



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2018/1569

To How Planning LLP
Norfolk House
7 Norfolk House
Manchester
M2 1DW

DESCRIPTION Variation of condition 2 (approved plans) of planning permission 2017/0586 to enable changes to the design of the multi storey car park and its access arrangements - Mixed use development of land adjoining Barnsley Markets following demolition of part of existing market hall and multi storey car park to provide new retail/food and drink (Use Classes A1, A3), cinema and leisure use (Use Class D2), new multi storey car park and service road, with access to/from Lambra Road

LOCATION 1 Barnsley Markets and adjoining land, Cheapside, Barnsley

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 16 January 2019 and described above.

The approval is subject on compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of the original planning permission (ref 2017/0586, expiry date 27/09/2020).
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the following plans and specifications as approved unless required by any other conditions in this permission:-
 - BBTC_IBI_XX_A_F100_PL_00_02 rev 4 -Phasing Plan - Ground Level
 - BBTC_IBI_XX_A_F100_PL_RF_01 rev 3 - Phasing Plan - Roof Level
 - BBTC_IBI_XX_A_F100_PL_00_05 rev 2 - Planning Boundaries Ground Floor Level
 - BBTC_IBI_XX_A_F100_SP_09 rev 1 - Building Elevation Reference Plan
 - BBTC_IBI_D2_A_F100_PL_00_02 rev 2 - DS 2 - Context Plan
 - BBTC_IBI_DS_A_F100_EL_XX_01 rev 6 - Proposed GA Elevations Sheet 1 of 2
 - BBTC_IBI_DS_A_F100_EL_XX_02 rev 4 - Proposed GA Elevations Sheet 2 of 2
 - BBTC_IBI_D2_A_F100_PL_RF_01 rev 8 - Roof Plan
 - BBTC_IBI_XX_A_F100_SP_B1 rev 7 - Phase 2 Site Plan - Basement
 - BBTC_IBI_XX_A_F100_SP_00 rev 12 - Phase 2 Site Plan - Ground Floor
 - BBTC_IBI_XX_A_F100_SP_01 rev 9 - Phase 2 Site Plan - First Floor
 - BBTC_IBI_XX_A_F100_SP_02 rev 5 - Phase 2 Site Plan - Second Floor
 - BBTC_IBI_XX_A_F100_SP_03 rev 2 - Phase 2 Site Plan - Third Floor
 - BBTC_IBI_XX_A_F100_SP_RF rev 4 - Phase 2 Site Plan - Roof
 - BBTC_IBI_DS-35_A_F100_PL_BS_001 rev 5 - DS.3&5 - Basement Floor Plan



