

TWC/2016/0147

Land North of Grove Road, Overdale, Telford, Shropshire

Outline application for residential development with associated access and all other matters reserved

APPLICANT

Mr Hardy

RECEIVED

22/02/2016

PARISH

Lawley and Overdale

WARD

Ketley and Overdale

OFFICER Valerie Hulme

OBJECTIONS RECEIVED: Yes

1. THE PROPOSAL:

- 1.1 The proposed development seeks outline approval for residential development, with all matters bar access reserved for later approval. The indicative layout demonstrates the site can achieve 80 units.
- 1.2 Members may recall an earlier outline planning application on this site, which members resolved to approve on the 3rd October 2012. The application was approved subject to a S106 agreement for the provision of 15% affordable Housing, £500 per unit towards off site leisure and recreation facilities and £61,302 toward primary leisure facilities. The application was duly approved on 10th December 2012. Since this date a number of developers have discussed various layouts for residential development on the scheme, however there had been considerable issues with viability, and a Registered Provider (RP) seemed to be preparing an application for reserved matters approval. However the RP dropped interest in the site following an unexpected budget announcement in July 2015 reducing the level of rents chargeable to tenants by the RPs. With no current developer, no reserved matters application was submitted and the applicant expired on the 11th December 2015.
- 1.3 This applicant seeks to renew the expired approval, allowing members to reconsider the application in light of current policy and its viability.

2. SITE AND SURROUNDINGS:

- 2.1 The application site is a long narrow triangular plot approximately 1.89 hectares, currently used as grazing land. The site is currently accessed at two points through field gates from the southern boundary, on Grove Road, and to the far east from Garfield Road. The ground level of the site ascends to the northern boundary which abuts the M54 embankment; Grove Road runs along the southern boundary of the site, separating the site with the residential dwellings of Grove Road which face the proposed development. Grove Road is characterised by 1970's hipped semi detached properties which have spacious gardens to front, side and rear.

- 2.2 The eastern and western boundaries of the site abut the rear gardens of properties on Barratt Terrace and ErCALL View respectively. Barratt Terrace, built in 1929 is a row of three hipped semis with very wide frontages limiting the gap between the properties unlike Grove Road. Further east of Barratt Terrace a late 20th century development adds to the mix of character within the area fronting the development sites access point at Garfield Road.
- 2.3 The site is located on the northern edge of Overdale, some 1.1km west of Telford Centre. The site is less than 0.4 miles to the North of Newdale primary school, and less than 0.1miles from the local centre which provides a general store, post office and takeaway facility.

3. PLANNING HISTORY:

- 3.1 W7/77/0028, Erection Of A Single Dwelling Circular No Objections (Cttee), Decision Date: 01/02/1984
- 3.2 W85/0053, Residential Development To Provide Detached Dwellings, Outline Refused, Decision Date: 05/07/1985
- 3.3 W89/1430, Borehole Investigations,,: The Rock, Telford., Decision: County No Objections (Cttee), Decision Date: 22/01/1990,
- 3.4 W90/1250, Outline, Date Erection Of Three Dwellings With Alteration To Vehicular Access, Outline Granted, Decision Date: 29/11/1991,
- 3.5 W94/0782, Renewal Of W90/1250 (Erection Of Three Dwellings With Alteration To Existing Access), Outline Granted, Decision Date: 14/10/1994
- 3.6 W2000/0022, Erection Of 3 Dwellings With Alteration To Existing Access Outline Granted, Decision Date: 20/04/2000,
- 3.7 W2003/0372: Renewal Of Planning Permission W2000/0022 For The Erection Of 3 Dwellings With Alteration To Existing Access, Approved Decision Date: 27/06/2003,
- 3.8 W2006/0691, Renewal of W2003/0372 For The Erection Of 3no. Dwellings (Outline), Outline Granted, Decision Date: 26/07/2006
- 3.9 TWC/2011/0979, Residential development for up to 80 dwellings (outline); Outline Granted Decision Date 10/12/2012

4. PLANNING POLICY CONTEXT:

- 4.1 National Planning Policy Framework
National Planning Policy Guidance
- 4.2 LDF Core Strategy 2007-2016
CS1 Homes
CS3 Telford

