MANCHESTER CITY COUNCIL

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

MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr Steve Brown
John Southworth
10 Charles Street
Dukinfield
Cheshire
SK16 4SD

Agent (if used)

Mr Daniel Tomlinson
GWP Architecture
1 Lidgett Lane
Leeds
LS8 1PQ

Part 1 – Particulars of the application/development

Proposal: Variation of condition 2 (specified plans), 11 (boundary treatment) and 17 (waste management) attached to planning permission referenced 137915/JO/2023

Location: Higher Blackley Community Centre, Victoria Avenue, Blackley, Manchester, M9 0RA

Date of application: 6 December 2023

Application number: 138745/JO/2023

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

Officers have worked with the applicant / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

Condition(s) attached to this decision

1) The development must be begun not later than 26 February 2024.

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:

Drawings referenced 882.HT.001 (TYPE 24A-1), 882.HT.001 (TYPE 35A-1), 882.HT.001 (TYPE 35C), 882.HT.001 'Bay Study received by the City Council, as Local Planning Authority 14 January 2021.

Drawings referenced 2240-GWP-01-01-DR-A-(00)-0001_Site Location Plan-P03, 2240-GWP-00-XX-DR-A-(90)-0015_Site Sections 1 of 2-P03, 2240-GWP-00-XX-DR-A-(90)-0016_Site Sections 2 of 2-P02, -P01, 2240-GWP-00-XX-DR-A-(00)-0005_Materials Layout-P02, received by the City Council as Local Planning Authority on 16 May 2023.

Drawings referenced 2240-GWP-00-XX-DR-A-(00)-0003_Proposed Site Plan-P10, 2240-GWP-00-XX-DR-A-(90)-0006_Hard Landscaping Layout-P07, 2240-GWP-00-XX-DR-A-(90)-0010_Boundary Treatments Plan-P10, 2240-GWP-00-XX-DR-A-(90)-0011_Boundary Treatment Types_Details 1 of 3-P04, 2240-GWP-00-XX-DR-A-(00)-0010_Contextual Street Elevations 1 of 2-P05, 2240-GWP-00-XX-DR-A-(00)-0011_Contextual Street Elevations 2 of 2-P03 and 2240-GWP-00-XX-DR-A-(90)-0005_Waste Management-P07, received by the City Council as Local Planning Authority on 5 December 2023.

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

3) The development hereby approved shall only be implemented in accordance with the Construction Environmental Management Plan stamped as received by the City Council, as Local Planning Authority on 31 March 2021, as agreed as part of discharge of condition application referenced CDN/21/0238.

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

4) The development hereby approved shall only be implemented in accordance with the Bat method statement prepared by Tyler Grange (ref. 13883-R01-JD-19032021), received by the City Council, as Local Planning Authority on 24 March 2021, as agreed as part of discharge of condition application referenced CDN/21/0238.

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

5) The development hereby approved shall only be implemented in accordance with the Local Benefit Proposal received by the City Council, as Local Planning Authority on16 April 2022 as agreed as part of condition discharge application referenced CDN/21/0309

Within one month prior to construction work being completed, a detailed report which takes into account the information and outcomes about local labour recruitment shall be submitted for approval in writing by the City Council as Local Planning Authority.

Reason - In order to demonstrate a commitment to recruiting local labour pursuant to policies SP1, EC1 and DM1 of the Manchester Core Strategy.

6) (a) The development hereby approved shall only be implemented in accordance with the following drainage details, received and agreed as part of discharge of condition application referenced CDN/23/0185:

-E-mail from United Utilities dated 29 March 2023 with attached drawing and drainage calculations;

-E-mail with attachments from Edge Consulting Engineers dated 31 May 2023;

-SUDs/drainage design & calculations received by the City Council as Local Planning Authority on 16 March 2023 and updated by additional information received on 3 April 2023.

(b) The development shall then be constructed in accordance with the approved details, within an agreed timescale.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to policies SP1, EN14 and DM1 of the Manchester Core Strategy.

7) (a) The development hereby approved shall only be implemented in accordance with the following details, received and agreed as part of discharge of condition application referenced CDN/23/0185:

Ground Gas Addendum Report produced by E3P (Ref:12-787-r3-1 -October 2021) and Remediation Strategy, produced by IGE Consulting (Ref: 3951-01 / A), received by the City Council as Local Planning Authority on 16 March 2023 and 17 April respectively.

(b) When development commences, it shall be carried out in accordance with the 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 prior to the first occupation of the development.

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 - There is evidence of site contamination at the application site which requires further consideration and examination. In particular, details of outstanding gas monitoring is required to be submitted for consideration and an appropriate remediation strategy prepared. This is pursuant to policy EN18 of the Manchester Core Strategy.

8) The development hereby approved shall only be implemented in accordance with the Construction Environmental Management Plan, received by the City Council, as Local Planning Authority on 31 March 2021 and the Traffic Management Plan received by the City Council, as Local Planning Authority on 24 March 2021, as agreed as part of discharge of condition application referenced CDN/21/0238.

