

DECISION UNDER DELEGATED POWERS

Subject	S.106 Agreement – The Former Oakfield Recreation Ground, 38 Bilton Road, Rugby (Planning Application R19/1164)
Officer Requesting Decision	Legal Services Team Leader
Officer Making the Decision	Head of Growth & Investment
Authority for Decision	Minute 60 of the minutes of Rugby Borough Council's Planning Committee meeting of 5 February 2020 namely that the Head of Growth and Investment be authorised to grant planning permission subject to the applicant entering into a Section 106 Agreement and subject to the conditions and informatives in the report, together with an additional informative as set out in the minutes.
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 Former Oakfield Recreation Ground, 38 Bilton Road, Rugby.
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 (5 February 2020) in relation to planning application R19/1164 prepared by Chris Kingham.</p> <p>Engrossment draft of the s.106 agreement in relation to the Former Oakfield Recreation Ground, 38 Bilton Road, Rugby.</p>
Decision record kept until	15 October 2026
Background papers kept until	15 October 2024



Signed:

Dated: 15 October 2020