposed at a lower height than typically found and single rather than double lamps are proposed to reduce the effect of glare. At this northern end of the Bowl some screening would also be provided by the surrounding trees although, as described above, not so during the winter months when the floodlights are more likely to be in use.
- 7.9 Although originally seeking the operation of the floodlights until 10pm, in response to issues arising through the application process, they are now proposing a cut off time of 9pm. Whilst the lighting from the floodlights would clearly be greater than background luminance levels, this in itself is not felt to be inappropriate within the

context of the large expanse of tennis courts that define the character of the Park Bowl. However, it is felt that it would be in conflict with the more naturally landscaped context at the northern end of the Bowl, even with the considerate operating hours, which would further reinforce the opinion that that they would be harmful to the character and appearance of this part of conservation area.

(iii) Impact upon neighbouring residents (local Plan policy NE9, ACS policy 10)

- 7.10 The primary impacts arising from the proposed floodlights on neighbouring residents is twofold; firstly, the impact of the lighting from the floodlights and secondly and noise and disturbance arising from the extend use of the tennis courts that they would permit. The columns themselves are not of a height that would have a direct physical impact on neighbours given the separation distance between the two.
- 7.11 Regarding light impact, a luminance contour diagram has been submitted with the application to demonstrate the strength and spread of light from the floodlights. The distance between the proposed floodlights and the nearest properties is approx. 60m to those on Tennis Drive to the north, approx. 23m to those on Tennis Drive to the east and approx. 25m to those on Tattershall Drive to the west. As Mentioned above, the courts are also approx. 3m and 8m below the road levels of Tattershall Drive and Tennis Drive (to the north) respectively. The floodlights would be cowled and directed to focus light on the courts and to limit light spill beyond, and at this northern end of the Bowl some screening would be provided by the sounding trees, although only when in leaf. The contour diagram is showing luminance levels of 1 Lux at the frontages of the adjacent properties; the Environmental Health and Safer Places team have raised no objection to the application in this regard.
- 7.12 They have also raised no objection to the potential for increased noise and disturbance. The floodlights would not in themselves increase the noise associated with people playing tennis or any ancillary noise and disturbance from the comings and goings of people to the courts, but rather would extend this outside of normal working hours, into the evenings. Again, this matter is judged within the context of the Park Bowl being a large and well established complex of tennis courts. Investment in such facilities is required to increase patronage of the tennis courts, to secure the future of the tennis clubs that use them and indeed the future of the Park Bowl as the tennis centre that it has been for in excess of 100 years. It is recognised that noise and disturbance during evening hours would be likely to have a greater impact on neighbouring residents, who are more likely to be present at that time. Background noise levels around the Park Bowl would otherwise be low, although in this locality that would also be the case during the day. The existing degree of impact is also season dependent, with later evening activity already possible during spring and summer months. The application originally proposed a cut-off time for the floodlights at 10pm, but in response to neighbour (and ecological) concerns, the applicant has proposed a revised cut-off time of 9pm. This is welcomed and considered to meet the appropriate balance necessary in recognition of the long established used of the Park Bowl and the amenities of the neighbours who surround it.
- 7.13 It has been suggested in some representations of objection that the proposal would generate increased traffic and parking to the detriment of neighbouring residents and the area in general. The proposal would not in itself increase the number of people using the courts at any given time, but rather is seeking to increase the times that they are used. If the proposal is to generate increased vehicular

movements and parking it is not considered that this would be so significant as to justify a refusal of the application on this ground. There is generally capacity for on-street parking around the tennis courts and as elsewhere in the Park, which is a private estate that does not form part of the public highway, parking is a matter to which private management arrangements apply.

(iv) Ecological impact (Local Plan policy NE3, ACS policy 17)

7.14 The Park Bowl is an area of high bat activity within the context of this part of the City and the proposal is therefore particularly sensitive in this regard. The Council's Biodiversity and Greenspace Officer (BGO) has commented that the proposed lighting, which would hugely affect the currently dark profile of the area, has the potential to significantly affect local distribution and abundance of common pipistrelle in The Park, possibly central Nottingham. This is the primary reason for the length of time it has taken to consider this (and the accompanying application 16/00603/PFUL3); the application(s) as originally submitted did not include a bat survey but following a request for this work to be undertaken, surveys were conducted in June/July 2016 and then also in September 2016. The BGO's comments are set out in full above but their conclusions are essentially as follows:

- are satisfied with the surveys which have allowed a more thorough understanding of how the tennis court sites are used by bats
- given how limited bat activity often is in such a city centre location, and how this part of The Park would be so significantly affected by floodlighting (even if the various impact minimisation measures suggested were implemented), do not think that lighting of the upper court would be at all appropriate and I would recommend that lighting of this court is not permitted for that reason. Therefore object to application 16/00604/PFUL3

7.15 As mentioned above, this is clearly a sensitive issue and of high significance in weighing the material issues that are relevant to this application. As set out elsewhere in the report, whilst the need for these facilities is recognised and some of their impacts can be appropriately mitigated, this is not felt to sufficiently outweigh the concerns relating to their adverse impact on bat activity. The proposal is therefore recommended for refusal on this basis.

8. SUSTAINABILITY / BIODIVERSITY

The proposal's impact on the sustainability of this sporting facility and the ecology of the locality are discussed at length within the report.

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

Leisure and Culture

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: 16/00604/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O46G20LYFFM00>

2. 35 neighbour representations received April/May 2016

3. Petition received May 2016

4. Comments from Park Estate 18.4.16

5. Comments from Park Conservation Trust 28.4.16

6. Comments from Biodiversity and Greenspace Officer 28.7.16 and 10.1.17

7. Comments from Environmental Health and Safer Places 14.4.16

8. Comments from Notts Wildlife Trust 9.5.16

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

Contact Officer:

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Email: rob.percival@nottinghamcity.gov.uk. Telephone: 0115 8764065



comments

ecologic
homes ltd.

client: NLTA

Project Name Park Tennis Club
Floodlighting
Project No. ELH092

Address Tattershall Drive
The Park
NG7 1BX

| | |
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| drawn by: | A M Siebert |
| checked by: | |
| date: | 7/3/16 |
| scale: | |

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| site: | Tattershall Drive, The Park |
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| house type: | floodlighting |
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| drawing: | 1:1250 siteplan |
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| drawing number: | ELH092 08.6 rev - |
|-----------------|-------------------|

My Ref: 16/00604/PFUL3 (PP-04854627)
Your Ref:
Contact: Mr Daniel Windwood
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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Date of decision:

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

Application No: 16/00604/PFUL3 (PP-04854627)
Application by: Nottingham Lawn Tennis Association
Location: Nottinghamshire Lawn Tennis Association, Tennis Drive, Nottingham
Proposal: 8no. 8m high floodlights.

Nottingham City Council as Local Planning Authority hereby **REFUSES PLANNING PERMISSION** for the development described in the above application for the following reason(s):-

1. By virtue of the appearance of the columns, their lamps and associated housing, and the illumination they would omit, the floodlights would have a harmful impact on their surroundings and the character and appearance of The Park Conservation Area, contrary to policy BE12 of the Nottingham Local Plan and policies 10 and 11 of the Aligned Core Strategy.
2. The illumination that the floodlights would omit would be harmful to the high level of bat activity in the locality, contrary to policy NE3 of the Local Plan and policy 17 of the Aligned Core Strategy.

Notes

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



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DRAFT ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 16/00604/PFUL3 (PP-04854627)

If the applicant is aggrieved by the decision of the City Council to refuse 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.