

Important – Planning permission & notices of consent

Compliance with conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email planning@manchester.gov.uk

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Manchester University NHS Foundation
Trust
Cobbett House
Oxford Road
Manchester
M13 9WL

Agent (if used)

Melissa Lee
Turley
5th Floor Transmission
6 Atherton Street
Manchester
M3 3GS

Part 1 – Particulars of the application/development

Proposal: Variation of conditions 2 (specified plans), 5 (Arboricultural Method Statement), 11 (Drainage), 12 (Materials), 17 (Cycle parking), 18 (Car parking), 19 (Noise Plant and Equipment), 25 (Waste management) and 28 (car parking management) from planning permission reference 137537/FO/2023 to allow a reconfiguration of the building including a reduction in size and associated elevational alterations

Location: Withington Community Hospital, Nell Lane, Manchester, M20 2LR

Date of application: 28 June 2024

Application number: 140400/JO/2024

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Approved** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

Article 35 Declaration

The application has been considered in a positive and proactive manner as required by The Town and Country Planning (Development Management Procedure) (England) Order 2015 and any problems and/or issues arising in relation to dealing with the application have been communicated to the applicants agent in a timely manner and a decision has been issued within the statutory timescales.

Condition(s) attached to this decision

1) The development must be begun not later than the expiration of three years of the date of planning permission reference 137537/FO/2023, that date being 15.12.2023.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Site Wide General Arrangement 2301-SQU-XX-00-DR-L-001 REV P7
Transport Assessment and 83266-CUR-XX-XX-T-TP-00003-P02 Curtins
Framework Travel Plan (received on the 12th July 2023) together with the Travel Plan addendum ref 83266-CUR-XX-XX-T-TP-00002 Revision: P04 prepared by Curtins
All as received by the City Council on the 7th November 2023

Preliminary Risk Assessment prepared by Groundtech Consulting reference GRO23019-4177
Design and Access Statement DAY Architectural Ltd
Environmental Standards Statement Ridge
Preliminary Ecological Appraisal Report RSK BioCensus 2485005 Rev01 June 2023
All as received on the 12 July 2023

Drawings and documents associated with condition discharge approval references:
CDN/24/0098, CDN/24/0551

Proposed Location and Site Plan DAY-V1-00-DR-A-040005 REV P11
Proposed Ground Floor Plan Ref: DAY-V1-00-DR-A-040004 REV P7
Proposed First Floor Plan Ref: DAY-V1-01-DR-A-040101 REV P7
Proposed Roof Plan Ref: DAY-V1-RF-DR-A-040201 REV P7
Proposed Elevation North and East DAY-V1-ZZ-DR-A-041002 REV P9
Proposed Elevation South and West DAY-V1-ZZ-DR-A-041003 REV P9
Proposed Sections DAY-V1-ZZ-DR-A-042001 REV P7
Planning Statement Addendum, prepared by Turley
Design and Access Statement Addendum Rev 2, prepared by DAY Architectural Ltd dated 03 June 2024
Transport Statement Addendum, prepared by Curtins Ref: 83266-CUR-XX-XX-T-TP-00004 Revision: P03 Issue Date: 25 June 2024
Biodiversity Net Gain Design Stage Report, prepared by RSK BioCensus Ref: 2486881 Rev 07 dated May 2024
Withington CDC - Biodiversity Metric 4.0 Calculation Tool, prepared by RSK BioCensus
Noise Impact Assessment, prepared by dBx Acoustics Ltd Ref: 23046-R01B-SW
Air Quality Assessment, prepared by Miller Goodall Ref: 103047V3 (dated 14 June 2024)
Energy Strategy, prepared by Hoare Lea Ref: Revision P01 (dated 13 May 2024)
Stage 3 Arboricultural Method Statement, prepared by RSK BioCensus Ref: 2485237 Rev 0 (dated 1st May 2024)
Thermal Comfort Assessment, prepared by Hoare Lea Ref: Revision P02 (dated 09 May 2024)
Low and Zero Carbon Feasibility Study, prepared by Hoare Lea Ref: Revision P01
Crime Impact Statement, prepared by Greater Manchester Police (Secured by Design) Ref: 2005/2091/CIS/01 Rev B (dated 28 June 2024)
Environmental Standards Statement, prepared by Ridge Ref: 5020743 version 3 - dated 28 May 2024
BREEAM Pre-Assessment Report, prepared by Ridge Ref 5020743 version 2 - dated 24 May 2024
Flood Risk Assessment, prepared by CCS Consulting Limited Ref: Rev B (dated 26 April 2024) reference 22182-CCS-WCH006-XX-RP-S-04021

1342-22-DAY-WCHCDC-DAY-V1-00-DR-A-040006 Rev P5 Proposed Waste Management Plan and Compound Alterations
Waste Strategy Report, prepared by DAY Architectural Limited Ref: Rev E (dated April 2024)
Landscape Green and Blue Strategy YD2_WH_RP001 dated 17/04/2024
All as received by the City Council as local planning authority on the 28th June 2024

Geo-Environmental Appraisal CCS Consulting dated 05 September 2023 reference GRO-23019-4716
As received by the City Council as local planning authority on the 22nd July 2024

Site wide general arrangement 22182-Y2D-WCH006-00-XX-L-00900 Revision P11
Landscape Sections 22182-Y2D-WCH006-XX-XX-L-00910 Rev P02
All as received by the City Council as local planning authority on the 23rd July 2024

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) The development shall be carried out in accordance with the approved construction management plan discharged under application reference CDN/24/0551.

