

From: Becky Fowlds

Sent: 17 June 2020 15:33

To: Cllr Mandy Ewings <Cllr.Mandy.Ewings@westdevon.gov.uk>; Cllr Adam Bridgewater <Cllr.Adam.Bridgewater@westdevon.gov.uk>

Cc: Patrick Whymer <Patrick.Whymer@swdevon.gov.uk>

Subject: 3614/18/OPA Plymouth Rd Tavistock

Importance: High

You will recall delegating this application for approval in the terms set out in Anna's officer report (attached).

A s106 Agreement (attached) has been prepared in respect of the application which has the support of the developer, DCC and one of the landowners.

Unfortunately one landowner [REDACTED] and I am advised not in a position to complete the S106 Deed.

[REDACTED]

Development of an allocated site is clearly in the Council's interests.

The NPPF provides that in exceptional circumstances a planning condition can be used to require a planning obligation to be entered into before certain development can commence. In my view the landowners have demonstrated that such circumstances exist. The Council is still keen to ensure that the development does not proceed in a piecemeal fashion and therefore officers consider that given the circumstances it would be appropriate to include a condition along the lines

No development shall commence until all those with a legal interest in the land to have the benefit of the permission have entered into a s106 agreement to bind the land substantially in the form appended to the Permission.

By appending the s106 to the permission the Council can demonstrate that the tests of necessity, precision, enforceability and relevance will also be met

This Condition would be in addition to those conditions already agreed.

Unfortunately outside of the Council's control time is of the essence as the permission would need to be issued on Friday.

Please could you confirm that you are willing to agree to the additional condition. Pat or I will try to follow this up with a call with you in order to answer any questions you may have.

Yours sincerely,

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