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| RIBBLE VALLEY BOROUGH COUNCIL |  |  |
| Development Department |  |  |  |  |
| Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA |  |  |
| Telephone: 01200 425111 www.ribblevalley.gov.uk planning@ribblevalley.gov.uk |
| Town and Country Planning Act 1990 |  |  |  |  |
| OUTLINE PLANNING PERMISSION |  |  |  |
| **APPLICATION NO:** | 3/2022/0632 |  |  |  |
| **DECISION DATE:** | 17 February 2023 |  |  |  |
| **DATE RECEIVED:** | 30/06/2022 |  |  |  |
| **APPLICANT:** |  |  | **AGENT:** |  |  |
| Muller Property GroupC/o Agent |  | Mr Bruce RiskWalsingham PlanningBrandon HouseKing StreetKnutsfordWA16 6DX |
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| **PARTICULARS OF DEVELOPMENT:**  | Demolition of existing buildings and erection of a care home (Use Class C2) of up to 70 beds. All matters reserved apart from access.  |
| **AT:**  | Pendle Mill Pendle Road Clitheroe BB7 1JQ |
| **Ribble Valley Borough Council** hereby give notice in pursuance of provisions of the Town and Country Planning Act 1990 that **outline** **planning permission has been granted** for the carrying out of the development referred to above in accordance with the application and plans submitted subject to the following conditions:  |
| 1 | Time Scale for Implementation of Consent  An application(s) for approval of all outstanding reserved matters (namely appearance, layout, scale and landscaping) must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: a) The expiration of three years from the date of this permission; orb) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. REASON: Required to be imposed in accordance with the provisions of Section 51 of the Planning and Compulsory Act, 2004.P.T.O. |
| 2 | Approved Plans and Documents  The development hereby permitted shall be carried out in full conformity with the following submitted plans and details received by the Local Planning Authority:Plans: 1:1250 Location Plan H.21.78 (9-) 1 AProposed Demolition Plan H.21.78 (9-) 5 BProposed Site Plan H21.78 (9-) 3 C (in respect of site access only)Proposed Site Plan with Topographical Survey H.21.78 (9-) 2 F (in respect of site access only)Reports:Bat Survey dated October 2022 - bEk Enviro LtdBaseline Biodiversity Net Gain Assessment Report dated May 2022 - bEk Enviro LtdPreliminary Ecology Appraisal & Potential Bat Roost Survey dated May 2022 - bEk Enviro LtdPlanning Statement dated June 2022 - Walsingham Planning Design & Access Statement dated June 2022 - ADG ArchitectsFlood Risk Assessment & Drainage Strategy dated May 2022 - bEk Enviro LtdGeo-environmental Phase 1 Preliminary Risk Assessment dated May 2022- bEk Enviro LtdTransport Assessment and Appendices dated May 2022 - Sanderson Associates LtdTechnical Note response to LCC Highways dated August 2022 - Sanderson Associates LtdTravel Plan dated May 2022 - Sanderson Associates LtdArboricultural Impact Assessment dated May 2022 - e3p Report Ref: 80-759-R1-2Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans. |
| 3 | Use / Limits Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (as amended or re-enacted) the development hereby approved shall only be used for the purposes of a Residential Care Home (C2) and for no other purpose, including any other purpose within Use Class C2. REASON: To define the scope of the permission hereby approved and to ensure that the development remains compatible with the character of the area.P.T.O. |
| 4 | Any Reserved Matters application submitted relating to scale and/or layout shall be limited to 70 bedrooms (maximum); shall propose an overall building height which does not exceed the existing ridge height of neighbouring property 25 Pendle Road; and shall demonstrate an interface distance of not less than 21m between facing windows with Nos 25 - 33 Pendle Road.REASON: To define the scope of the permission hereby approved and to ensure that the development has an acceptable impact on residential amenity. |
| 5 | Drainage  The development permitted by this planning permission shall be carried out in accordance with the mitigation measures set out within Section 8 of the site-specific flood risk assessment (May 2022 / BEK-22035-3 / bEk Enviro Ltd). The approved measures shall be fully implemented prior to occupation of the development and/or in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.REASON: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. P.T.O. |
| 6 | No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority. The detailed surface water sustainable drainage strategy shall be based upon the site specific flood risk assessment (May 2022 / BEK-22035-3 / bEk Enviro Ltd) and indicative surface water sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. The details of the drainage strategy to be submitted for approval shall include, as a minimum; a) Sustainable drainage calculations for peak flow control and volume control for the: i. 100% (1 in 1-year) annual exceedance probability event; ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep; iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems. b) Final sustainable drainage plans appropriately labelled to include, as a minimum: i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary; ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall; iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate; iv. Drainage plan showing flood water exceedance routes in accordance with v. Defra Technical Standards for Sustainable Drainage Systems; vi. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL; vii. Details of proposals to collect and mitigate surface water runoff from the development boundary; viii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components; /Continued……………… P.T.O. |
| 6. Cont/… |  c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365. d) Evidence of an assessment of the existing on-site culverted watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development. e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required. f) Evidence of an agreement in principle with the third party asset owner to connect to the on site surface water body. The sustainable drainage strategy shall be implemented in accordance with the approved details prior to occupation of the development hereby approved and shall be retained thereafter for the lifetime of the development. REASON: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. P.T.O. |
