

EXECUTIVE DECISION

made by a Cabinet Member



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

Executive Decision Reference Number – EI 13/14

Decision			
1	Title of decision: : Land rear of 29 -37 Lucas Lane Plympton Purchase Notice Section 137 Town and Country Planning Act 1990		
2	Decision maker (Cabinet Member): Councillor Vincent, Cabinet Member for Environment		
3	Report author and contact details: Peter Ford, Head of Development Management, Planning Department, peter.ford@plymouth.gov.uk . Tel: 01752 304352		
4	Decision to be taken: That the Purchase Notice dated 13 December 2012 be rejected for the reasons set out in the report and that the matter is referred to the Secretary of State.		
5	Reasons for decision: A Purchase Notice under section 137 of the Town and Country Planning Act 1990 has been served on the Council by the owner in relation to land at the rear of 29 -37 Lucas Lane, Plympton. The Council is required to either accept or reject the Purchase Notice. The background report outlines in detail the reason for the recommendation.		
6	Alternative options considered and rejected: The Council could accept the Purchase Notice and acquire the land from the landowner paying the landowner compensation commensurate with the value of the land. However, officers consider that the land is capable of reasonably beneficial use and therefore consider that the Purchase Notice should be rejected.		
7	Financial implications: If the Council accepts or the Secretary of State directs the Council to accept, the Purchase Notice the Council will have to purchase the land and the owner is entitled to ask for compensation for the loss of the land. In the absence of agreement between the Council and the owner as to the price to be paid for the land it will have to be valued by an independent valuer assessed in accordance with the rules set out in planning legislation. The Council has no monies allocated within its approved capital programme for the purchase of the land. Land Registry records indicate that the owner paid £16,000 (sixteen thousand pounds) for the land on 23 February 2007. If the Council rejects the Notice it will be referred along with the Council's response to the Secretary of State. There may be consequential legal costs involved as the matter will be dealt with in a manner similar to a planning appeal (estimated cost of £10,000). At this stage of the process these costs are not a matter that should be taken into account when considering the most appropriate response to the notice.		
8	Is the decision a Key Decision?	Yes	(Key decisions are normally made by the Cabinet)

		No	<input checked="" type="checkbox"/>	
9	Please specify how this decision is linked to the policy framework and/or budget:	The planning decisions and subsequent land use options have been considered in line with the Council's adopted Local Development Framework Core Strategy		
10	Is the decision urgent?	Yes	<input type="checkbox"/>	(If yes, ensure that the Chair of the Overview and Scrutiny Management Board signs the report at section 11a and section 11b is completed <u>after</u> the sign off codes in Section 17 are completed)
		No	<input checked="" type="checkbox"/>	(If no, go to section 12)
11a	Signature			Date
	Print Name			
11b	Reason for urgency:			
Consultation				
12	Are any other Cabinet members affected by the decision?	Yes	<input type="checkbox"/>	(If yes, go to sections 13 and 14)
		No	<input checked="" type="checkbox"/>	(If no, go to section 15)
13	Which other Cabinet member is affected by the decision?			
14	Please confirm that you have consulted this Cabinet member	Yes		(No is not an option)
15	Has any Cabinet member declared a conflict of interest?	Yes	<input type="checkbox"/>	Need a note of dispensation granted by the Council's Monitoring Officer
		No	<input checked="" type="checkbox"/>	
16	Which Corporate Management Team member has been consulted?	Name and title	Anthony Payne, Director for Place	
17	Please include the sign off codes from the relevant departments consulted:	Democratic Support (mandatory)		DSO4 13/14
		Finance (mandatory)		PlaceF PD1314 001
		Legal (mandatory)		JAR/14934/05/13
		Human Resources		
		Assets		
		IT		
Procurement				
Other Information				
18	Is the decision in accordance with an Equalities Impact Assessment?	Yes	<input checked="" type="checkbox"/>	(For further advice, contact Assistant Director for Safer Communities, ext. 4388)
		No	<input type="checkbox"/>	

Briefing report										
19	Is the briefing report attached?	Yes	<input checked="" type="checkbox"/>	(No is not an option)						
	List (and include a hyper link to) <u>published</u> work/information used to prepare the report.	Planning application ref. 02/01458/OUT (land rear of 29-37 Lucas Lane, Plymouth) Appeal ref. APP/N1160/A/03/1120054 (land at the rear of 29-37 Lucas Lane, Plympton, Plymouth) Planning application ref. 07/00768/FUL (land at the rear of 29-37 Lucas Lane, Plymouth) Planning application ref. 12/01531/FUL (land at the rear of 29-37 Lucas Lane, Plymouth) Appeal ref. APP/N1160/A/07/2053836 (land at the rear of 29-37 Lucas Lane, Plymouth) http://www.plymouth.gov.uk/planningonline?innoLink%3Dhttp%3A%2F%2Fwww.plymouth.gov.uk%2Fplanningapplications2%2Fearch.asp								
	Do you need to include any confidential/exempt information?	If yes, prepare a second, Part II, 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. (Remember to keep as much information as possible in the briefing report that will be in the public domain)								
			Exemption Paragraph Number							
			1	2	3	4	5	6	7	
Confidential/exempt briefing report title										
Background Papers										
20	Please list all background papers relevant to the decision in the table below. Background papers are <u>unpublished</u> 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. A folder or a file should not be cited as a background paper, though individual items within the folder or file may be. If some/all of the information is confidential, you must 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.									
	Title	Part I	Part II	Exemption Paragraph Number						
				1	2	3	4	5	6	7
	Purchase Notice dated 13 th December 2012 served under Section 137 of the Town and Country Planning Act 1990	x								
Cabinet Member Signature										
21	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, City Strategy, Corporate Plan and Medium Term Financial Plan.									

Signature		Date of decision	
Print Name			