CS9 Accessibility and Social Inclusion
CS11 Open Space
CS12 Natural Environment
CS13 Environmental resources
CS14 Cultural, Historic and Built Environment
CS15 Urban Design

4.3 'Saved' policies Wrekin Local Plan

EH7 Contaminated Land
EH8 Remedial action on Contaminated Land
EH14 Land stability
UD2 Design Criteria
UD4 Landscape Design
T4 Development Principles
T22 Planning Obligations
OL3 Green Networks
OL4 Development in green network
OL11 Woodland and trees
OL12 Open land and landscape contributions from new development
OL13 Maintenance of open space
LR4 Outdoor recreational open space
LR6 Developers contributions to outdoor recreational open space with new residential development
H22 Community facilities
H23 Affordable Housing

4.4 Telford & Wrekin Local Plan (Publication version Jan 2016)

SP1: Telford
SP4: Presumption in favour of sustainable development
HO1: Housing requirement
HO4: Housing Mix
HO7: Specialist housing needs
C1: Promoting alternatives to the car
C3: Impact of development on highways
C4: Design of roads and streets
C5: Design of parking
BE1: Design criteria
ER10: Water conservation and efficiency
ER11: Sewerage systems and water quality
ER12: Flood risk management

5 **CONSULTATION RESPONSES:**

Standard Consultee comments

5.1. Lawley & Overdale Parish Council: Objects

Notes they previously objected to the scheme due to the high density of housing on a small site adjacent to the M54. There is a loss of much needed open space in an already well developed area, with no provision to mitigate the loss of space currently designated as Green Network; there is a lack of

open space in the development proposals, other than the motorway embankment, which is clearly unsuitable; the impact of such a large number of new households in an area left with no community facilities since the closure of the Community Centre, one small shop and nearby recreational facilities already in need of upgrading.

In addition the impact of a large number of vehicles, which will inevitably come from this development, on Garfield Road is totally unacceptable. This small estate road is already used as a shortcut from Rock Road to Holyhead Road, via Shepherds Lane, by hundreds of cars and HGVs daily. The recent decision to allow a development of 45 houses on the opposite side of the motorway bridge from Grove Road, and the associated diversion of traffic from Mossey Green through this development onto Garfield Road, will already lead to a significant increase in traffic on roads which were never meant to take this number of vehicles. Adding vehicles from another 80 houses onto Garfield Road will make this road increasingly dangerous for local residents.

- 5.2. Drainage: support subject to conditions
Relating to foul and surface water drainage, and Greenfield water run off rates, in addition to the management of any proposed SUDs features.
- 5.3. Ecology: Support subject to conditions:
The ecological survey found no evidence of any protected species.. None of the trees on site have potential to support roosting bats. The vegetation on the site has potential for nesting wild birds present. The site has negligible potential for reptiles. Recommend conditions relating to development in accordance with Ecology Appraisal, erection of 5 bat boxes, 10 bird boxes and 2 hedgehog boxes; in addition to a planting scheme to compensate for loss habitats and a lighting strategy to avoid illumination of hedgerows and trees.
- 5.4. Contaminated Land (Environmental Health): Support subject to conditions.
The site is suitable for residential development, provided that the proposed basic ground gas mitigation measures are implemented; these will need signing off by Building Regs inspection in due course.
- 5.5. Pollution Control (Environmental Health): Support subject to conditions
Requests condition relating to submission of a mitigation plan – details of acoustic glazing ventilation, fence height and density.
- 5.6. Highways: No objection subject to conditions
Relating to parking turning loading, onsite construction; road design; details of the direct pedestrian link between the site and the public right of way on the western perimeter of the site.
And requests a £30,000 contribution towards sustainable plany and education links improving connectivity of the Public rights of way network.
Any landscaping within the limits of any public highway to be adopted may attract a commuted maintenance sum as part of the Highways Act 1980 Section 38 agreement process. In addition the access works off Garfield Road and alterations to Barratt Terrace will need to be conducted under an

appropriate highways agreement to be agreed prior to the commencement of any works.

