

## **INFORMATION RECEIVED SINCE PREPARATION OF REPORT**

Application number	TWC/2018/0775
Site address	Land adjacent Building B8, MOD Donnington, Hortonwood 37, Hortonwood, Telford, Shropshire
Proposal	Erection of industrial development of new Production Facility, and Distribution Centre, along with associated storage, service yards, and car and lorry parking areas
Recommendation	Full Grant

### **1.0 ADDITIONAL OFFICER NOTES – PLANNING OBLIGATIONS**

- 1.1 Paragraphs 8.8 and 8.20 of the Committee Report refer to the highways contribution being secured via a Memorandum of Understanding to be provided to the Council as local planning authority by the Council's Estates & Investment department. Legal advice provided to officers confirms that the restriction on vehicle numbers entering and leaving the site will need to be secured through a Section 106 agreement and/or Memorandum of Understanding which binds the landowners, one of which is the Council. Such an arrangement will then bind any current and future owners of the development site.
- 1.2 Officers also consider that, with there being a continuing need to ensure that the restrictions on vehicle movements are being complied with, a financial contribution towards the cost of monitoring the restrictions on vehicle movements will also be required. In this instance, £5,000 is considered appropriate.
- 1.3 A Section 106 agreement will therefore need to include the following:
- Strategic Highways Contribution of £64,455.33
  - Appropriately worded restriction specifying the maximum number of vehicles permitted to enter and exit the site over a 24 hour period, including specific restrictions during peak periods,
  - A monitoring contribution of £5,000 towards the cost of monitoring the above restrictions.
- 1.4 Officers are satisfied that the above requirements continue to meet the relevant tests as set out in the CIL Regulations (2010). The justification is that this restriction is necessary to make the application acceptable in planning terms, it has to be enforceable against those who have control over operations on the land i.e. the owners and, unless the reasons for the obligation go away at some time in the future, it needs to be enforceable in perpetuity.
- 1.5 Paragraph 8.5 refers to the need to personalise the permission, however, legal advice given to officers suggests that this may not meet the relevant tests in terms of being reasonable or necessary, particularly given the restrictions on vehicle movements being imposed. As such, a personal permission for the applicant is no longer being sought.

## 2.0 RECOMMENDATION

2.1 As a result, the recommendation as set out in Section 8 of the Committee Report needs to be updated to read as follows:

2.2 Based on the conclusions above, the recommendation to the Planning Committee on this application is that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to the following:

A.) The applicant/landowners entering into a Section 106 agreement and/or a Memorandum of Understanding with the Local Planning Authority (with indexation applicable to the contributions from the date of committee resolution to grant permission and terms to be agreed by the Development Management Service Delivery Manager) relating to:

- Strategic Highways Contribution of £64,455.33
- Appropriately worded restriction on the numbers of vehicles permitted to enter and leave the site over a 24 hour period, including specific restrictions during peak periods as required
- Monitoring contribution of £5,000

B.) The following conditions (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):

1. A04 Time limit
2. B010 Details of Materials
3. B034 Highways Details
4. B049 Highways Details
5. B042 Parking/Turning/Loading
6. B045 Travel Plan
7. B049 Car Park Management Plan
8. B061 Foul and Surface Water
9. B076 SUDS Management Plan
10. B139 Tree Protection Plan
11. B141 Mitigation Strategy and Method Statement
12. B149 Pre-Commencement Badger Inspection
13. C100 Artificial Nest/Bird Boxes
14. B145 Lighting Strategy
15. C109 In accordance with Ecology Survey
16. B150 S.E.M.P
17. C023 Land Contamination
18. C38 Approved Plan
19. D13 Noise levels