

Planning Committee

Appeal Decisions

The following decisions have been made by the Planning Inspectorate on appeals arising from decisions of the City

Application Number	15/01746/MDPO
Appeal Site	LAND ADJ GREENACRES CARE CENTRE, 12 PEARN ROAD, PLYMOUTH, PL3 5JF
Appeal Proposal	Request to Discharge Section 106 Agreement A/165/134 dated 31/12/1990 relating to planning application 90/01016/FUL. The obligations contained within the agreement relate to use of the land, including public access.
Case Officer	Ben Wilcox
Appeal Category	Non-determination
Appeal Type	Written Representations
Appeal Decision	Dismissed
Appeal Decision Date	02/12/2016

Conditions

Award of Costs Awarded To

Appeal Synopsis

The appeal against non-determination was dismissed.

The appellant applied to discharge the S106, to prevent the need to allow public access to the site.

The Inspector agreed with the case officer in that the S106 agreement still serves a useful purpose in line with the 3 statutory tests for planning obligations as outlined in Paragraph 204 of the NPPF and also Core Strategy Policy CS33 (Community Benefits/Planning Obligations).

The Inspector also agreed that there would likely be no objection to removing the First Schedule of the S106 agreement. Consistent advice was given to the appellant (as per the appeal statement) recommending that the agreement could be amended as opposed to being fully discharged. The Inspector concluded that there was no good reason why, with appropriate management of the blue land, the S106 agreement should not continue to serve a useful purpose. This was in line with advice offered prior to the submission of the application.

An application for costs was made by PCC however costs were not awarded.