Manchester City Council encourages all contractors to be 'considerate contractors' when working in the city by being aware of the needs of neighbours and the environment. Membership of the Considerate Constructors Scheme is highly recommended.

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

4) The development shall be carried out in accordance with the measures to protect bats as outlined in section 5.2.2 of the approved Preliminary Ecological Appraisal report.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended and to comply with policy EN15 of the Manchester Core Strategy.

5) The development shall be carried out in accordance with the Arboricultural Method Statement approved under condition discharge reference CDN/24/0098. The approved measures shall be installed prior to the commencement of development and retained at the site in accordance with the agreed details whilst construction works are taking place.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

6) Within 1 month of the commencement of above ground works, a scheme for the enhancement of the site for biodiversity purposes shall be submitted to and agreed in writing by the City Council as Local Planning Authority. The scheme shall include:
- Details of bat and bird boxes (including swift boxes) and hedgehog houses to be installed and timescales for their installation;
-Proposals for the long-term management of the retained scrub and trees.

The agreed scheme shall be implemented in accordance with the agreed details and maintained thereafter.

Reason -To mitigate the loss of vegetation and to promote biodiversity, pursuant to policy EN15 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

7) No vegetation clearance shall take place during the optimum period for bird nesting (1st March - 31st August inclusive) unless nesting birds have been shown to be absent by a suitably qualified expert.

Reason - In order to protect wildlife from works that may impact on their habitats pursuant to policy EN15 of the Manchester Core Strategy.

8) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

9) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998" Recommendations for Tree Work".

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Manchester Core Strategy.

10) Within one month prior to construction work being completed, a detailed report which takes into account the information and outcomes about local labour recruitment pursuant to the Local Benefit Proposal approved under condition discharge application reference CDN/24/0551 shall be submitted for approval in writing by the City Council as Local Planning Authority.

Reason - The applicant has demonstrated a commitment to recruiting local labour pursuant to policies SP1, EC1 and DM1 of the Manchester Core Strategy (2012).

11) Notwithstanding the approved documents and drawings, prior to installation of any surface water drainage at the site an updated scheme for surface water drainage works

in accordance with Non Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards and details shall be submitted to and approved in writing by the City Council as Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the first use of the building. The submitted scheme shall include:

- Progression through the drainage hierarchy shall be evidence based and supported by site investigation. Results of ground investigation carried out under Building Research Establishment Digest 365. Site investigations should be undertaken in locations and at proposed depths of the proposed infiltration devices. Proposal of the attenuation that is achieving half emptying time within 24 hours. If no ground investigations are possible or infiltration is not feasible on site, evidence of alternative surface water disposal routes (as follows) is

required;

- Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account. An email of acceptance of proposed flows and/or new connection will suffice.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to policies EN8 and EN14 of the Manchester Core Strategy.

12) Above ground construction works shall not commence until samples and specifications of all materials to be used in the external elevations (including rooftop screening) shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved materials shall then be implemented as part of the development.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Manchester Core Strategy

13) The measures for investigating the site identified in the Preliminary Risk Assessment shall be carried out before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Manchester Core Strategy.

14) When the development commences, the development shall be carried out in accordance with a previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority. No occupation of the development shall take place until a completion/verification report is submitted to and has been approved by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the

development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

15) A detailed Travel Plan which relates to the hereby approved development and the wider Withington Community Hospital buildings at the site shall be submitted to and agreed in writing by the City Council as Local Planning Authority prior to first occupancy of the development hereby approved. In this condition a Travel Plan means a document which includes:

- (1) The measures proposed to be taken to reduce dependency on the private car by those attending or employed in the development;
- (2) A commitment to surveying the travel patterns of staff and patients during the first three months of the development and thereafter from time to time;
- (3) Mechanisms for the implementation of the measures to reduce dependency on the private car; and
- (4) Measures for the delivery of specified travel plan services; and measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car.

Within six months of the first use of the development, a revised Travel Plan which takes into account the information about travel patterns gathered pursuant to item (2) above shall be submitted to the City Council as local planning authority for approval. Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To reduce dependency on the car travel and to promote alternative means of transport, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

16) Prior to the first occupation of the development hereby approved, full details of the electric car charging points to be installed shall be submitted to and approved in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented prior to the first use of the development hereby approved and be retained thereafter.

Reason - In the interest of air quality pursuant to policy EN16 of the Manchester Core Strategy.

