

# EXECUTIVE DECISION

made by a Cabinet Member



## REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – HC3 21/22

Decision				
1	<b>Title of decision:</b> Broadland Green Planning Obligations			
2	<b>Decision maker (Cabinet member name and portfolio title):</b> Councillor Vivien Pengelly, Cabinet Member for Home and Communities			
3	<b>Report author and contact details:</b> Joe McCarthy, Development Delivery Officer, <a href="mailto:joe.mccarthy@plymouth.gov.uk">joe.mccarthy@plymouth.gov.uk</a> 01752 305190			
4	<b>Decision to be taken:</b> Approve the ring-fencing of £85,545 from the re-development budget for Broadland Green (the Former Morley Youth Centre) for a range of section 106 mitigation measures required by the Local Planning Authority.			
5	<b>Reasons for decision:</b> The Local Planning Authority requires comfort that the Council (as landowner) will provide the mitigation before they will consent to the redevelopment of the site for housing. Normally this comfort is provided via what is known as a Section 106 agreement but as the Council is both Applicant and Local Planning Authority it is unable to sign an agreement with itself. This executive decision gives assurance to the Local Planning Authority in advance of planning permission being granted.			
6	<b>Alternative options considered and rejected:</b> The alternative would be to not agree to provide this mitigation and therefore planning permission would not be granted and the redevelopment of the former Morley Youth Centre would not go ahead.			
7	<b>Financial implications and risks:</b> The redevelopment of the Former Morley Youth Centre is a Plan for Homes 3 project with funding available under Executive Decision L12 19/20. The final decision to go ahead with this project and draw down funds from Plan for Homes 3 will be made in Q4 2021/22 when the final cost is known following the tendering of the construction contract.  If for any reason the project does not proceed the £85,545 committed to here will not be required as it is only required on commencement (other than demolition) of the development. Should the Council for any reason decide not to deliver the redevelopment of the Former Morley Youth Centre themselves and instead sell the site, the purchaser will be required to enter in to a Section 106 agreement with the Local Planning Authority in order to deliver the mitigation measures.			
8	<b>Is the decision a Key Decision?</b>	<b>Yes</b>	<b>No</b>	<b>Per the Constitution, a key decision is one which:</b>

	(please contact <a href="#">Democratic Support</a> for further advice)	✓	in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total
		✓	in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1 million</b>
		✓	is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.
	If yes, date of publication of the notice in the <a href="#">Forward Plan of Key Decisions</a>	N/A	
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:	<p>The mitigation required will fund the following items:</p> <p>Health infrastructure: £5,041</p> <p>Secondary Education infrastructure: £37,144</p> <p>Improvements at Saltram: £20,229.12</p> <p>Staddiscombe Playing Pitches: £15,054.89</p> <p>Southernway Play Park: £6,154.29</p> <p>Dunstone Allotments: £421.80</p> <p>Slow Worm translocation monitoring: £1,500</p> <p>These obligations are a requirement of granting consent under the National Planning Policy Framework and the Plymouth and South West Joint Local Plan however they also have the following links:</p> <p><b>Links to the Corporate Plan:-</b></p> <p><b>Unlocking the City's Potential</b></p> <p><i>A green, sustainable city that cares about the environment</i> -This project will make financial contributions to the greenspace at Saltram House and Gardens, Staddiscombe Playing Pitches and Southernway Play Park. It will also ensure that any Slow Worms present on the site are carefully translocated to Radford Woods.</p> <p><i>Offer a wide range of homes</i> – The contributions committed to in this decision will unlock planning permission for 10 new, sustainable and adaptable family homes in a popular area of the city.</p> <p><b>Caring for people and communities</b></p> <p><i>Reduced health inequalities</i> – This project will make a financial contribution to Health infrastructure in the city.</p> <p><i>Improved schools where pupils achieve better outcomes</i> - This project will make a significant financial contribution to Secondary Education provision across the city.</p>	

