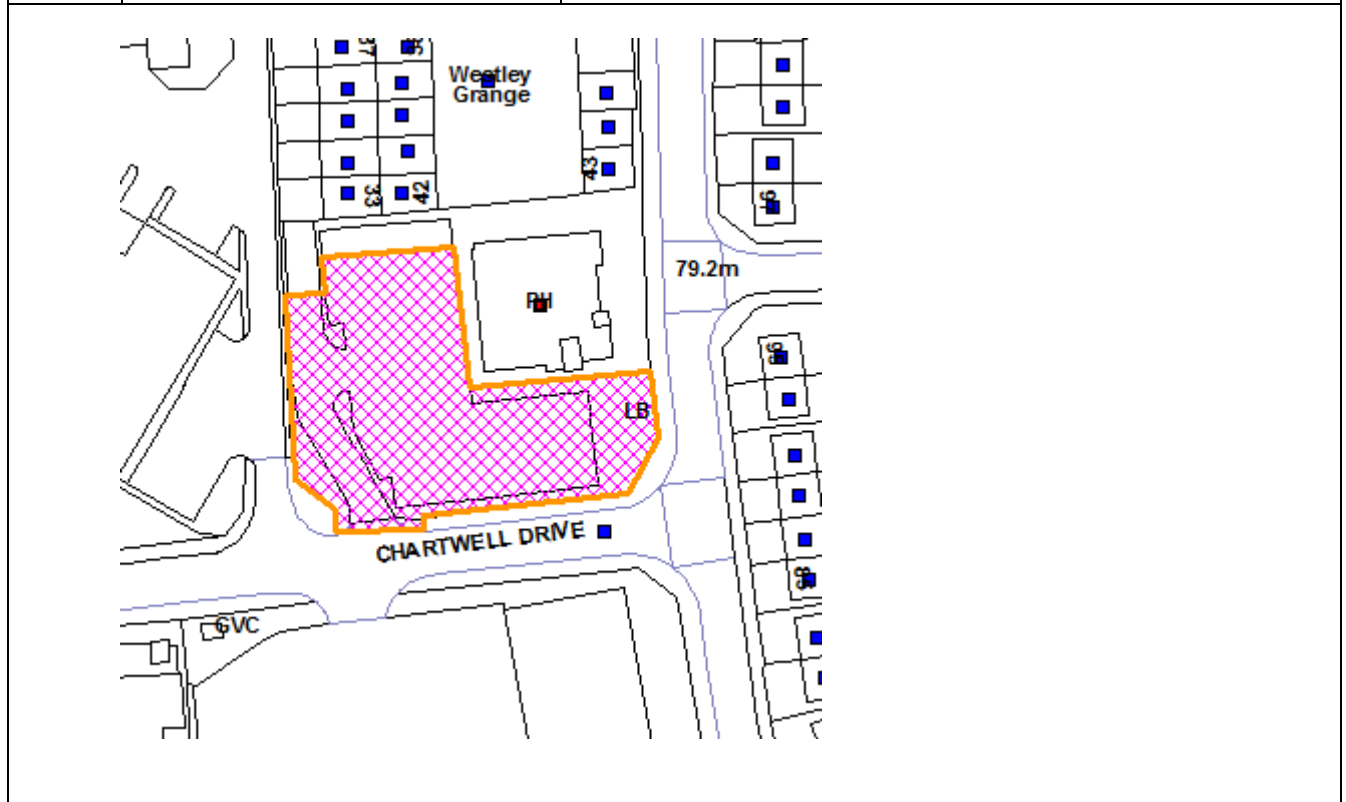


**Application Number    Address**

**Report Items**

1.    15/00261/FUL            Chartwell Arms  
   Chartwell Drive  
   Wigston  
   Leicestershire  
   LE18 2FB

1.	15/00261/FUL	Chartwell Arms Chartwell Drive Wigston Leicestershire LE18 2FB
	11 June 2015	Resubmission of 14/00498/FUL for the erection of a retail unit (use class A1) with associated ATM cash machine, car parking, servicing, refuse and plant area and landscaping.
	CASE OFFICER	Stephen Dukes



## Site and Location

The site is located in a prominent corner position at the junction of Chartwell Drive and West Avenue. The site is currently used for car parking for the Chartwell Arms Public House. The Chartwell Drive Industrial Estate borders the site to the north, south and west, however the site lies outside of the identified employment area in the Oadby & Wigston Local Plan. There are residential properties located opposite the site on West Avenue.

