

DECISION UNDER DELEGATED POWERS

Subject	S.106 Agreement – SW Rugby Employment Land at Land North of Coventry Road, Coventry Road, Thurlaston (Planning Application R16/2569)
Officer Requesting Decision	Legal Services Team Leader
Officer Making the Decision	Head of Growth & Investment
Authority for Decision	<p>Minute 27 of the minutes of Rugby Borough Council’s Planning Committee meeting of 16 September 2020 namely that:</p> <ul style="list-style-type: none"> a) the Head of Growth and Investment (in consultation with the Planning Committee Chairman) be given delegated authority to negotiate and agree the detailed terms of the legal agreement which may include the addition to, variation of or removal of financial contributions and/or planning obligations outlined in the heads of terms within the planning report; and b) the Head of Growth and Investment be given delegated authority to consider the representations made by Homes England and the related concerns of the Committee and where the Head of Growth and Investment considers it appropriate to address those representations and the related concerns amend the planning obligations and/or impose further planning obligations.
Recommendation	To enter into the s.106 agreement on the terms as set out in the engrossment draft of the s.106 agreement in relation to the SW Rugby Employment Land at Land North of Coventry Road, Coventry Road, Thurlaston.
Alternatives considered and rejected	<ol style="list-style-type: none"> 1. To enter into a s.106 agreement on alternative terms. 2. To not enter into a s.106 agreement.
Decision	Approve

Reason	<p>Financial contributions and planning obligations are sought to mitigate against the impacts of a development and make otherwise unacceptable development acceptable.</p> <p>Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) makes it clear that these obligations should only be sought where they are: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.</p> <p>If a requested planning obligation does not comply with all of these tests then it is not possible for the Council to require this.</p> <p>In relation to the planning application, the Council has made and received a number of requests for planning obligations. It is considered that all of these requests meet the necessary tests and are therefore CIL compliant.</p> <p>In order to secure these requests as planning obligations it is necessary to enter into a s.106 agreement.</p>
Date	15 October 2020
Background Papers	<p>Presentation and report to Planning Committee (16 September 2020) in relation to planning application R16/2569 prepared by Karen McCulloch.</p> <p>Engrossment draft of the s.106 agreement in relation to the SW Rugby Employment Land at Land North of Coventry Road, Coventry Road, Thurlaston.</p>
Decision record kept until	15 October 2026
Background papers kept until	15 October 2024

Signed



Dated: 15 October