Reason - To safeguard the amenities of nearby residents, highway safety and air quality, pursuant to policies SP1, EN15, EN16, EN19 and DM1 of the Manchester Core Strategy.

9) The development hereby approved shall only be implemented in accordance with the following external materials, received by the City Council as Local Planning Authority on 16 March 2023 as part of discharge of condition application referenced CDN/23/0185:

- Walls, Brick Michelmerch Hadley Red Wirecut;
- Roofs, Thin edge concrete roof tiles. Marley Edgemere Anthracite;
- Windows, uPVC windows. RAL 7016, dark grey;
- Doors, composite Doors. RAL 7016, dark grey;
- Rainwater goods, black uPVC;
- Soffits and fascias, RAL 7016;

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, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

10) The window reveals for the development shall be carried out in accordance with 882.HT.001 'Bay Study' stamped as received by the City Council, as Local Planning Authority, on14 January 2021. For the avoidance of doubt the extent of the window reveals and detailing will be as follows:

- Minimum window reveal 70 mm;

Reason - In the interest of preserving the architectural detailing on the scheme pursuant to policies EN1 and DM1 of the Manchester Core Strategy.

11) The boundary treatment shall be carried out in accordance with the details shown on drawings referenced 2240-GWP-01-01-DR-A-(00)-0003/P10, 2240-GWP-00-XX-DR-A-(00)-0010/P05, 2240-GWP-00-XX-DR-A-(00)-0011/P03, 2240-GWP-00-XX-DR-A-(90)-0010 and 2240-GWP-00-XX-DR-A-(90)-0011/P04, received by the City Council as Local Planning Authority on 5 December 2023.

The approved details shall be implemented as part of the development and be in place prior to the first occupation of the development.

The boundary treatment shall be retained and maintained in situ thereafter and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no boundary treatment shall be erected on site, other than that shown on the approved plans.

Reason - In the interest of visual amenity and security of the site pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

12) The development hereby approved shall only be implemented in accordance with the Environmental Standards Matrix produced by Anderson Goddard Ltd (Ref: AG-76528-Design-Rev B) and letter setting out the strategy by GWP Architecture, received by the City Council as Local Planning Authority on 24 August 2023 and 28 September 2023 respectively.

A post construction review certificate/statement shall be submitted for approval in writing by the City Council, as Local Planning Authority within 3 months of first occupation of the development hereby approved.

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, the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

13) Prior to the first occupation of the development, details of the implementation, maintenance and management of the sustainable drainage scheme shall be submitted for approval in writing by the City Council, as Local Planning Authority.
For the avoidance of doubt this shall include:

-Verification reporting providing photographic evidence of construction;

-Management and maintenance plan for the lifetime of the development which shall include the arrangements adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its life-time;

-Timescale for implementation.

The implementation of the management and maintenance plan shall be implemented in accordance with the timescales agreed and retained for as long as the development remains in use.

Reason - To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development pursuant to policies SP1, EN14 and DM1 of the Manchester Core Strategy.

14) (a) The development hereby approved shall only be implemented in accordance with the submitted hard and soft landscaping scheme shown on drawings referenced 2240-GWP-00-XX-DR-A-(90)-0006/P02. 4370 101/A and 4370 202, received by the City Council as Local Planning Authority on 25 April 2023, agreed as part of discharge of condition application referenced CDN/23/0185.

(b) The approved scheme shall be implemented prior to the first occupation of the development. 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 Manchester Core Strategy.

15) The development shall only be implemented in accordance with the tree replacement scheme shown on drawing referenced 4370 201 received by the City Council as Local Planning Authority on 25 April 2023, agreed as part of discharge of condition application referenced CDN/23/0185

The approved scheme shall be implemented prior to the first occupation of the development.

Reason - To ensure appropriate quality and quantity of tree replacement is secured in mitigation of the high-quality trees which would be lost as a result of this development pursuant to policies SP1, EN9 and DM1 of the Manchester Core Strategy.

16) (a) The development hereby approved shall be carried out in accordance with the noise impact assessment stamped as received by the City Council, as Local Planning Authority on 20 January 2020.

(b)Prior to the first occupation of the development, a verification report shall be submitted for approval in writing by the City Council, as Local Planning Authority, in order to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non-conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.

Reason: To secure a reduction in noise from traffic, trams or other sources in order to protect future residents from noise disturbance pursuant to policies SP1, H1 and DM1 of the Manchester Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

17) The waste management arrangements for development hereby approved shall be carried out in accordance with the waste management pro-forma received by the City Council, as Local Planning Authority on the 20 January 2020 and drawing referenced 2240-GWP-00-XX-DR-A-(90)-0005_Waste Management Layout-P07, received by the City Council as Local Planning Authority on 5 December 2023.

The details shall be implemented prior to the first occupation of the development and thereafter retained and maintained in situ.