## Description of proposal

The application proposes the erection of a retail unit (Use Class A1) with associated ATM cash machine, car parking, servicing, refuse and plant area, and landscaping.

The retail store would measure approximately 15m wide x 20.6m long x 6.7m high (max) with a retail floor area of 183.4 square metres and a back up area of 91 square metres. The walls would be brick and render, and the roof would be tiled. The proposal also includes a bin, plant and cage area to the rear of the store within an acoustic fenced area measuring approximately 6.8m long x 7m wide x 2.7m high.

The application proposes 13 car parking spaces (including 1 disabled) for the store with 16 car parking spaces (including 1 disabled) for the Chartwell Arms public house. Provision for cycle parking is also proposed within the site. The site is accessed from Chartwell Drive.

The application is similar to an application recently approved by this committee, during a meeting on 2 April 2015 (ref. 14/00498/FUL). The amendments from the previous application are outlined below:

- Re-location of the store to the originally intended position following comments from members at committee;
- Amendment of Condition 10 to allow the store to be open to customers seven days a week, including Bank Holidays between 07:00 and 23:00.
- Removal of Condition 16 to allow development to commence prior to the submission of a Traffic Regulation Order (TRO)

A Planning and Retail Statement, Transport Statement and Noise Impact Assessment have been submitted with the application.

The statutory determination period for this application expired on the 6 August 2015, and it is intended to issue a decision as soon as practicably possible after the committee meeting.

## Relevant Planning History

14/00498/FUL - Erection of a retail unit (use class A1) with associated ATM cash machine, car parking, servicing, refuse & plant area & landscaping – Application permitted on 14 May 2015.

## Consultations

### Leicestershire County Council (Highways)

Concerns were raised in application 14/00498/FUL over potential car parking issues and whilst discussions were held over the provision of Traffic Regulation Orders (TRO) through a S106 agreement to manage potential on-street parking issues, it was concluded that such a contribution would not meet the CIL test. Accordingly, a condition (Condition 16) was imposed which required the submission of a TRO application and consultation to have commenced prior to commencement of development.

The Local Highway Authority (LHA) understands that as part of this re-application, the Applicant wishes to commence development without the TRO application being made, and to replace this condition with a Unilateral Undertaking. As there are lead-in times associated with the implementation of TROs, the LHA is of the opinion that the process should be commenced prior to development, so that reasonable endeavours to implement the TRO would have been undertaken prior to first use.

The LHA does not object, subject to the inclusion of conditions which are reflective of the previous advice made to OWBC and re-iterate the LHA's position as per the previous application. Attention is drawn to the condition which requires for the TRO to have been submitted and consultation to have been undertaken, and not for its implementation. Therefore, the Applicant's reasoning that the condition is in contravention of Section 21a(3) of the NPPG is not applicable.

### OWBC Planning Policy

Core Strategy Policy 2 – Development in the Centres of Oadby, Wigston and South Wigston states that in considering proposals for new retail development, the Borough Council will apply the sequential approach to site selection and that it is essential that any development does not have an adverse effect on existing centres within the Borough.

Both the Core Strategy and the National Planning Policy Framework recognise the importance of town centres by concentrating town centre uses (for example retail) within town centre boundaries. Bearing this in mind, the Council's Town Centres Area Action Plan condenses Wigston's town centre boundary to further concentrate town centre uses within the core of the town.

Any proposed retail development situated outside of Wigston town centre will need to satisfy the sequential test; in the process justifying why none of the current available units or retail provision set out within the Town Centres Area Action Plan are not appropriate. The National Planning Policy Framework suggests that 'where an application fails to satisfy the sequential test or is likely to have significant adverse impact...it should be refused'.

Core Strategy Policy 2 also states that the Borough Council where necessary identify new small scale local shopping opportunities to meet the everyday needs of local people".

### OWBC Environmental Health

Comments made with regards to contaminated land, groundwork and construction.

### **Representations**

Neighbours have been informed and a press/site notice placed with no letters of representation being received at the time of writing this report. The date for the receipt of comments expired on the 27 July 2015.