- 5.7 Arboriculture: Support subject to conditions:
May be prudent to condition a tree survey with appropriate works, on the Highways Agency land.
- 5.8 Strategic Housing: Comment:
The applicant proposes 15% affordable housing; whilst this was agreed as part of a previous application /lapsed approval for the site, it is significantly less than council policy and what was requested originally. Furthermore there continues to be a large unmet need for affordable homes in Telford & Wrekin. Affordable homes should be for affordable rent and transferred to an RP., distributed in small clustered of 4-6 units. Mix should be agreed with the council, as per the local letting plan prior to reserved matters application, meeting internal spaces standards consistent with housing quality indicators. The proposal to design tenure blind is welcomed.
- 5.9 Parks & Open Spaces: No objection subject to conditions:
Notes partial designation as green network, and recognises previous consent for £500 per unit. Requests this is increased to £600 per unit to improve / enhance nearby facilities for offsite recreational needs.
In addition note the provision of small incidental areas of open space / landscaping which may not be conveyed to individual properties and seeks landscape management plan. Notes trees within highways which may be difficult to maintain and requests applicant to look at the long term sustainability of the site.
- 5.10 Education: Support subject to conditions:
Confirms there is a need to provide additional capacity in the local primary school, and requests a contribution of £72,011 towards facilitating this capacity, identifying the expansion of Old Park school.
- 5.11 Highways Agency: No comments received to date

(However – should note previous consultation response: Originally raised concerns and issues a TR110 direction, not to approve the application until their concerns were addressed. The applicant since submitted further information to the Highways Agency who withdrew the holding objection, and raised no objection to the development subject to conditions, relating to a comprehensive ground investigation to the embankment of the M54; a geotechnical and ground investigation and design details for the site; and a Vehicle Restraint System (VRS) at the access)
- 5.12 Coal Authority: No objections:
The Coal Authority concurs with the recommendations of the Ground Investigation Report; that coal mining legacy potentially poses a risk to the proposed development and that further intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority

recommends that the LPA impose conditions relating to intrusive site investigation, findings, layout plan with no build zones in respect of mine entry and high wall, and appropriate remedial actions.

- 5.13 Shropshire Fire Authority: No objection subject to informatives.
- 5.14 West Mercia Constabulary: No objections subject to conditions: Considers there are opportunities to design of out crime and /or the fear of crime and to promote community safety. Recommends a condition to achieve secured by design award status for the development. In particular consideration should be given to avoiding blank gable ends, design of carparking areas, lighting, ambiguous space and vegetation, permeability, dwelling boundaries.
- 5.15 Local Access Forum: object subject to conditions: Public right of way runs along the western boundary of the site, and recognises the indicative plan takes account of this. The issue arises however with the motorway underpass that is pinched in width, which is a bridleway, which is narrow and difficult. Requests that this is widened to 3m and connected to the new site
- 5.16 Telford Bridleways Association: Object
Need to consider the multi user rights of way; horse and riders exercise on the land and it should be green open space or have at least a 3m non vehicular path running between the motorway and the development – this would continue a green route from Garfield Road to Cow wood and Ironbridge Way, safeguarding vulnerable and off road users.

Local Representations:

- 5.17 41 letters of direct neighbour consultation have been dispatched by the local planning authority, in addition the application has been advertised in the local paper and through site notice. As a consequence 2 individual letters have been received in addition to a 'circular letter template' that has received 30 signatures.
- 5.18 The individual letters of objection raise concerns over:
- Overdevelopment, restrictive site, and abundance of existing low cost housing adjacent to and in close proximity to the site;
 - Housing mix, being 2/3 bed which already exists in the areas; creating imbalance between the provision of low cost housing and the provision of more expensive privately owned properties;
 - Issues relating to existing infrastructure – in particular the highway, noting Garfield road usage as short cut by variety of vehicles, and speed concerns.
 - Small site; that has been subject to mining activity, concerns over stability in close proximity to motorway.
 - Loss of green open space and ecology
 - Noise and disturbance in already overdeveloped area
 - Social facilities are limited, small shop and community centre some distance from the site.

- Protect the public right of way and take advantage to create a byway running approximately east-west.

