

**Decision under Delegated Powers**

**Officer Requesting Decision**

Group Leader Development Management

**Officer Making the Decision**

Head of Legal and Electoral Services

**Recommendation**

That a Section 106 Agreement be signed to secure planning obligations under Planning Application reference P/23/0668/2 for : Outline Planning Application for construction of up to 61,000 m<sup>2</sup> of E(g)(iii), B2 and B8 Use Class units, including site access and infrastructure and biodiversity enhancement area (All matters reserved except for means of access)

Land at Watermead Business Park, Thurmaston, Leicestershire

The developers have submitted a planning application as described above and the Council, following resolution of Plans Committee on 25<sup>th</sup> January 2024 is minded to grant planning permission subject to the completion of this Deed of Variation.

**Comprising:**

Biodiversity	<ul style="list-style-type: none"> <li>• To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application.</li> <li>• To submit an updated Biodiversity Impact Assessment with the reserved matters and Biodiversity Mitigation and Enhancement Scheme</li> <li>• To pay to the Council a sum of up to £760,000 for off-site biodiversity mitigation to compensate for any shortfall arising from on and off site measures (calculated at reserved matters stage including the ‘on site’ compensation at that stage).</li> </ul>
Sustainable Transport	<ul style="list-style-type: none"> <li>• £510 per Centrebus bus pass to be made available for all employees</li> <li>• Monitoring Fee required for this site will be the sum of £11,337.50 for monitoring the effectiveness of the Travel Plan over the five-year duration of its life</li> </ul>

**Reason**

The S106 Agreement is required to make the development acceptable in planning terms, to ensure an adequate biodiversity compensation will be secured either on site, or if that is not achievable in whole or in part, off site by means of funding to the Council in order to facilitate the provision of necessary and adequate compensation elsewhere.

Also, to ensure funds are made available for bus passes for future employees on the site, in order to encourage and support sustainable travel options. This is in conjunction with conditions requiring a Travel Plan and an funding towards the monitoring of its implementation and effectiveness.

### **Authority for Decision**

The application is a matter determined by the Plans Committee acting under section 5.5 (f) of the Constitution, who have made a resolution to grant outline planning permission following the completion of the S106 Agreement to be agreed under the delegated authority of the Head of Legal and Electoral Services and subject to conditions, reasons and advice notes.

### **Decision and Date**

N.Ford  
12.07.2024

### **Background**

The full background of planning application P/23/0668/2 is provided in the planning file at:

<https://portal.charnwood.gov.uk/Northgate/PlanningExplorerAA/Generic/StdDetails.aspx?PT=Planning%20Applications%20Online&TYPE=PL/PlanningPK.xml&PARAM0=633362&XSLT=/Northgate/PlanningExplorerAA/SiteFiles/Skins/charnwood/xslt/PL/PLDetails.xslt&FT=Planning%20Application%20Details&PUBLIC=Y&XMLSIDE=/Northgate/PlanningExplorerAA/SiteFiles/Skins/charnwood/Menus/PL.xml&DAURI=PLANNING>

The report to the Plans Committee is available at:

<https://charnwood.moderngov.co.uk/documents/s13457/P2306682%20-%20Land%20at%20Watermead%20Business%20Park%20Thurmaston.pdf>

The minutes of the Plans Committee meeting, 25.1.2024, including the resolution to grant planning permission subject to the s106 Agreement is available at:

<https://charnwood.moderngov.co.uk/documents/g962/Printed%20minutes%2025th-Jan-2024%2017.00%20Plans%20Committee.pdf?T=1>

### **Comments from HR**

Not applicable

## Financial Implications

None

## Risk Management

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
Applicant doesn't comply with the S106 Agreement	Very Low	Low	Very Low (1 - 2)	Routine monitoring of the S106 Agreement.

Key Decision:

No

Background Papers

- *P/23/0668/2 – Planning File*