### **Relevant Planning Policies**

#### National Planning Policy Framework

#### Oadby & Wigston Core Strategy

Core Strategy Policy 1 Wigston	:	Spatial Strategy for Development in the Borough of Oadby & Wigston
Core Strategy Policy 2 Wigston	:	Development in the centres of Oadby, Wigston and South Wigston
Core Strategy Policy 4	:	Sustainable Transport and Accessibility
Core Strategy Policy 8	:	Climate Change and Renewable Energy
Core Strategy Policy 14	:	Design and Construction

## **Planning Considerations**

The main issues to consider in the determination of this application are as follows:

- The principal of commercial development
- The impact of the proposal on the street scene
- The impact of the proposal on neighbouring residential properties.
- Highway Issues

### The principal of commercial development

The principal of commercial development on this site has previously been established, as application 14/00498/FUL for the erection of a retail unit has previously been approved.

### The impact of the proposal on the street scene

The appearance of the proposed development and its relationship with its surroundings are a material consideration in determining planning applications and it is important that new development does not have a detrimental impact on the character and appearance or amenity of the area.

The application proposes relocating the store to the originally intended position following comments from members at committee. In application 14/00498/FUL as originally submitted the proposal was to locate the store 4.3 metres from Chartwell Drive. The builder's merchant on the opposite corner of Chartwell Drive and West Avenue is set back approximately 6 metres from the highway. The proposed retail store would be closer to the highway than any other buildings along Chartwell Drive. The agent was made aware of these concerns and the plans were amended to set the store 5.6 metres back from Chartwell Drive, resulting in a gap of 3 metres between the proposed store and the public house but this was considered to be sufficient distance between the buildings to provide good natural surveillance.

At the meeting of the Development Control committee on 2 April 2015 a member commented on the 3 metre gap between the public house and store stating that there was no lighting there or at the back of the pub. This led to the imposition of two conditions (14 and 15), relating to details of external CCTV provision and external lighting for the site being submitted to and approved by the Local Authority and subsequently implemented.

The proposed plans in this application would leave a gap of 4.7 metres between the store and public house. Although the proposal would be closer to Chartwell Drive, the difference between the two applications is 1.7 metres which is not considered to warrant a refusal of the application. In addition, the impact of the wall in the street scene would be partly reduced by the existing vegetation which would be trimmed.

The front elevation (facing West Avenue) consists of brickwork and clear glazed aluminium shop front. The extent of glazing on the front elevation would help to break up the overall mass of the building. The side elevation (facing Chartwell Drive) shows a combination of brickwork and smooth render. Three rendered bays with brick columns separating the bays helps to visually reduce the

mass of the building and provides some form of variation with the design and materials. The impact of the side elevation will be reduced by the retention of the existing hedge.

The bin, plant and cage area would be located to the rear of the store enclosed by a 2.7 metre high acoustic fence. Whilst it would have been preferable for the fence to be set further back from Chartwell Drive, given the industrial character of the area it is not considered to be so adverse as to warrant refusal of the application.

#### The impact of the proposal on neighbouring residential properties.

The site is located just outside of an industrial estate and the front entrance is approximately 4.7 metres away from the nearest windows of the residential accommodation at first floor level above the Chartwell Arms public house, therefore the key consideration is the impact on the residential amenity of nearby properties.

The application form states that the proposed opening hours of the store are 07:00 – 23:00 7 days a week. Additional information submitted by the applicant indicates that deliveries would take place between 06:00 and 21:00.

A preliminary selection of new items of plant for the proposed convenience store indicates that 1 No. condenser, 2 No. heat pumps, and 1 No. A/C unit would be required.

The Environmental Health Officer (EHO) previously raised concerns with the potential for noise disturbance from vehicles visiting the site and from plant and machinery to the residential accommodation at first floor level above the Chartwell Arms public house. No such concerns have been raised with regards to this application.

It was also previously recommended that a condition be imposed to restrict vehicle movements for the purpose of deliveries and plant maintenance. Condition 11 was imposed to restrict deliveries to the following hours:

Monday – Saturday -	07:00 – 18:00
Sunday and Bank Holiday	10:00 – 18:00

As for plant and machinery, the EHO previously recommended that a condition is imposed limiting the noise. Condition 12 was imposed restricting the level of noise from the plant and machinery to 3Db(A) above ambient noise levels when measured 1 metre from the first floor windows of the nearby residential properties.