5.19 The 'circular' letter makes the following objection:
Fails to address the recreational use of the land; suggests a restricted byway is established in the green space between the houses and the motorway to be used by riders, cyclists and walkers, providing a valuable link between existing routes of the old railway line to the west and a safe way to cross the motorway on the east for access to bridleways in Ketley.

6 PLANNING CONSIDERATIONS

6.1 Having regard to the development plan policy and other material considerations including comments received during the consultation process, the planning application raises the following main issues:

- Principle of development
- Noise and Air Quality
- highways and traffic issues
- Ground conditions relating to historic uses and proximity to motorway
- flood risk and drainage
- ecology and trees

6.2 Principle of Development

Within the current saved local plan, the development site is partly white land and partly Green Network; the Green Network boundary however is not defined physically on the site, and is of the same character as the remaining site. The Wrekin Local Plan seeks to protect areas of Green Network in order to achieve the 6 aims of the Green Network. These 6 aims are:

- to maintain Telford's image as an attractive place to live and work
- the separation of built up areas with green wedges;
- to provide easily accessible 'green lungs'
- to provide an appropriate supply of open land for formal and informal recreation
- to protect, enhance and maintain Telford's ecological and geological and archaeological heritage
- to provide open space linkages.

In this case, the identified Green Network is private property, with no public access; it does not provide open space linkages; it does not provide either formal or informal recreation areas; it has no geological or archaeological value, and relative limited ecological value as the assessment provided with the application demonstrates the site does not support a rich variety of flora or fauna, let alone any protected species; the site is not landscaped, and has limited visual interest. Furthermore the site does not provide a green wedge between housing estates due to the motorway on the northern boundary; the motorway in its self acts as this wedge, being significant lower level than the development site, and is well screened by its own embankment. The designation does not follow a defined boundary and there is no material difference between the white land and that as green network. Subsequently it is considered that the site does not meet the intended aims of the Green Network Policy.

- 6.3 Consideration should also be given to Counsels opinion of the Green Network, which concludes the Green Network protection should only be applied where it is identified that the designated sites meet any of the above criteria. Accordingly as the site does not meet these aims, the principle of development is considered acceptable, and as such members resolved to approve the previous application.
- 6.4 However since this date there are two other key material considerations, firstly a recent appeal decision from March 2016, whereby an Inspector concluded that the saved Wrekin Local Plan Green Network Policies were dated, and inconsistent with the NPPF, whereby only valued landscapes should be protected and enhanced, and such green network designations restricted; he consequently gave these policies little weight. And secondly, the emerging local plan adjusts the boundary of the green network at this location to reflect the lack of any defensible boundary, removing a cartographical error. The new local plan is gathering momentum towards the submission and given that there were no objections to this aspect of the emerging plan under Regulation 19 considerable weight should be given to the absence of this designation.

Noise & Air Quality

- 6.5 At a local level planning policy relating to noise is limited, as specific noise guidance contained within the Wrekin Local Plan was deleted in 2007, putting reliance on National Planning Policies. The NPPF states that the planning system should prevent new development being adversely affected by noise pollution; and through planning policies and decisions mitigate and reduce to a minimum adverse impacts arising through noise; this is reiterated through the Explanatory note on Noise Policy Statement.
- 6.6 The adjacent motorway is a source of noise pollution; due to the sites close proximity adjacent to this boundary noise surveys have been conducted on the site. The noise report recognises that the site is impacted by noise, but that there is adequate mitigation measures to reduce this impact to a reasonable level that will not have a detrimental impact on the living conditions of residents; this would include the use of standard thermal double glazing, trickle vents and acoustic boundary treatment. Furthermore there are no changes in noise levels since the past approval, and the recommendations of Environmental Heath to provide a noise mitigation scheme are appropriate and reasonable, in line with local and national policies.
- 6.7 No concerns have been raised by Environmental Heath with regard to the proximity of the development adjacent to the M54, and as such it is not considered that the development will be adversely affected by air quality; controls can also be placed through condition to reduce the impact of dust during construction. Furthermore similar developments along the M54 corridor have recently been approved / developed and consequently the principle of development is considered acceptable.

