


**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 East of Higham Land, Watling Street, 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/130/2024 (MB)	
<u>DATE OF DECISION</u>	<u>DECISION MAKER (Name and Job Title)</u>
22/04/2024	 Maria Bailey: Assistant Director - Planning

RECORD OF THE DECISION

a) The issue

On 25 January 2022 the appellants submitted an application for planning permission for a development of circa 700 dwellings on land to the East of Higham Land bordering the A5 (Watling Street). The application was refused by the Council on the 30th May 2023. The applicants appealed against the refusal. That appeal 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 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;
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

Weddington

<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