

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref: APP/R3705/W/18/3196890**

**Appeal Decision: Dismissed – 01 April 2019**

**Planning Inspector: Brendan Lyons BArch MA MRTPI IHBC**

**Appellants: Taylor Wimpey UK Ltd**

**Land to the south of Tamworth Road and to the west of the M42, Tamworth, B78 1HU**

**The development proposed is described as residential development of up to 150 dwellings, open space, landscaping, drainage features and associated infrastructure, with full approval of the principal means of access and all other matters reserved.**

**Application: PAP/2017/0602 – North Warwickshire Borough Council**

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- 46. I also accept that the other obligations of that UU, involving financial contributions to mitigate impacts on hospital, healthcare and police services would be policy and legally compliant.*
- 48. I conclude that with the exception of the proposed biodiversity offsetting obligation, the proposal would provide adequate justified mitigation for the effects of development on local infrastructure.*

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**Appeal Ref: APP/C3810/W/17/3187601**

**Appeal Decision: Allowed – 28 September 2018**

**Planning Inspector: Matthew C J Nunn BA BPL LLB LLM BCL MRTPI**

**Appellants: Mulgrave Properties LLP**

**Land west of Church Lane and south of Horsemere Green Lane, Climping, West Sussex, BN17 5RY**

The development is described on the application form as “outline application for the erection of up to 300 dwellings and ancillary development comprising open space, a building within use class D1 of up to 875 sqm (net), a building for A1 use having a floor area of up to 530 sqm (net), together with open space and ancillary work, including car parking and drainage arrangements, with appearance, landscaping, layout and scale wholly reserved for subsequent approval; the access detail, showing the points of access to the development, and indicated on Bellamy Roberts drawings numbered 4724/004 and 4724/005 are access proposals to be determined at this stage of the application; for the avoidance of doubt all other detail within the site is to be determined as a reserved matter at a later stage.”

**Application: CM/1/17/OUT – Arun District Council**

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28. *A planning obligation was completed on 3 September 2018. The obligation secures the provision of affordable housing at a rate of 30%. It also secures the following for the Council: an NHS contribution; a police contribution; sports facilities contributions (including towards sports pitches, sports hall and swimming pool). It also secures a community building and the provision of public open space (including play areas), and a travel welcome pack to occupiers of the dwellings on first occupation (to include a cycle voucher or bus travel season ticket). In terms of provisions in favour of WSCC, the obligation safeguards land for future highway works, as well as contributions to highway improvement works. It also secures the provision of fire hydrants, and suitable access for fire brigade vehicles and equipment, contributions to fire and rescue services, library facilities, and education (primary, secondary and sixth form).*
29. *I have no reason to believe that the formulae and charges used by the Council and WSCC to calculate the various contributions are other than soundly based. Both the Council and WSCC have produced Compliance Statements which demonstrate how the obligations meet various Council policies and the Community Infrastructure Levy Regulations. The development would enlarge the local population with a consequent effect on local services and facilities. I am satisfied that the provisions of the obligation are necessary to make the development acceptable in planning terms, that they directly relate in scale and kind to the development, thereby meeting the relevant tests in the Revised Framework and the Community Infrastructure Levy Regulations.*

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Appeal Ref: APP/R3650/V/17/3171287

Secretary of State Decision: Allowed – 29 March 2018

Planning Inspector: Philip Major BA(Hons) DipTP MRTPI

Appellants: Dunsfold Airport Limited (DAL) and Rutland (DAL) Limited

Dunsfold Park, Stovolds Hill, Cranleigh, Surrey, GU6 8TB

The development proposed is a hybrid planning application; part Outline proposal for a new settlement with a residential development comprising 1800 units (Use Class C3), plus 7500sqm care accommodation (Use Class C2), a local centre to comprise retail, financial and professional, cafes/restaurant/takeaway and/or public house up to a total of 2150sqm (Use Classes A1, A2, A3, A4, A5); new business uses including offices, and research and development industry (Use Class B1a and B1b) up to a maximum of 3700sqm; storage and distribution (Use Class B8) up to a maximum of 11000sqm; a further 9966sqm of flexible commercial space (B1(b), B1(c), B2 and/or B8); non-residential institutions including health centre, relocation of existing Jigsaw School into new premises and provision of new community centre (Use Class D1) up to a maximum of 9750sqm; a two form entry primary school; open space including water bodies, outdoor sports, recreational facilities, canal basin and nature conservation areas; public transport routes, footpaths and cycleways; landscaping; the removal of three runways; all related infrastructure including roads, car and cycle parking, energy plant and associated equipment, water supply, telecommunications, drainage systems and waste water treatment facilities; and part Full application for the demolition of 8029sqm of existing buildings and the retention of 36692sqm of existing buildings, for their future use for a specified purpose as defined by the Use Classes as specified in the schedule of buildings and their use; and the temporary use of Building 132 for a construction headquarters.

Application: W/2015/2395 - Waverley Borough Council

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33. *Having had regard to the Inspector's analysis at IR308-316, the planning obligation dated 1 August 2017, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR317 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework.*
263. *The development would place undue pressure on existing infrastructure. This includes schools, health facilities and sewerage. The Fire Service has been known to 'run out' of appliances and there are plans to close existing stations. In addition the service has lost many firefighter posts since 2010. Waverley is one of the worst areas for ambulance services and beds in hospitals are scarce. This proposal would also add to the burden upon the police.*
312. *A number of contributions are included in the Obligation. These are for such matters as the Cranleigh Leisure Centre replacement, provision for Surrey premises on site, and police equipment, as well as contributions to the improvements in public rights of way nearby, education facilities, and transport improvements. Given the increase in local population which would result from this development all of these facilities and services would be put under increased pressure and would need to provide extra and improved services. The development is*

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*directly related to them, and the contributions are reasonable in scale and kind and where necessary would provide mitigation for the impacts of the development. There are no contributions which would fall foul of pooling restrictions and they therefore meet the tests of the CIL Regulations.*

317. *Taken overall I am satisfied that the S106 Agreement meets the tests of the CIL Regulations and PPG and can be taken into account in determining this application.*

## EXAMPLES OF APPEAL DECISIONS SUPPORTING THE POLICE

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**Appeal Ref: APP/R1845/W/17/3173741**

**Appeal Decision: Dismissed – 14 March 2018**

**Planning Inspector: Matthew C J Nunn BA BPL LLB LLM BCL MRTPI**

**Appellant: Gladman Developments Limited**

**Land off The Lakes Road, Bewdley, Worcestershire, DY12 2BP**

**The development is described as “outline planning permission for up to 195 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space, and children’s play area, surface water flood mitigation and attenuation, vehicular access point from The Lakes Road and associated ancillary works. All matters to be reserved with the exception of the main site access off The Lakes Road”**

**Application: 16/0550/OUTL – Wyre Forest District Council**

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63. *I have no reason to believe that the formulae and charges used by the Council to calculate the various contributions are other than soundly based. In this regard, the Council has produced a detailed Compliance Statement which demonstrates how the obligations meet the relevant tests in the Framework and the Community Infrastructure Levy Regulations... It also explains the necessity for the police contribution and how monies would be spent...*
64. *The development would enlarge the local population with a consequent effect on local services and facilities. I am satisfied that the provisions of both the obligations... are necessary to make the development acceptable in planning terms, that they directly relate to the development, and fairly and reasonably relate in scale and kind to the development, thereby meeting the relevant tests in the Framework and the Community Infrastructure Regulations... Overall, I am satisfied that the planning obligations...accord with the Framework and relevant regulations, and I have taken them into account in my deliberations.*