The Council's Supplementary Planning Guidance suggests that the Local Planning Authority will consider imposing conditions restricting opening hours in areas of mixed land use, where a service is provided to the general public which can be conducted without detriment to the amenity of residential properties to 07:30 – 22:00 Monday-Saturday and 09:00 - 21:00 on Sundays. In this case, however, taking into account the location of the car park to the rear of the proposed store and the distance from neighbouring residential properties, the revised trading hours of 07:00 – 23:00 seven days a week including Bank Holidays is considered to be acceptable.

#### Highways issues

With regards to car parking, it was previously considered that the 13 car parking spaces for the retail unit and 16 car parking spaces for the public house would be sufficient, as the time of day when demand would be highest for each business would differ, resulting in a shared parking area that provides adequate parking provision throughout the day. With regards to deliveries, it was previously considered that deliveries would take place during periods when vehicle demand is low and therefore it is unlikely that service vehicles would park on-street or require visitors to park on-street.

The Highway Authority previously raised concerns with the position of the ATM on the east side of the proposed store facing West Avenue which would increase the possibility of customers parking within the highway to access the proposed store. The ATM has been re-sited internally.

#### Traffic Regulation Order (TRO)

There are currently waiting restrictions in place along West Avenue and Chartwell Drive. These waiting restrictions apply for the busiest times of the day, 8am - 6.30pm, when demand for the junction of Chartwell Drive and West Avenue is at its highest.

The Highway Authority considered that customers of the proposed store may park within these areas during times that are not currently covered by the waiting restriction, resulting in obstacles within the highway for vehicles entering and exiting Chartwell Drive. Therefore, the Highway Authority previously advised that a Section 106 Agreement be entered into between the developer and the Highway Authority, where a contribution of £10,000 will be held for a two year period. This would cover the cost of implementing a Traffic Regulation Order (TRO) that will further restrict parking in these areas. The intention of the TRO would be to provide a double yellow line from the access to the site on Chartwell Drive, leading to West Avenue and the section of highway fronting the proposed store and public house, with the double yellow line terminating at the bus stop further along West Avenue.

This requirement was not included within the officer recommendation to committee as the Highway Authority could not be certain that vehicles would park within the highway and therefore the TRO would not satisfy the CIL tests as it could not be considered necessary to carry out the development.

At the Development Control committee meeting on 2 April 2015, however, members suggested that a TRO should be put in place so that the issue of parking and traffic was minimised. It was resolved that a condition should be put in place regarding a TRO and condition 16 was subsequently imposed as follows:

*“No development shall take place until a Traffic Regulation Order relating to parking restrictions on West Avenue and Chartwell Drive (which shall result in continuous double yellow lines from the access to the site on Chartwell Drive, leading on to West Avenue and the section of the highway fronting the proposed convenience store and public house, with the double yellow line terminating at the bus stop further along West Avenue) have been submitted to the Leicestershire County Council (as Highway Authority) and consultation have been commenced and evidence to such effect has been submitted to and approved in writing by the Local Planning Authority.*

*Reason: To ensure a satisfactory form of access and in the interests of highway safety and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.”*

The applicant now wishes to Removal of Condition 16 to allow development to commence prior to the submission of a Traffic Regulation Order (TRO). Although the applicant does not believe that a TRO is strictly necessary in these circumstances, they are willing to replace the condition with an appropriate Unilateral Undertaking.

The Local Highway Authority's response was initially that it would be reluctant to replace the condition with a Unilateral Undertaking because of the lead-in times associated with the implementation of TROs and the LHA was of the opinion that the process should be commenced prior to development, so that reasonable endeavours to implement the TRO would have been undertaken prior to first use.

