

**QUESTION BY MEMBER OF THE PUBLIC**

Please return your completed question form to Democratic Support, Plymouth City Council, Ballard House, West Hoe Road, Plymouth, PL1 3BJ or email: [democraticsupport@plymouth.gov.uk](mailto:democraticsupport@plymouth.gov.uk)

Question to be submitted no later than 5 clear working days before the meeting.

<b>Question submitted by: David Baker</b>
<b>Contact details:</b>
<b>Address:</b>
<b>Telephone number:</b>
<b>E mail address:</b>
<b>To the Cabinet Member or Chair for:</b> <a href="#">Cabinet Member for Housing, Cooperative Development and Communities - Councillor Chris Penberthy</a>
<b>To be asked at the next (Council, Cabinet or Planning Committee) Meeting: Cabinet</b>
<b>Date: 08/07/24</b>
<b>Question (to be no longer than 50 words):</b>  Will the planning application for development of Wilmot Gardens be considered at a planning committee meeting and if not on what grounds is the matter justified being granted under a delegated authority?
<b>Will you be attending the meeting in person to ask your question?</b> Yes

**Response:** ( for completion by City Council officers and Cabinet Members / Chairs)

The constitution enables the Service Director for Strategic Planning & Infrastructure to refer a planning application to Planning Committee under one or more of three criteria.

On July 5th, the Service Director for Strategic Planning & Infrastructure confirmed to Councillor Reilly that they were exercising their power to refer the Wilmott Gardens planning application to the Planning Committee. As a result, the Planning Committee will now determine the application in the usual manner.

The reason the planning application has been referred to Planning Committee by the Service Director is to reflect that fact that the City Council, as is often the case, plays different roles given its various legal powers and responsibilities. In this case it is the Local Planning Authority, it is the Local Highway Authority, and it is the Local Housing Authority. In its capacity as the Local Housing Authority this is a site that is being supported under the Plan for Homes. Because of this it is in the interests of openness and transparency for the matter to be determined by the Planning Committee.

It is simply not the case that the City Council is ignoring the views of residents and to suggest otherwise is at best disingenuous. As the national planning guidance states: "Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded on valid material planning reasons".

The views of local people have formed part of the normal process of consideration of the planning application and will be taken into account by the Planning Committee when it considers the overall merits of the scheme.

The Wilmott Gardens proposal is classed as a minor development which under the terms of reference of the Planning Committee is deemed to be delegated to officers unless referred. All planning applications are determined on their individual merits and therefore the outcome is not pre-determined. It is insidious to suggest that the determination of the application has been pre-determined by either officers or Members and that accusation, with no evidence to justify it, is totally refuted.

Concerning the distance to play areas the reference to 400 metres comes from the Plymouth and Southwest Devon Joint Local Plan and is an aspirational target and not intended to be applied through an inflexible 'tick box' exercise.

Executive Decision FI01 20/21 relates to the disposal of various public open space sites under the Plan for Homes programme, which included Wilmott Gardens. The decision was to proceed with the disposal of these sites in order to support the Council's agenda of increased and accelerated housing delivery. The reason for the decision was amplified by the crisis in housing and the City Council's Plan for Homes commitment to release City Council land to provide 1,000 new homes per annum. The reference in the decision to "a caring council" was part of the Corporate Plan 2018-2022 with the Executive Decision highlighting that development of these sites for housing will provide more decent homes.

The Director of Public Health did not raise any concerns about the application when consulted. As part of the revised proposals a community garden forms part of the proposed scheme.

Health and safety matters on the site have been considered as part of the planning application. The Highway Authority have raised no objections to the scheme in relation to the safety of pedestrians.

The planning statement accompanying the development proposals have been available to view on line since December 2019. Notwithstanding the impacts of the COVID-19 pandemic, site notices advertising the proposed development were erected for both the previous scheme and the current proposals in the normal way. In the case of the current planning application the site notices were erected on 09 April with the consultation running until 30 April.

The submitted Arboricultural Impact Assessment has been carried out by a suitably qualified ecologist and sets out that the Ash trees are susceptible to dieback disease in the future. It also highlighted that as the development falls within and is immediately adjacent to several root zones on the western boundary which means that there is a possibility that the health of the trees would be impacted post development. Officers have concluded that a compliant replanting strategy will have the best medium-to-long term benefits for the site ecology.

With regard to the question concerning the Plymouth Open Space Assessment, this was undertaken in 2015 and 2016 and formed part of the evidence base of the Plymouth and South West Devon Joint Local Plan. This assessment included consideration of the community use of open space. The approach taken in the Plymouth Open Space Assessment was to review sites above 0.2 hectares, which is why baseline assessments would only "sometimes" have been undertaken. By definition this therefore is not an inconsistent application of policy.

The site is un-designated green space and therefore the application of Policy DEV27 in the Plymouth and Southwest Devon Joint Local Plan has limited weight. However, as a material consideration the current application has considered a revised layout which includes more open grass space on the eastern boundary, a 'community garden' to the south and a fully SPD-compliant replanting scheme.

Councillors are required to undertake mandatory planning training prior to sitting on Planning Committee and this training is open to all councillors. It is not considered necessary for training on the completion of the referral form. Councillors are advised to contact the planning case officer about individual applications who will provide advice regarding the referral process if needed.

The City Council has not received an application to designate the land at Wilmott Gardens as a "village green". It would not be appropriate for the City Council to comment on the merits of any village green application because the Planning Committee, sitting as the Town or Village Green Registration Authority, must consider the evidence in support of the designation as part of a prescribed process.

All of the information in relation to this development proposal set out in this response are considerations for the planning committee in their consideration of the overall merit of the scheme.