-BBTC_IBI_DS-35_A_F100_PL_00_001 rev 9 - DS.3&5 - Ground Floor Plan
 -BBTC_IBI_DS-35_A_F100_PL_01_001 Rev 7 - DS.3&5 - First Floor Plan
 -BBTC_IBI_DS-35_A_F100_PL_02_001 Rev 7 - DS.3&5 - Second Floor Plan
 -BBTC_IBI_DS-35_A_F100_PL_03_001 rev 2 - DS.3&5 - Third Floor Plan
 -BBTC_IBI_DS-35_A_F100_PL_RF_001 rev 4 DS.3&5 - Roof Plan
 -BGW2-IBI-ZC-GF-PN-A-G200-0002 - ZC - Ground Floor Plan - rev P04
 -BGW2-IBI-ZC-01-PN-A-G200-0003 - ZC - First Floor Plan - rev P03
 -BGW2-IBI-ZC-02-PN-A-G200-0004 - ZC - Second Floor Plan - rev P03
 -BGW2-IBI-ZC-03-PN-A-G200-0005 - ZC - Third Floor Plan - rev P02
 -BGW2-IBI-ZC-04-PN-A-G200-0006 - ZC - Fourth Floor Plan - rev P02
 -BGW2-IBI-ZC-05-PN-A-G200-0007 - ZC - Fifth Floor Plan - rev P02
 -BGW2-IBI-ZC-BA-PN-A-G200-0001 - ZC - Basement Floor Plan - rev P03
 -BGW2-IBI-ZC-06-PN-A-G200-0008 - ZC - Sixth Floor Plan rev P01
 -BGW2-IBI-ZC-07-PN-A-G200-0009 - ZC - Seventh Floor Plan rev P01
 -BGW2-IBI-ZX-XX-EL-A-G200-0001 - ZB-C - Proposed GA Elevations rev 7
 -BGW2-IBI-ZX-XX-EL-A-G200-0002 - ZB-C - Proposed GA Elevations rev 7
 -BBTC_IBI_DS_A_F100_SE_AB_01 rev 7 - GA Building Sections A & B
 -BGW2-IBI-ZC-XX-SE-A-G200-0001 - ZC - GA Sections rev P04
 -BTC_IBI_D2_A_F100_PL_00_01 rev 18 - Ground Floor Plan
 -BBTC_IBI_D2_A_F100_PL_01_01 rev 15- First Floor Plan
 -BBTC_IBI_D2_A_F100_SE_AA rev 12 - Section AA
 -BBTC_IBI_D2_A_F100_SE_BC rev 12 - Sections BB and CC DS2
 -BBTC_IBI_D2_A_F100_EL_SS_01 rev 8 - South Elevation DS2
 -BBTC_IBI_DS_A_F100_DT_06 rev 3 - DS3/5 - Typical Bay Type DS3/5D Details
 -BBTC_IBI_DS_A_F100_DT_05 rev 3 - DS3/5 - Typical Bay Type DS3/5C Details
 -BBTC_IBI_DS_A_F100_DT_04 rev 3 - DS3/5 - Typical Bay Type DS3/5B Details
 -BBTC_IBI_DS_A_F100_DT_03 rev 2 - DS6/7 - Typical Bay Type DS6/7B Details
 -BBTC_IBI_DS_A_F100_DT_02 rev 2 - DS6/7 - Typical Bay Type DS6/7A Details
 -BBTC_IBI_DS_A_F100_DT_01 rev 5 - DS3/5 - Typical Bay Type DS3/5A Details
 -BBTC_IBI_DS_A_F100_DT_07 rev 3 -DS3/5 - Typical Bay Type DS3/5E Details
 -BBTC_IBI_DS_A_F100_DT_09 rev 1 -DS3/5 - Typical Canopy DS3/5F Details
 - BBTC_IBI_XX_A_F100_SP_XX_001 rev 1 - Proposed Phase 2 Developments - Gross External Areas
 -BBTC_IBI_XX_A_F100_SP_XX_003 rev 1 - Proposed Phase 2 Development - Gross Internal Areas by Planning Use
 -BBTC_IBI_XX_A_F100_SP_XX_004 rev 1 - Proposed Phase 2 Development - Gross Internal Areas by Planning Use
 -BBTC_IBI_D2_A_F100_DT_N_01 rev 3 - Wall Section N-01 North Facade/Party Wall - Grid 9/F
 -BBTC_IBI_D2_A_F100_DT_S_01 rev 3 - Wall Section S-01 South Facade - Grid 4/A
 -BBTC_IBI_D2_A_F100_DT_S_02 rev 3 - Wall Section S-02 South Facade - Grid 6/A. -The principles detailed within the Shopfront Design Guide document (appendix 6 of the Design and Access Statement)

Reason: In the interests of the visual amenities of the locality

- 3 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road level gradients; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.

Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Local Plan policy D1 'High Quality Design and Place Making'.

- 4 No development shall take place until the external material pallets and samples of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The construction of the building shall only take place after a sample panel of all external materials has been constructed on site and the details approved in writing by the Local Planning Authority. The approved panel shall be retained on site until construction of the building has been completed. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan policy D1 'High Quality Design and Place Making'.

- 5 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.

Reason: In the interest of highway safety, in accordance with T4 'New development and Transport Safety'.

- 6 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Means of access for construction traffic
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- Measures to control noise levels during construction

Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Local Plan policies T4 'New development and Transport Safety' and Poll1 'Pollution Control and Protection'.

- 7 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:

- a) provision of a signal controlled junction at the Wesley Road/Lambra Road
- b) provision of a signal controlled junction at Lambra Road/Pontefract Road;
- c) provision of VMS at various locations throughout the town centre;
- d) any necessary changes to street lighting;
- e) any necessary changes to drainage;
- f) provision of and any necessary changes to Traffic Regulation Orders;
- g) carriageway/footway resurfacing/reconstruction on all affected highways;
- h) any necessary signing/lining;
- i) provision of signal engineer parking bay at the signal controlled junctions;
- j) provision of motorcycle/cycle parking;
- k) provision of coach parking facilities.

