

# Cabinet

**Tuesday 9 April 2013**

## **PRESENT:**

Councillor Evans, in the Chair.  
Councillor Peter Smith, Vice Chair.  
Councillors Coker, Lowry, McDonald and Penberthy.

Also in attendance: Adam Broome (Director for Corporate Services), Carole Burgoyne (Director for People), Paul Barnard (Assistant Director for Planning Services), Tom Westrope (Planning Officer) and Nicola Kirby (Senior Democratic Support Officer (Cabinet)).

Apologies for absence: Councillors Vincent and Williams, Tracey Lee (Chief Executive) and Anthony Payne (Director for Place),

The meeting started at 2.00 pm and finished at 2.50 pm.

*Note: At a future meeting, the Cabinet will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

## 161. **DECLARATIONS OF INTEREST**

There were no declarations of interest made by councillors in accordance with the code of conduct in relation to items under consideration at this meeting.

## 162. **MINUTES**

Agreed the minutes of the meeting held on 12 March 2013.

## 163. **QUESTIONS FROM THE PUBLIC**

One question was submitted by a member of the public for this meeting, in accordance with Part B, paragraph 11 of the Constitution, as set out below.

In the absence of Mr Sharpe, the following question and response was circulated and the written response would be sent to him.

<b>Question No</b>	<b>Question By</b>	<b>Cabinet Member</b>	<b>Subject</b>
14 (12/13)	Mr F E Sharpe	Councillor Lowry, Cabinet Member for Finance	Access to land to the rear of the former Downham Special School site from Horn Lane

In Horn Lane, Plymstock, you will come across the remains of the recently demolished Downham School whose boundary extends to the narrow walk-through to Downhorn Park. Now the school has been demolished, please could this narrow walk-through be widened with land taken from the Downham School site?

**Response:**

Mr Sharpe has been contacted for clarification purposes and it is understood that the background to the question submitted is not that the existing footpath requires widening but that the opportunity to provide full vehicular and pedestrian access to the Council owned land to the rear of the former Downham Special School site (and to the south of the Plymstock Broadway car park) from Horn Lane is not lost.

Prior to any change of use or disposal of the former Downham Special School site the Council will consider the need to retain part of the site for the provision of improved access to adjoining Council owned land.

164. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

165. **DEVELOPMENT PLAN: ADOPTION OF DEVELOPMENT GUIDELINES SUPPLEMENTARY PLANNING DOCUMENT: FIRST REVIEW**

In accordance with minute 33 (10/11) which gave approval to a non-immediate Article 4 Direction to control changes of use to Class C4 (Houses in Multiple Occupation), the Director for Place submitted a written report on a proposal for the City Council to adopt the Development Guidelines Supplementary Planning Document: First Review.

The First Review -

- (a) would be part of the Local Development Framework documents within the Development Plan and would provide guidance to support policies set out in the Core Strategy;
- (b) primarily introduced additional guidance covering applications received for houses in multiple occupation and included the guide of a 'threshold' approach to assessing whether a change of use would be harmful to an area's character having regard to the existing number of converted and non-family dwellings in the vicinity;
- (c) was approved for consultation by the Cabinet Member for Environment and a consultation had been carried out for six weeks, and nine responses had been received. Some minor amendments and clarification had been made to the document as a result.

Councillor Evans presented the report.

Cabinet Members were advised that –

- (d) the proposals had received a broad level of support;
- (e) all Local Development Framework documents would be fed into the Plymouth Plan, when there would be an opportunity to rationalise and streamline the policies, but that there would still be a role for more detailed guidance relating to smaller scale developments;
- (f) the following issues they had raised, would need to be revisited as part of the development of the Plymouth Plan –
  - the ongoing maintenance costs of play areas;
  - surface water drainages;
  - secure cycle stores and minimum cycle parking standards;
  - parking standards for new developments.

The Assistant Director for Planning Services undertook to ensure that the emergency services were consulted on the Plymouth Plan and that as much learning as possible would be captured from experiences of current policies to inform the plan.

Alternative options considered and reasons for the decision –

As set out in the report.

