

Decision under Delegated Powers

Officer Requesting Decision

Principal Planning Officer, Development Management

Officer Making the Decision

Head of Planning & Regeneration Services

Recommendation

That a s106 legal agreement be agreed to secure the following planning obligations:

- A scheme of ecological enhancement.
- Financial contributions to the County Council to support sustainable travel initiatives.

Reason

The s106 legal Agreement is being completed to make the development acceptable in planning terms.

Authority for Decision

As this application was received prior to the Council decision to amend the constitution on 27 February 2018 (minute 77.316/17 refers) the provision of the previous constitution apply.

Part 2a of the Council Constitution - Delegation to the Head of Planning and Regeneration

2. To agree non-material amendments and minor material amendments to planning permissions where no demonstrable harm would be caused to an interest of acknowledged importance.

21. To negotiate the heads of terms of section 106 agreements.

Decision and Date



20 June 2018

Background

The current planning application (P/17/2215/2) for employment development follows planning permission (P/17/0741/2) which secured enabling works to the Flood Zone.

The planning application (P/17/2215/2) seeks approval for the construction of a new B1 office/ B2 production and B8 distribution facility with associated parking and landscaping, in addition to the provision of open space and highways improvements. The proposed development represents an extension of the adjoined Pukka Pies Ltd facility.

The proposals have a total footprint of 4,735.84sqm, and associated parking and landscaping, in addition to the provision of open space and highways improvements.

The development plateau will have an area of 1.29ha / 12,950sqm with the remainder of the application site already having the benefit of planning permission for the creation of floodplain compensation & habitat scheme with an area of 4.1ha / 41,875sqm under reference P/17/0741/2.

The proposed architecture would be a simple large-scale commercial building with brick and glazing to the High Street frontage and storage and distribution areas to the rear. An artistic impression of the building is detailed below. The proposals would reflect the similar design approach of existing Pukka Pies facility opposite.

The proposals would present significant economic benefit from the investment in jobs and the additional business. There is considerable evidence from the socio-economic data, travel plan and transport data that a significant proportion of the workforce is local to the factory and therefore there are direct economic benefits arising from the development. These carry very significant positive weight in the balancing exercise in terms of the economic and social benefits arising from the development. The submitted socio-economic report highlights that the expansion of Pukka Pies will enhance the economic impact it brings to Charnwood and Leicestershire, unlocking an additional £25m of turnover growth (over the existing £45m), creating an additional 150 jobs on-site and generating offsite employment through induced and indirect effects supporting an additional 50 off-site jobs..

The proposals would have an impact on the local landscape but this is localised and the quality of the proposals in terms of design would present an improved entrance to the cross roads and the application would create a positive design to the area.

The impact on flooding and ecology can be managed through appropriate planning conditions and the contributions sought as planning obligations secured under S106 of the Planning Act. There is sufficient evidence in the transport supporting documents that there would be no significant impact on the highway network. The impacts on the neighbouring sailing club and nearby residential properties have also been assessed and no significant harm has been found.

Therefore the positive benefits of the proposals significantly and demonstrably outweigh the negative impacts of the proposal.

Having weighed all the impacts the proposals would be in accordance with Policies CS1, CS2, CS6, CS10, CS11, CS12, CS13, CS16, CS17, CS18, CS24 and CS25 of the Core Strategy; Saved Policies EV/1, EV/31 and TR/18 of the Local Plan and the aims and objectives of the National Planning Policy Framework.

The s106 legal agreement is being completed to secure the planning obligations necessary to make the development acceptable in planning terms.

Policy Considerations

Development Plan

Policy CS13 of the Charnwood Core Strategy 2011 to 2028 - Biodiversity and Geodiversity - supports development that protects biodiversity and geodiversity.

Policy CS17 of the Charnwood Core Strategy 2011 to 2028 - Sustainable Transport - requires major developments to provide access to key facilities by safe and well lit routes for walking and cycling that are integrated with the wider green infrastructure network and by securing new and enhanced bus services where new development is more than 400m walk from an existing bus stop.

Policy CS24 - Delivering Infrastructure - seeks to ensure that development contributes to the reasonable costs of on site, and where appropriate off site, infrastructure, arising from the proposal through the use of Section 106 Agreements. This is so the local impacts of developments will have been reasonably managed and mitigated.

Consultations

Ecology Officers

The suggested scheme amounts to 4.54 biodiversity units (using the Warwickshire calculation) and this is the basis for considering the scale of the ecological impact and how a reasonable scale is calculated under the CIL Regulations as there would be a loss of a specific habitat that could not be provided for within the application and proposals. In respect of ecology the development is acceptable in other respects.

The Warwickshire method suggests a figure that would not be reasonable in scale (in excess of £140,000). However this approach makes a number of assumptions that do not apply in this case, not least because there is confidence that an appropriate receptor for the contribution within the Syston area can be identified.

The contribution request has had regard to the biodiversity offset figure to estimate the land area required to provide the offset, estimated a value for an

equivalent area of arable land and added an amount for management (the Warwickshire calculator suggests of £17,341.83)

There are 3 potential local projects that have been identified as possible local beneficiaries and that would be closely related to the development would be one of the following options:

-) A sum paid to LRWT in return for their agreement to manage a parcel of land in Syston adjacent to one of their existing reserves and currently under the control of CBC
-) A sum paid to a community group in Syston to support their endeavour to manage a parcel of land currently under the control of CBC
-) A sum paid to support a project proposed by LROS (Leicestershire and Rutland Ornithological Society) to create a new reedbed in the north of Watermead

Notwithstanding the licence requirements which are separate to the planning legislation the proposals are considered to be balanced and subject to an appropriate condition.

A sum of £16,000 plus reasonable legal/monitoring costs of no higher than £1,341.83 as a reasonable and appropriate contribution. The trigger point for payment to be the completion of the enabling works.

Leicestershire County Council Highways

To comply with Government guidance in NPPF the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use:

1 (a). Travel Packs; to inform new employees from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge.

1 (b) 6 month bus passes, one per employee (1 application form to be included in Travel Packs and funded by the developer); to encourage new employees to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass (to be confirmed) – NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).

1 (c) STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.

2. A contribution of £7,500, towards the consultation process for the extension of double yellow lines on High Street towards the junction with Fosse Way.

3. The Applicant shall enable land within their control, outside the red-line boundary for the planning application to be utilised for car parking for the current proposals (on the existing Pukka Pies factory site).

Considerations

The proposal therefore is to complete a S106 agreement to ensure the provision of ecological mitigation and the requirements of the County Council to deliver s106 contributions to make the development acceptable in planning terms and mitigate the impact of the development.

The proposed changes to the S106 Agreement would be in accordance with the aims and objectives of Policies CS13 and CS24 of the Core Strategy and allow for the access road to be completed to an adoptable standard.

Financial Implications

None

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Ecology	Unlikely	Minor	Four potential locations have been identified for the contribution to be spent. The risk is that the contribution could not be spent in any of the identified locations. Ecology Officers have commenced work on securing delivery of a suitable scheme to reduce potential for non-delivery.
County Council	Unlikely	Minor	The County Council would need to work closely with the applicant on sustainable travel initiatives but these are well established within the existing business. The other aspects should be capable of being delivered within the agreed timescale. The County Council are party to the s106 and are aware of the timescales.

Key Decision:

No

Background Papers:

Planning File – P/17/2215/2