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with Local Plan policy T4 'New development and Transport Safety'.

- 8 No development shall take place until full foul and surface water drainage details, including a scheme to reduce surface water run-off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.

Reason: To ensure proper drainage of the area, in accordance with Local Plan policy CC3 'Flood Risk'.

- 9 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of the amenities of local residents and in accordance with Local Plan policy Poll1 'Pollution Control and Protection'.

- 10 Prior to commencement of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

o human health,

o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

o adjoining land,

o groundwaters and surface waters,

o ecological systems,

o archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

The development shall be carried out in accordance with the approved report including any remedial options.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan policy CL1 'Contaminated and Unstable Land'.

- 11 The shell and core part of the proposed development shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the development, an energy performance certificate shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.

Reason: In the interest of sustainable development, in accordance with Local Plan policy CC2 'Sustainable Design and Construction'.

- 12 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To conserve and enhance biodiversity in accordance with Local Plan Policy BIO1 Biodiversity and Geodiversity.

- 13 Prior to the occupation of the development a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved, it shall be fully implemented and retained as such thereafter.
Reason: In the interest of promoting use of public transport, in accordance with Local Plan policy T3 'New Development and Sustainable Travel'.
- 14 Details of measures to restrict vehicular access to/from Kendray Street shall be submitted and approved by the Local Planning Authority prior to the commencement of development, and shall then be implemented prior to the development being brought into use, and permanently retained thereafter
Reason: In the interest of highway safety in accordance with Local Plan policy T4 'New development and Transport Safety'.
- 15 Details of measures to control vehicular/pedestrian access to the service yard shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, and then shall be implemented prior to the development being brought into use, and permanently retained thereafter.
Reason: In the interest of highway safety in accordance with Local Plan policy T4 'New development and Transport Safety'.
- 16 Details of the car park management plan shall be submitted and approved in writing by the Local Planning Authority prior to the development being brought into use, and then shall be implemented at all times.
Reason: In the interest of highway safety in accordance with Local Plan policy T4 'New development and Transport Safety'.
- 17 The development shall not be brought into use until a service yard management plan has been submitted to and approved in writing by the Local Planning Authority, once approved it shall be strictly adhered to at all times. The plan shall include for the management of all delivery vehicles, customers vehicles, pedestrians, the use of banksmen, and shall provide a regular monitoring regime and a system for identifying and correcting issues at each delivery.
Reason: In the interest of highway safety in accordance with Local Plan policy T4 'New development and Transport Safety'.
- 18 Prior to the commencement of works on the new external façade of the development a scheme for the provision of bat bricks within the development as a means of providing biodiversity enhancements be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being brought into use and shall be retained as such thereafter.
Reason: To conserve and enhance biodiversity in accordance with Local Plan Policy BIO1 Biodiversity and Geodiversity.

- 19 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:
- The programme and method of site investigation and recording.
 - The requirement to seek preservation in situ of identified features of importance.
 - The programme for post-investigation assessment.
 - The provision to be made for analysis and reporting.
 - The provision to be made for publication and dissemination of the results.
 - The provision to be made for deposition of the archive created.
 - Nomination of a competent person/persons or organisation to undertake the works.
 - The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated in accordance with Local Plan Policy HE1 The Historic Environment.

- 20 The developer shall ensure that suitable air quality mitigation is incorporated into the development. These mitigations shall consist of those listed within Section 6.2 (Mitigation, Operational Phase) of the supporting air quality assessment, and those in subsequent correspondence between the Local Planning Authority and the developer. These shall consist of:
- Provide parking spaces with an electric charging point (20 normal electric vehicle charging points), using a phased introduction with an initial agreed provision and a remaining allocated at an agreed trigger level. The electric charging points should be located near priority parking areas (e.g. car park pedestrian entrance routes).

Provision of a Travel Plan, to include:

- Strategy to discourage high emission vehicle use
- Improved pedestrian access to public transport
- New or improved bus stop infrastructure
- Site layout to encourage walking and cycling.
- Strategies for reducing emissions by vehicles operated by tenants and promoting the uptake of lower emission technologies shall be encouraged by provision of information on accreditation schemes, such as South Yorkshire -ECO Stars (<http://www.ecostars-uk.com/>).