Highway safety

- 6.8 The proposed application seeks approval for the access into the development site. One access serves the site; this is located to the north eastern corner of

the development site at the existing field access point on Garfield Road. Full visibility splays of 2.4m x 43m are achievable at this junction, sitting to the north of the access point for Hartley Close. The proposed arrangements will relocate the existing access from Barratt Terrace, to the new access road, creating a larger grass verge to the front of this row of dwellings. No further access points are required, and this is in line with the previous comments from the Police Liaison officer with regard to designing out crime. This prevents additional vehicle movements on Grove Road, ensuring the safety of highway users, and limiting the impact of the development of existing residents on Grove Road in terms of additional vehicle movements.

- 6.9 The proposal provides an indicative layout as to how the road can be achieved and this is considered well throughout, allowing the road to meander through the development site, creating smaller envelopes of housing which creates a sense of place and naturally slowing down highway movement. Whilst the proposal is indicative, it is considered sufficient parking for the properties are provided, and adequate space is provided for the movement of large vehicles such as refuse vehicles.

Ground Stability

- 6.10 It is acknowledged the site has a number of ground constraints, which include previous mining activities, a mine shaft and highwall, in addition to the stability of the slope adjacent to the M54. Firstly a mine shaft is located on the centre on the northern boundary of the site; this requires a 20m stand off from any development if untreated. The applicant has since revised the indicative demonstrating how up to 80 units can be accommodated on the site including this suitable buffer zone. As this is an indicative plan, it is necessary to induce a condition to ensure this is included in the reserved matters scheme.
- 6.11 Secondly the site is affected by open cast highwalls. The report conducted by Spilman Associates dated July 2005, ref. J05023/02 and previous advice from the Council Geotechnical engineers concluded that building over and near to the open cast high walls is better to be avoided, however it would be acceptable if a full remedial foundation solution is submitted. As this is an outline application, the principle of development is acceptable, however once a layout has been established the details of the reserved matters application should be accompanied by these details in addition to a foundation design zoning plan with full details of each houses foundation design and its location in relation to the opencast and the high walls; this can be adequately controlled through condition. The same is also sought for shallow mining investigations when a more formal layout is submitted for approval.
- 6.12 Thirdly the site abuts the M54 embankment that descends down to the M54; in addition to a small gradient incline to the northern boundary. Highways England are responsible for this embankment and have been advised of the application. Whilst consultation comments are still awaited for this application, regard has been made to the previous comments who consider issues securing stability can be adequately controlled through condition whilst recognising the importance to protect the M54 and the land they maintain. It is therefore considered that this can be adequately controlled through

condition, with submission of the slope stability assessment with the reserved matters application, supporting the layout and any appropriate stand off, as for the purposes of this outline application, where no layout is being approved, it is not necessary to finalise this stand off location. Such details will also include foundation zoning and designs also taking account of stability.

Land Contamination

- 6.13 The proposal is supported by a number of ground assessments relating to ground contamination. This concludes that the site is not significantly contaminated and there are no constraints from this perspective. Some ground gases exist and a further investigation is required to localise these gases and provide appropriate gas mitigation measures, which is required through building regulations. Accordingly as the mitigation measures have been submitted and the pollution control officer did not request any further conditions as this is dealt with appropriately through building regulations; this is considered compliant with both local and national policies.

Drainage

- 6.14 A flood risk assessment supports the application. This concludes that the site is not within an area susceptible to flooding; no watercourses or private drainage are present within the site. This concludes that the surface water drainage of the site should be restricted to the standard Greenfield levels, which is supported by the council's drainage engineer. Therefore it is considered that the site can be adequately drained in accordance with both local and national policies.

Ecology, Trees and Landscaping

- 6.15 A phase 1 ecological assessment accompanies this application; this looked for the potential of all protected species. It concludes that there only activity where mitigation should be considered related to nesting birds, and consequently suggests limiting works of tree clearance outside of the nesting season. This is recognised in the Ecologist comments, and is considered that the application would not cause harm to protected species, through condition the proposal can provide enhancements in the form of bat and bird boxes, hedgehog boxes in addition to a planting scheme to compensate for loss of habitats, in accordance with local and national planning policies.
- 6.16 The development will result in the loss of some trees on the site, but due to the nature/type of the trees, they are not protected. Furthermore, none of the trees are considered potential for bat roosts. As the development is only an outline application, landscaping is reserved for later approval, however it is considered that any landscaping scheme should reflect the nature of the site at present and seek through planting to ensure this green character is retained; this can adequately been controlled through condition.