However, in light of further consultation, legal advice and being mindful of not wishing to unduly resist the application, the LHA has altered its response, stating as follows:

*“Whilst the LHA would prefer the original TRO condition 16 to be re-conditioned to this consent, if the LPA are minded to agree to the effective removal of condition 16 detailed in the previous consent 14/00498/FUL in favour of the applicant entering into a Unilateral Undertaking in regard to this resubmission application, the Highway Authority would accept this mechanism provided it allows the Traffic Regulation Order and associated consultation process to be initiated prior to first use of the development and entirely at the applicant’s expense which would involve all costs incurred by the LHA in consulting on, and any subsequent delivery of, the TRO. For avoidance of doubt, the wording of the Unilateral Undertaking in regard to the TRO should be agreed by the LPA in consultation with the Highway Authority prior to consent”.*

It is therefore considered that condition 16 may be removed, but as an alternative, a Unilateral Undertaking would be required which secures the finances for Leicestershire County Council to undertake consultation and investigation into whether a new Traffic Regulation Order would be required to further limit parking on Chartwell Drive and West Avenue. The Unilateral Undertaking would also provide the resources for implementing the TRO, if appropriate.

## **Conclusion**

In summary, the principal of retail development in this location and the impact on the character and appearance of the street scene are considered to be acceptable. The impact on neighbouring residential properties is considered to be acceptable. The impact on the highway is considered to be acceptable, subject to the submission of an appropriately worded Unilateral Undertaking which secures a contribution for the Highway Authority to monitor the development to determine whether any on-street parking occurs before proceeding with a TRO if appropriate.



## Implications Statement

Health	No Significant implications
Environment	No Significant implications
Community Safety	No Significant implications
Human Rights	The rights of the applicant to develop his property has to be balanced against the rights of neighbours.
Equal Opportunities	No Significant implications
Risk Assessment	No Significant implications
Value for Money	No Significant implications
Equalities	No Significant implications
Legal	No Significant implications

## Recommendation

That authority be delegated to the Senior Planner to **GRANT** conditional planning permission, subject to the conditions which follow and, subject to timely receipt of a unilateral planning obligation in acceptable terms not later than 27 September 2015 (or another date as agreed in writing by the Local Planning Authority) to secure the payment of £10,000 to be held as a bond for the implementation of a Traffic Regulation Order within two calendar years of the opening of the proposed store. If a suitable and timely Unilateral planning obligation is not received, then **REFUSE** planning permission.

### Subject to the following condition(s)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Prior to the commencement of development details of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

**Reason:** To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 3 Prior to the commencement of development the colour of the proposed render (either self-coloured or by means of a painted finish) shall be submitted to and approved in writing by the Local Planning Authority. The render (including its agreed colour) shall be completed within 2 months of the substantial completion of the development.

**Reason:** To safeguard the character and appearance of the building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14 and Landscape Proposal 1 of the Oadby and Wigston Local Plan.
- 4 Prior to the commencement of development a detailed scheme of landscaping and measures for the protection of the hedge to be retained during the course of development shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that a landscaping scheme is provided to enhance the development and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and the occupiers of adjacent buildings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 6 Prior to the first occupation of the building hereby granted permission the access and parking areas shown on the approved plan shall be provided in a bound material and thereafter made available at all times for their designated purposes.

**Reason:** As recommended by Leicestershire County Council (Highways) in the interests of highway safety and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.

- 7 Notwithstanding the submitted details, prior to the commencement of development details of secure cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the building and unless otherwise first agreed in writing by the Local Planning Authority maintained as such for the life of the development.

**Reason:** As recommended by Leicestershire County Council (Highways) and to encourage sustainable alternatives to the motor car and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.

- 8 Prior to the commencement of development a scheme for the disposal of foul sewerage and surface water drainage for the site (based on sustainable drainage principles) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the first dwelling and, unless otherwise first agreed in writing by the Local Planning Authority, shall be maintained as such for the life of the development.

**Reason:** To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment and to prevent run off to the highway as recommended by Leicestershire County Council (Highways) and in accordance with the aims and objectives of the National Planning Policy Framework.

- 9 If during the course of development, contamination not previously anticipated or previously identified is found to be present on the site, then no further development (unless otherwise first agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

**Reason:** In order to safeguard human health and the environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environmental Health Manager and in accordance with the aims and objectives of the National Planning Policy Framework.

- 10 The use hereby permitted shall not be open to customers between 23:00 and 07:00.

**Reason:** In the interests of the amenities of local residents and the locality in general in compliance with Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 11 No deliveries shall be taken at or despatched from the site except between the hours of 7.00am and 6.00pm Monday to Saturday and 10.00am to 6.00pm on Sundays or Bank Holidays.