Provision of anti-idling signage. With regard to the commercial site, the following mitigation to be implemented:

- A workplace travel plan shall be promoted to all staff.

- A Delivery and Service Planning Toolkit shall be adopted to ensure deliveries are efficient and minimise effects on local roads.

Reason: In the interests of minimising the impact of the proposal on local air quality in accordance with Local Plan Policy AQ1 Development in Air Quality Management Areas.

- 21 Prior to the occupation of the development details of a scheme for responding to the recommendations of South Yorkshire Police Crime Reduction Officer in the completed development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being brought into use and shall be retained as such thereafter.
Reason: In the interest of crime prevention and counter terrorism.
- 22 Prior to occupation of the buildings, full details of externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details
Reason: In the interest of visual and public amenity in accordance with Local Plan policies D1 'High Quality Design and Place Making' and Poll1 'Pollution Control and Protection'.
- 23 Prior to the commencement of the use, full details of the proposed refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a method statement indicating how the facilities will be managed and serviced and how occupiers of the proposed development will be encouraged to maximise the use of the proposed recycling facilities to reduce general waste arisings. Prior to the occupation of the building/commencement of the use, the approved facilities shall have been implemented in conjunction with the approved method statement and shall thereafter be retained.
Reason: In the interests of encouraging recycling and visual amenity in accordance with Local Plan policy Poll1 'Pollution Control and Protection'.
- 24 Prior to the commencement of works on the new external façade of the development samples of the external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan policy D1 'High Quality Design and Place Making'.
- 25 Prior to the commencement of works on the arcade a lighting scheme for the glass canopy roof shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan policy D1 'High Quality Design and Place Making'.

26 No building or other obstruction shall be located over or within :-

i) 6.5 (six point five) metres either side of the centre line of the 1200/1050mm public combined sewer i .e. a total protected strip width of 13 metres, that crosses the site ;

ii) 6 (six) metres either side of the centre line of the 1750mm public combined sewer i.e. a total protected strip width of 12 metres, that crosses the site;

iii) 5.0 (five) metres either side of the centre line of the 675mm public combined sewer i .e. a total protected strip width of 10 metres, that crosses the site;

iv) 3.5 (three point five) metres either side of the centre line of the 450mm public surface water sewer i .e. a total protected strip width of 7 metres, that crosses the site; and

v) 3 (three) metres either side of the centre line of each of the 300mm, 225mm and 150mm public surface water sewers i .e. total protected strip widths of 7 metres per sewer, that cross the site

Furthermore, where the required stand -off distances are to be achieved via diversion or closure of the sewer (s), the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and the agreed diversion works shall then be fully implemented prior to construction in the relevant area of the development site, to the satisfaction of the Local Planning Authority as part of an overall phasing programme for the development.

Reason: In the interests of public health, in order to protect the public sewerage and to ensure access for repair and maintenance to the sewerage is maintained at all times.

27 Development shall not commence until details have been submitted to and approved by the Local Planning Authority that demonstrate that public water supply infrastructure will be protected during all phases of eh development . Construction in the relevant areas of the development shall not commence until approved measures have been fully implemented.

Reason: In order to protect the public water supply.

28 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network

29 The development shall not be brought into use, until a scheme for the method of payment for the car park have been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme for the lifetime of the development.

Reason: In the interest of highway safety, in accordance with T4 'New development and Transport Safety'.

30 The development shall not be brought into use until details of any entrance/security barriers, including manner of operation have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interest of highway safety, in accordance with T4 'New development and Transport Safety'.

- 31 The development shall not be brought into use until precise details of the proposed access/egress to the multi-storey car park including signing, lining or other equipment to segregate and control vehicles using the car park and service vehicles have been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with T4 'New development and Transport Safety'.
- 32 Upon commencement of development full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the buildings.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan policy D1 'High Quality Design and Place Making'.
- 33 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan policy D1 'High Quality Design and Place Making'.


Informative(s)

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

Please be aware that the Council monitors construction sites and open land within the vicinity such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- *a fine of up to £50,000 and*
- *up to six months imprisonment on conviction*

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of the approved development is disposed of via approved methods and that documents are retained to prove this.

Signed 
Joe Jenkinson
Head of Planning and Building Control

Dated 22 February 2019

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions 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. 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 his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.