Reason - To ensure adequate refuse arrangement are put in place for the development pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

18) The development hereby approved shall only be implemented in accordance with the lighting details show on drawing referenced 01 received by the City Council, as Local Planning Authority, on the 16 April 202, as agreed as part of discharge of condition application referenced CDN/21/0309.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development in order to comply with the requirements of policies SP1 and DM1 of the Manchester Core Strategy.

19) 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.

20) The development hereby approved shall be carried out in accordance with the Crime Impact Statement prepared by Design for Security at Greater Manchester Police stamped as received by the City Council, as Local Planning Authority, on the 20 January 2020. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as Local Planning Authority has acknowledged in writing that it has received written confirmation of a Secured by Design accreditation.

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.

21) Prior to the first occupation of the development, the siting, scale and appearance of a suitable cycle store for each dwellinghouse shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented prior to the first occupation of the development and thereafter retained and maintained in situ.

Reason - To ensure there is sufficient cycles provision at the development and the residents in order to support modal shift measures pursuant to policies SP1, T1, T2 and DM1 of the Manchester Core Strategy.

22) Prior to first occupation of the development hereby approved, a scheme of highway works and details of footpaths reinstatement/public realm shall be submitted for approval in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt this shall include the following:

-Creation of the vehicular access off Victoria Avenue including junction protection measures together with resurfacing and re-kerbing of the footways and introduction of tactile paving;

-Relocation an existing pedestrian refuge on Victoria Avenue to accommodate the development;

-Provision of suitable traffic regulation orders at the junctions with Victoria Avenue together with the new access roads within the development in the interest of maintaining sight lines;

-Dropped kerbs and tactile paving to all crossing points.

The approved scheme shall be implemented and be in place prior to the first occupation of the development hereby approved and thereafter retained and maintained in situ for as long as the development remains in use.

Reason - To ensure safe access to the development site in the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy.

23) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) none of the residential units hereby approved shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2020 (or any order revoking and re-enacting that Order with or without modification) the dwellings hereby approved shall be used only as private dwellings (which description shall not include serviced apartments/apart hotels or similar uses where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights) and for no other purpose (including any other purpose in Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity such as serviced apartments/apart hotels do not commence without prior approval; to safeguard the character of the area, and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Manchester Core Strategy and the guidance contained within the National Planning Policy Framework.

25) The development hereby approved shall only be implemented in accordance with the Bat and Bird Box Strategy received by the City Council, as Local Planning Authority on16 April 2021, as agreed as part of discharge of condition application referenced CDN/21/0309.

Reason - In the interest of providing habitats for birds to improve the ecological value of the application site, pursuant to policies SP1 and EN15 of the Manchester Core Strategy.

26) The car parking spaces shall be fitted with an electric vehicle charging point in accordance with drawing 18025/21 Rev # and type 2, mode 3 charging socket stamped as received by the City Council, as Local Planning Authority, on the 7 May 2021

The approved details shall then be implemented and be in place prior to the first occupation of the development and thereafter retained and maintained in situ.

Reason - In the interest of air quality pursuant to policies SP1 and EN16 of the Manchester Core Strategy.

27) The development hereby approved shall only be implemented in accordance with the following driveway drainage details, agreed as part of discharge of condition application referenced CDN/23/0185:

-E-mail from United Utilities dated 29 March 2023 with attached drawing and drainage calculations;

-E-mail with attachments from Edge Consulting Engineers dated 31 May 2023;

-SUDs/drainage design & calculations received by the City Council as Local Planning Authority on 16 March 2023 and updated by additional information received on 3 April 2023.

The development shall be carried out in accordance with the approved details and maintained in situ thereafter.

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

28) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages, extensions, porches, roof alterations or outbuildings shall be erected other than those expressly authorised by this permission.

Reason - In the interests of residential amenity pursuant to policy SP1 and DM1 of the Manchester Core Strategy.

29) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows shall be inserted into the elevations of the dwellinghouses hereby approved other than those shown on the approved drawings outlined in condition 2 of this permission.

Reason - In the interests of residential amenity pursuant to policy SP1 and DM1 of the Manchester Core Strategy.

30) 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.

31) The development hereby approved shall only be implemented in accordance with the Framework Travel Plan received by the City Council, as Local Planning Authority 16

April 2021, as agreed as part of discharge of condition application referenced CDN/21/0309.

Within six months of the first occupation of the development, a Travel Plan which takes into account the information about travel patterns shall be submitted for approval in writing by the City Council as Local Planning Authority. 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 assist promoting the use of sustainable forms of travel for residents, pursuant to policies T1, T2 and DM1 of the Manchester Core Strategy.

32) The development shall only be implemented in accordance with the site levels shown on drawings referenced 2240-GWP-00-XX-DR-A-(90)-0015/P02 and 2240-GWP-00-XX-DR-A-(90)-0016/P02, received by the City Council as Local Planning Authority on 16 March 2023, agreed as part of discharge of condition application referenced CDN/23/0185.

Reason - In the interest ensure an accurate record of the changes to the site levels at the application site, pursuant to policies SP1 and DM1 of the Manchester 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

Mining Information
The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

Date: 30 January 2024

Signed: 

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.