A further recommendation was moved, seconded and agreed as set out below to ensure a more coordinated approach to the delivery of public realm improvements and maintenance across all relevant departments and stakeholders and to incorporate this new approach in the relevant planning policy guidance linked to the Plymouth Plan.

Agreed that the Assistant Director for Planning Service coordinates a cross departmental working group, linked to the Plymouth Plan, to prepare guidance on public realm.

(See also minute I65a below)

I65a Development Plan: Adoption of Development Guidelines Supplementary Planning Document: First Review - Recommendations to City Council

Further to minute I65 above,

the City Council is Recommended to –

- (1) formally adopt the Development Guidelines Supplementary Planning Document: First Review (Appendix I to the written report);
- (2) delegate authority to the Assistant Director for Planning Services to approve the final publication version of the Supplementary Planning Document.

166. **ADOPTION OF COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE**

The Director for Place submitted a written report on a proposal for the City Council to adopt the Community Infrastructure Levy Charging Schedule.

The Community Infrastructure Levy (CIL) was a new levy that local authorities could charge on developments in their area and the money raised could be used to support new development by funding infrastructure that the city, local communities and neighbourhoods needed. It was introduced by the government as a means of replacing, over time, the use of Section 106 Agreements for securing financial contributions from developers.

A statutory process governed the introduction of CIL, requiring the publication of a charging schedule for consultation and a public examination. No changes had been made following the public examination.

The council had also consulted on a draft CIL Instalments Policy which needed to be published with the charging schedule and the council's current Market Recovery Scheme, which provided for the application of discounts to current tariff charges would need to be rescinded when the charging schedule became operational.

Councillor Evans presented the report.

The Assistant Director for Planning Services indicated that the proposed charging schedule was one of the lowest across the UK and included a zone which included City Centre, and parts of Millbay and Sutton Harbour where zero rates applied for residential and student accommodation applied.

Alternative options considered and reasons for the decision –

As set out in the report.

Subject to adoption of the CIL Charging Schedule and Instalments Policy by the City Council, Agreed to –

- (1) delegate authority to the Assistant Director for Planning Services to make available discretionary relief in exceptional circumstances should the need to offer such discretionary relief become apparent;
- (2) formally rescind the council's Market Recovery Scheme from 1 June 2013;
- (3) instruct officers to keep under review the effectiveness and impacts of the charging schedule.

166a Adoption of Community Infrastructure Levy Charging Schedule -  
Recommendations to the City Council

Further to minute 166 above,

the City Council is Recommended to adopt -

- (1) the Community Infrastructure Levy Charging Schedule attached as Appendix 1 to the written report, and set the date for the Charging Schedule to take effect as 1 June 2013;
- (2) the Community Infrastructure Levy Instalments Policy attached as Appendix 2 to the written report.

167. **COMMUNITY INFRASTRUCTURE LEVY REGULATION 123 LIST**

With reference to minute 166 above, the Director for Place submitted a written report concerning how Community Infrastructure Levy (CIL) receipts would be spent and the process for decisions and their review.

The Local Planning Authority was required to publish what was known as a 'Regulation 123 List' (named after Regulation 123 of the CIL Regulations) setting out a list of projects to be funded from CIL receipts. The list could be added to at any time, after a process of consultation.

Councillor Evans presented the report.

Alternative options considered and reasons for the decision –

As set out in the report.

Agreed –

- (1) the principles set out in the report to govern the allocation of Community Infrastructure Levy receipts;
- (2) the publication of a Community Infrastructure Levy Regulation 123 List incorporating the following infrastructure projects as recommended in the report -
  - public realm improvements in City Centre shopping precinct;
  - projects to mitigate the impacts arising from increased recreational use of the European Marine Site;
  - Central library;
  - North Prospect community infrastructure;
- (3) to delegate authority to the Assistant Director for Planning Services, in consultation with the Cabinet Member for Finance, the Cabinet Member for Environment and the Capital Delivery Board to consult upon and publish amendments to the Regulation 123 List;
- (4) to instruct officers to prepare an annual report on the collection and use of Community Infrastructure Levy and of planning obligation revenues.

168. **EXEMPT BUSINESS**

There was no exempt business.