| 7.8. | No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority. The details of the plan to be submitted for approval shall include for each phase, as a minimum: a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site. b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance. The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. REASON: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.  The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include, as a minimum: a) A timetable for its implementation; b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component; c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues; d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity; e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer’s recommended design life; f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and h) Means of access for maintenance and easements. Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.  REASON: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework. P.T.O. |
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| 9. | The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.  The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.  REASON: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.  |
| 10. | Contamination  Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how: -a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001 ) will be carried out and the method of reporting this to the Local Planning Authority; andb) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.REASON: In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters. P.T.O. |
| 11 | Highways  No development shall commence on the site until such time as a construction traffic management plan, including as a minimum, details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.  REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.   |
| 12 | No part of the development hereby approved shall commence until a scheme for the construction of the approved site access (Sanderson drawing number 300828-001 Rev B) and the off-site works of highway mitigation, namely:-- Tactile paving provided on the footways adjacent to the proposed access and the footway opposite number 21 Pendle Road; - Stopping up all redundant accesses including the access serving the furniture company and the access serving JPA Sports and RE Dawson adjacent to number 21 Pendle Road and erecting full height kerbs in these locations; - Erecting full height kerbs at the dropped kerb located opposite the existing furniture showroom;- Bus stop improvements (namely road markings and raised boarding area) to the bus stops located adjacent to the site on both sides of Pendle Roadhas been submitted to, and approved by, the Local Planning Authority. The approved access and off-site highway works shall be carried out and completed prior to first occupation of the development hereby approved, unless an alternative programme of implementation is first submitted to and approved in writing by the Local Planning Authority.Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and the works are completed in a timely manner in the interests of general highway safety.  |
| 13 |  No part of the development shall commence until a structural survey of the retaining structure (as shown on the Proposed Demolition Plan H.21.78 (9-) 5 B) demonstrating any excavation, construction or strengthening works necessary to secure its longevity has been submitted to and approved in writing by the Local Planning Authority, and the works shall be carried out in accordance with the approved details. REASON: In order to satisfy the Local Planning Authority that this particular structure that abuts the existing highway network is not undermined and that the structure is maintained accordingly. P.T.O. |
| 14 |  No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.9 metres above the level of the adjacent footway/verge/highway.  REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021). |
| 15 |  The surface water from the approved car park should be collected within the site and drained to a suitable internal outfall. Prior to commencement of the development details of the car park drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.   REASON: In the interest of highway safety to prevent water from discharging onto the public highway.  |
| 16 | Levels Details of the existing and proposed site levels and finished floor levels, and existing and proposed building heights including cross-section details shall be included as part of the first Reserved Matters application to be submitted relating to scale and/or layout. REASON: In order to enable full assessment of the proposal in terms of visual and residential amenity. P.T.O. |
| 17 | Ecology/Biodiversity Net Gain No part of the development, including demolition of buildings, shall take place unless and until an updated survey for the presence of bats has been carried out, the details of which shall be submitted to and improved in writing by the local planning authority. The survey shall include details of the survey assessment findings, mitigation measures and a method of monitoring i.e compliance checks, period of time and personnel carrying out the monitoring including the licensing authority. The approved mitigation shall then be implemented in full during the demolition / construction phase and prior to first occupation of the development hereby approved. Should the updated survey confirm that a Protected Species Mitigation License (PSML) is required from Natural England, or in the event that bats are disturbed during the works triggering the need for a PSML, then confirmation from Natural England that such a licence has been obtained shall be provided to the Local Planning Authority prior to the development works commencing or continuing.  REASON: The possibility that bats use the buildings for hibernation during winter months cannot be discounted. To ensure that there are no adverse effects on the favourable conservation status of a bat population and in order to protect the bat population from any damaging activities and reduce or remove the impact of development |