		<b>Links to the Plymouth Plan</b> This project supports Policy GRO3 – Accelerating the delivery of new homes. The project sits within ‘Plan for Homes’ and demonstrates the pro-active approach the Council is taking to accelerate housing delivery across the city. This project is part of Plan for Homes 3. 10 new homes will be consented on brownfield land that is unallocated in the Joint Local Plan and represents windfall housing over and above the plan target. Any surplus generated from either the sale of the site or the homes themselves will be reinvested in Plan for Homes to further accelerate housing delivery across the city.		
<b>10</b>	<b>Please specify any direct environmental implications of the decision (carbon impact)</b>	This specific decision does not have any environmental implications but the Broadland Green project that it enables will provide 10 low carbon, energy efficient family homes and a circa 40% biodiversity improvement in the local area.		
<b>Urgent decisions</b>				
<b>11</b>	<b>Is the decision urgent and to be implemented immediately in the interests of the Council or the public?</b>	<b>Yes</b>		(If yes, please contact Democratic Support ( <a href="mailto:democraticsupport@plymouth.gov.uk">democraticsupport@plymouth.gov.uk</a> ) for advice)
		<b>No</b>	x	<b>(If no, go to section 13a)</b>
<b>12a</b>	<b>Reason for urgency:</b>			
<b>12b</b>	<b>Scrutiny Chair Signature:</b>		<b>Date</b>	
	<b>Scrutiny Committee name:</b>			
	<b>Print Name:</b>			
<b>Consultation</b>				
<b>13a</b>	<b>Are any other Cabinet members’ portfolios affected by the decision?</b>	<b>Yes</b>		
		<b>No</b>	X	<b>(If no go to section 14)</b>
<b>13b</b>	<b>Which other Cabinet member’s portfolio is affected by the decision?</b>	N/A		
<b>13c</b>	<b>Date Cabinet member consulted</b>			
<b>14</b>		<b>Yes</b>		

	<b>Has any Cabinet member declared a conflict of interest in relation to the decision?</b>	<b>No</b>	<input checked="" type="checkbox"/>	If yes, please discuss with the Monitoring Officer				
15	<b>Which Corporate Management Team member has been consulted?</b>	<b>Name</b>	Anthony Payne					
		<b>Job title</b>	<b>Strategic Director for Place</b>					
		<b>Date consulted</b>	29/10/2021					
<b>Sign-off</b>								
16	<b>Sign off codes from the relevant departments consulted:</b>	<b>Democratic Support (mandatory)</b>	DS61 21/22					
		<b>Finance (mandatory)</b>	pl.22.146					
		<b>Legal (mandatory)</b>	LS/37567/AC/2/11/21					
		<b>Human Resources (if applicable)</b>						
		<b>Corporate property (if applicable)</b>						
		<b>Procurement (if applicable)</b>						
<b>Appendices</b>								
17	<b>Ref.</b>	<b>Title of appendix</b>						
	A	Briefing report for publication ( <i>mandatory</i> ) Business Case attached						
<b>Confidential/exempt information</b>								
18a	<b>Do you need to include any confidential/exempt information?</b>	<b>Yes</b>	<input type="checkbox"/>	If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in <b>18b</b> below.  (Keep as much information as possible in the briefing report that will be in the public domain)				
		<b>No</b>	<input checked="" type="checkbox"/>					
		<b>Exemption Paragraph Number</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
18b	<b>Confidential/exempt briefing report title:</b>							
<b>Background Papers</b>								

**19** Please list all unpublished, background papers relevant to the decision in the table below.  
 Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.

Title of background paper(s)	Exemption Paragraph Number						
	1	2	3	4	5	6	7

**Cabinet Member Signature**

**20** I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.

<b>Signature</b>	<i>Vivien Pencelly</i>	<b>Date of decision</b>	<i>9th Nov. 2021</i>
<b>Print Name</b>	<i>VIVIEN PENCELLY</i>		