**Reason:** In the interests of the amenities of local residents and the locality in general in compliance with Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 12 The plant and machinery shall be adequately protected so that the noise emitted from them does not increase the background noise level when measured 1 metre from the first floor windows of nearby residential properties by more than 3dB(A).

**Reason:** In the interests of the amenity of the adjoining residential properties and the locality in general in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14 and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 13 Prior to the commencement of development details of the plant and machinery shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the building and unless otherwise first agreed in writing by the Local Planning Authority maintained as such for the life of the development.

**Reason:** In the interests of the amenity of the adjoining residential properties and the locality in general in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14 and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 14 Prior to the first occupation of the building full details of external CCTV provision for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the building and unless otherwise first agreed in writing by the Local Planning Authority maintained as such for the life of the development

**Reason:** In the interests of security and crime reduction and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 14.

- 15 Prior to the first occupation of the building full details of external lighting for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the building and unless otherwise first agreed in writing by the Local Planning Authority maintained as such for the life of the development.

**Reason:** In the interests of security and crime reduction and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 14.

- 16 Unless otherwise first approved in writing (by means of a Non-material Amendment/Minor Material Amendment or a new Planning Permission) by the Local Planning Authority the

development hereby permitted shall be carried out in accordance with the approved plans and particulars listed in the schedule below.

**Reason:** For the avoidance of doubt as to what is permitted by this permission and in the interests of proper planning.

Note(s) to Applicant :

- 1 For the avoidance of doubt this permission relates to the following plans and particulars:-  
  
Site Location Plan - Corstorphine+Wright - RF30-0300 Rev B - received by the Local Planning Authority on 11 June 2015.  
Existing Site Plan - Corstorphine+Wright - RF30-0301 - received by the Local Planning Authority on 11 June 2015.  
Proposed Site Plan - Corstorphine+Wright - RF30-0302 Rev D - received by the Local Planning Authority on 11 June 2015.  
Proposed GA Floor Plan - Corstorphine+Wright - RF30-0303 Rev C - received by the Local Planning Authority on 11 June 2015.  
Proposed GA Roof Plan - Corstorphine+Wright - RF30-0304 - received by the Local Planning Authority on 11 June 2015.  
Proposed Elevations - Corstorphine+Wright - RF30-0305 Rev D - received by the Local Planning Authority on 11 June 2015.
- 2 You are advised that this proposal may require separate consent under the Building Regulations and that no works should be undertaken until all necessary consents have been obtained. Advice on the requirements of the Building Regulations can be obtained from the Building Control Section.
- 3 If the proposal involves the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Etc. Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.
- 4 For the avoidance of doubt this permission does not authorise any development outside the application site including any foundation, footings, fascias, eaves, soffits, verges or guttering.
- 5 You are advised that any amendments to the approved plans will require either a Non-Material amendment application, a Minor Material Amendment application or a new planning application. If this is the case then you should allow at least 8 weeks before the intended start date to gain approval for such amendments. Further advice can be obtained by contacting the Planning Section of the Council on any amendments (internal or external).
- 6 This permission requires you to submit further details to the Local Planning Authority on the proposal prior to the commencement of works on site. There is a fee payable to the Local Planning Authority when a request is made for the discharge of one or more conditions on the same permission or for confirmation of compliance with a condition or conditions. At the time of writing, the fee is payable per written request to discharge conditions not per condition and therefore any number of conditions may be included on a single request. The fee for such a request associated with this permission (at the time of this decision notice) is £97. The fee must be paid when the request is made. The Local Planning Authority has a statutory period of 8 weeks for the determination of such requests.
- 7 This does not convey consent for any advertisements to the premises for which separate consent must be obtained.
- 8 All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001).

- 9 With regards to condition 7, the applicant is advised to locate the cycle stand closer to the building.
- 10 With regards to condition 14, the applicant is advised that the CCTV provision must cover the whole site, including the alleyway between the existing public house and the proposed retail store.
- 11 With regards to condition 15, the applicant is advised that the details of external lighting should include lighting within the car park and between the existing public house and the proposed retail store.
- 12 In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted proactively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### 13 **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Telephone 0303 444 5000) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

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 the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

### **Purchase Notices**

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 he 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 (District Council, London Borough Council or Common Council of the City of London) 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.