| 18 |  Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites, to be informed by the updated survey for the presence of bats being carried out, have been submitted to, and approved in writing by the Local Planning Authority. For the avoidance of doubt the details shall be submitted on a building dependent bird/bat species development site plan and include details of the actual wall and roof elevations into which the above provisions shall be incorporated [north/north east elevations for birds & elevations with a minimum of 5 hours morning sun for bats]; and Include details of any individual trees which would be suitable for the attachment of bat and bird boxes.The approved artificial bird/bat boxes shall be attached before the building is demolished and an appropriate bat roost incorporated into the development before it is first brought into use.REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and to minimise/mitigate the potential impacts upon protected species resultant from the development.P.T.O. |
| 19 |  Details of the Biodiversity Net Gain shall be included as part of the first Reserved Matters application to be submitted relating to landscaping. The submitted details shall include the existing baseline and proposed improvements to the site.REASON: In the interests of biodiversity and to enhance opportunities for species of conservation concern and to mitigate the potential impacts resultant from the proposed development. |
| 20 |  Prior to their installation details of a scheme for any external building or ground mounted lighting/illumination, shall have been submitted to and approved in writing by the Local Planning Authority.  For the avoidance of doubt the submitted details shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution and shall include details to demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated. The approved lighting schemes(s) be implemented in accordance with the approved details prior to the occupation of the development hereby approved and retained as approved. REASON: To enable the Local Planning Authority to exercise control over development which could prove materially harmful the character and visual amenities of the immediate area and to minimise/mitigate the potential impacts upon protected species resultant from the development. |
| 21 | Archaeology No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and approved in writing by the Local Planning Authority.  REASON: In ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings. |
| 22 | Tree Protection All tree works/tree protection shall be carried out in strict accordance with the recommendations set out in the submitted Arboricultural Impact Assessment and Method Statement dated 13th May 2022. The specified tree protection measures shall remain in place throughout the demolition and construction phases of the development and the methodology hereby approved shall be adhered to during all site preparation/construction works.  REASON: To protect trees/hedging of landscape and visual amenity value on and adjacent to the site or those likely to be affected by the proposed development hereby approvedP.T.O. |
| 23 | Electric Vehicle Charging PointsPrior to any approved car parking scheme being brought into use, details of electric vehicle charging points, their location and appearance shall be submitted to and approved in writing by the Local Planning Authority. The development shall there after carried in accordance with the approved details and retained thereafter. REASON: In the interest of sustainable travel measures and reduce the impact of carbon footprint. |
| **Note(s)** |  |
| 1  | The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application. |
| 2 | The Local Planning Authority operates a pre-planning application advice service which applicants are encouraged to use. Whether or not this was used, the Local Planning Authority has endeavoured to work proactively and positively to resolve issues and considered the imposition of appropriate conditions and amendments to the application to deliver a sustainable form of development. |
| 3 | The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433. |
| 4 | The programme of archaeological recording should comprise the analysis and recording of the buildings on the site to Level 3 as set out in Understanding Historic Buildings (Historic England 2016). An assessment of the potential for below ground remains to survive should be made and a further written scheme of investigation for work considered necessary to record these areas which might be damaged or destroyed by the proposed development should be drawn up and carried out after approval by the LPA. This work should be carried out by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists in accordance with NPPF (2021). |
| 5 | Cadent Gas Ltd own and operate the gas infrastructure within the area of the development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent Assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and/or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. Prior to carrying out works please submit details of the planned works for review.P.T.O. |
| 6 | The applicant will require an environmental permit from the Environment Agency to discharge to the main river. Information on environmental permits is available at: https://www.gov.uk/topic/environmental-management/environmental-permits  |
| 7 | The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number. |
| Nicola HopkinsNICOLA HOPKINSDIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING |  |

**Right of Appeal**

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.

· If this is a decision to refuse planning permission, or approve with conditions, a householder application, if you want to appeal against your local planning authority’s decision then you must do so within 12 weeks of the date of this notice.

· If this is a decision to refuse planning permission, or approve with conditions, a minor commercial application, if you want to appeal against your local planning authority’s decision then you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision> . If it is a householder appeal it can be made online at: <https://www.gov.uk/appeal-householder-planning-decision> . 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 can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay 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. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority’s decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. 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 him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

**Purchase Notices**

If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council of the county borough or county district in which the land is situated a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.