17) No part of the development hereby approved shall be occupied until the space and facilities for bicycle parking have been provided in accordance with the details shown on drawings referenced 22182-Y2D-WCH006-00-XX-L-00900 Rev P11 received by the City Council as Local Planning Authority on the 23rd July 2024. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of

transport in order to comply with policies SP1, T1 and DM1 of the Manchester Core Strategy.

18) The car parking area within the site edged red indicated on drawing reference 22182-Y2D-WCH006-00-XX-L-00900 Rev P11 received by the City Council as Local Planning Authority on the 23rd July 2024 shall be surfaced, demarcated and made available for use prior to the first use of the development hereby approved and be retained thereafter whilst the development is in use.

Reason - To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to policies DM1, T2 and SP1 of the Manchester Core Strategy.

19) a) Any externally mounted ancillary plant, equipment and servicing to be installed shall be selected and/or acoustically treated in accordance with the approved Noise Impact Assessment prepared by dbx acoustics reference 23046-R01B-SW as received by the City Council as local planning authority on the 28th June 2024 so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to its installation, the scheme, including any necessary mitigation, shall be submitted to and approved in writing by the City Council as Local Planning Authority in order to secure a reduction in the level of noise emanating from the site.

b) Prior to any externally mounted ancillary plant, equipment and servicing to be installed becoming operational, an approved verification report shall be submitted to and approved in writing by the City Council as Local Planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non - conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

20) Within 3 months of the commencement of development, a detailed hard and soft landscaping treatment scheme which shall include species, type and size of any trees, hedges, shrubs and plants to be planted and the timescales for the implementation of the scheme shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented in accordance with the previously agreed timescale. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

21) The development hereby approved shall include a scheme for the illumination of external areas. Prior to the first occupation of the development full details of such a scheme shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation and shall remain in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction and the personal safety of those using and ensure that lighting is installed which is sensitive to the bat environment the proposed development in order to comply with the requirements of policies SP1 and DM1 of the Manchester Core Strategy.

22) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

23) The development hereby approved shall not be occupied until details of the implementation, maintenance and management of a sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- A verification report providing photographic evidence of construction as per design drawings;
- As built construction drawings if different from design construction drawings;
- Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason - To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system, pursuant to policy EN17 of the Manchester Core Strategy.

24) Prior to the first occupation of the development hereby approved a post construction review certificate/statement detailing the energy and sustainability performance of the development shall be submitted for approval to the City Council as local planning authority.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Manchester Core Strategy and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

25) The development hereby approved shall be implemented in accordance with the waste management details provided on the submitted waste management plan and drawing referenced DAY-WCHCDC-DAY-V1-00-DR-A-040006 Rev P5, received by the City Council, as Local Planning Authority on the 28th June 2024. The details of the

approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to policies EN19, DM1 and SP1 of the Manchester Core Strategy.

26) Prior to the first occupation of the development hereby approved, written confirmation of a Secured by Design accreditation for the development shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - To reduce the risk of crime, pursuant to policies SP1 and DM1 of the Manchester Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

27) Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987 as amended (or any order revoking and re-enacting that Order with or without modification) the building hereby approved shall only be used for the provision of medical or health services - use class E(e) and for no other purpose, unless expressly approved by the City Council as local planning authority.

Reason - To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity do not commence without the prior approval of the local planning authority pursuant to policy DM1 of the Core Strategy and saved UDP policy DC26.

28) Prior to the first use of the development hereby approved the surface car parking as identified within the defined site edged red and blue shown on drawing reference DAY-V1-00-DR-A-040005 REV P11'Proposed Location and Site Plan' received by the City Council as local planning authority on the 28th June 2024 shall be made available free of charge to staff and those attending the site for a minimum period of 60 minutes per day.

Reason - In the interests of the amenity of nearby residents pursuant to policy DM1 of the Core Strategy.

29) Prior to the first occupation of the development hereby approved, details of a scheme for off-site highway works to facilitate the amended pedestrian access to the site from Burton Road, together with a timescale for their implementation, shall be submitted to and agreed in writing by the City Council as local planning authority. The development shall be carried out in accordance with the agreed details.

Reason - In the interests of pedestrian safety pursuant to policy DM1 of the Core Strategy.

Informatives

Building Regulations 2010

This permission does not grant approval under Building Regulations.

Street Naming & Numbering Requirements

Manchester City Council is responsible for allocating street naming and numbering within Manchester for new developments or property conversions. Individuals or businesses are not permitted to allocate their own property numbers, building or street names.

If your development includes the creation of new dwellings (either new build or conversion of existing buildings), creation of new commercial properties or the subdivision of existing properties you must ensure that you request new or changes to addresses through us so they can be officially allocated and registered in accordance with the Public Health Act 1925 Sections 17-19 & Greater Manchester Act 1981 Section 22.

Failure to do this may result in difficulties for the developer/occupier when requiring services such as connections to utilities, phone lines and postal services and may delay your development.

You can apply online at the following address:

www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2

Date: 4 September 2024

Signed:

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written over a horizontal line.

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2 If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-decision . The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.