


**RECORD OF EXERCISE OF DELEGATED AUTHORITY BY OFFICER PURSUANT TO
REGULATION 13 OF THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS)
(MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012 &
THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014**

<u>SUBJECT OF DECISION</u>	
Approval of an Agreement pursuant to Section 106 of the Town & Country Planning Act 1990: Land South of The Long Shoot, Poplars Farm, Nuneaton	
<u>DECISION REFERENCE</u>	<u>SOURCE OF AUTHORITY AND REFERENCE</u> (i.e. Committee/ Constitution/Minute No. etc. Constitution: Part 3E.7: Schedule 2, paragraph h)
DO/100/2024 (MB)	
<u>DATE OF DECISION</u>	<u>DECISION MAKER (Name and Job Title)</u>
12 March 2024	 Maria Bailey: Assistant Director - Planning

RECORD OF THE DECISION

a) The issue

On 2 February 2023 the Council refused an application for planning permission for a development of circa 500 dwellings on land to the South of the Long Shoot at Poplars Farm. The appellants appealed that decision and the matter came before an inspector appointed by the Secretary of State for Levelling-up Housing & Communities.

As part of the Inquiry process it is usual for the Local Planning Authority to agree the necessary terms of a planning obligation to cater for the eventuality that planning permission is granted on appeal. A similar position arises in connection with the imposition of conditions.

A number of obligations, broadly reflecting those reported to the Planning Applications Committee have been negotiated by officers of the Council, County Council & Integrated Care Board providing for:

Affordable Housing;
Biodiversity Net Gain provision;
Education – including a new Primary School onsite;
Electric Car Charging;
Health contributions to expand local facilities serving the locality;
Open Space provision;
Sport & Leisure Provision; &
Transport contributions.

b) The Decision

The Planning obligation as outlined above be approved.

REASON FOR THE DECISION

To comply with the requirements of Government guidance and to ensure that suitable contributions are received to offset the impact of the development in the event that permission is granted.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED IN MAKING THE DECISION

None. To not agree the terms of an obligation would be contrary to government guidance and could lead to a claim for costs on the basis that the Council has acted unreasonably.

WARD RELEVANCE

St Nicolas ward

<p><u>FINANCIAL AND BUDGET IMPLICATIONS</u></p> <p>There are no direct financial implications arising from this decision. However, significant Leisure, Open Space, Health & Transport contributions would be received were the permission to be granted.</p>
<p><u>CONSULTATION UNDERTAKEN WITH MEMBERS/OFFICERS</u></p> <p>The portfolio-holder for Planning & Regulation has been consulted on the matter.</p>
<p><u>ANY CONFLICT OF INTEREST DECLARED BY ANY MEMBER CONSULTED</u></p> <p>None</p>
<p><u>IN RESPECT OF ANY DECLARED CONFLICT BY A CABINET MEMBER, ANY DISPENSATION GIVEN BY THE HEAD OF PAID SERVICE</u> (Note if the decision is a non-executive decision, no dispensation can be given).</p>
<p><u>EQUALITIES IMPLICATIONS (including any Equality Impact Assessment)</u></p> <p>There are no Equalities implications arising directly from this decision.</p>
<p><u>HUMAN RESOURCES IMPLICATIONS</u></p> <p>None</p>
<p><u>FINANCIAL IMPLICATIONS</u></p> <p>The only direct financial implications arising from this report will be the receipt of legal fees in the sum of £7,500 payable to the Council.</p>
<p><u>HEALTH EQUALITIES IMPLICATIONS</u></p> <p>None arising directly from this decision.</p>
<p><u>SECTION 17 CRIME & DISORDER IMPLICATIONS</u></p> <p>None arising directly from this decision</p>
<p><u>RISK MANAGEMENT IMPLICATIONS</u></p> <p>None arising directly from this decision</p>
<p><u>SME (SMALL/MEDIUM ENTERPRISES) & LOCAL ECONOMY IMPLICATIONS</u></p> <p>None arising directly from this decision</p>

ENVIRONMENTAL IMPLICATIONS

None arising directly from this decision

LEGAL IMPLICATIONS

A failure to complete the obligation could amount to unreasonable behaviour.

ANY OTHER COMMENTS

None

PLEASE RETURN TO THE MONITORING OFFICER AS SOON AS A DECISION IS MADE OR AS REASONABLY PRACTICABLE THEREAFTER