Residential Amenity

- 6.17 An indicative layout has been submitted with this application; whilst this is indicative it demonstrates how up to 80 units can be accommodated on the site taking account of neighbouring residential amenities. Sufficient distance separation is maintained through the site and with the existing dwellings. The

proposal will not result in a loss of light or outlook. Furthermore the proposed site can adequately accommodate 80 units providing sufficient amenity area and landscaping within the site layout. As the proposal does not front Grove Road, it is considered that it can sit within its own context, being a slightly higher density than the surrounding low density character of Grove Road, reflecting that on the developments slightly further afield. However this is down to the finer details at the reserved matters stage to demonstrate that the development can adequately ensure the proposed development does not cause harm to the surrounding character.

Planning Obligations

- 6.18 The proposed development meets the thresholds to request affordable housing on site in addition to contributions towards primary education facilities, and off site leisure and recreation upgrades. A request has also been for a rights of way contribution in order to promote sustainable routes, recreation and links to play and education as per the previous application. However due to the sites complex ground works from the previous mine workings, the sites abnormal costs are considerably high the scheme is unviable.
- 6.19 The applicant previously provided financial information to demonstrate the schemes viability and members previously approved a scheme which provided 15% affordable housing, £61,302 toward primary school facilities and £500 per unit towards off site leisure and recreation facilities; however the scheme has still been undeliverable and no developer had been secured.
- 6.20 In assessing this application a similar request was made to the applicant reflecting the normal guidelines for affordable housing, £72,011 towards primary education facilities, £600 per unit towards off site leisure and recreation facilities, and £30,000 towards rights of way contributions. Whilst these figures are in line with indexation from the previous application, this reflects a profit return which is negligible, taking account of the high abnormal build costs associated with the site. Therefore the figures previously agreed are undeliverable, and viability again needs to be assessed.
- 6.21 Various options have been examined, including a reduction in the percentage of onsite affordable (maintaining the other contributions), the reduction of contributions alone (maintaining affordable); the only one which works for the developer is the reduction of onsite affordable and some reduction to the S106 contributions. Whilst it is recognised that this profit is still marginal, and much lower than normally considered viable, there is little difference between a scheme with some S106 contributions (without affordable housing) and those without any obligations (without any contribution or on site affordable housing). The applicant has therefore agreed for the provision of £96,000 towards S106 contributions, and no affordable housing, taking account of the viability, this is well beyond what they need to provide.
- 6.22 Officers have discussed and considered this matter in consultation with the consultees; this has resulted in agreements for a reduced contribution by all parties. Leisure and Recreation have agreed to a reduced contribution of

£300 per dwelling /£24,000 to be spent in the nearby play area sites – Overdale Playing Field and Riding Close; Education have accepted a reduced contribution of £62,000 towards the expansion of Old Park leaving a highway contribution of £10,000, to fund rights of way improvements from Grove Road to Waterloo Road connecting the proposed development to recreation facilities and the wider area, which is accepted by highways. It is considered that this figure takes a more rounded approach than the last S106; furthermore it is confirmed that the proposed heads of terms are consistent with Regulation 122 of the Community Infrastructure Levy Regulations 2010, whereby the proposed contributions mitigate works necessary to support the development and are consistent with local and national planning policies.

Other Issues

- 6.22 It is noted that the proposed development has raised some objections from local residents; addressing these comments not addressed above, relating to the need for such development given the large number of sites with planning permission in the local vicinity. The Local Planning Authority cannot consider the need for development or suggest alternative locations for development other than in zoning within the Local Plan but must consider each application on its own merits with regards to the relevant planning policies and other material considerations.
- 6.23 The site is not open land, and has no right of way through the site. It is noted that there have been many requests for a right of way for multi-users through the site, however this would not link with any existing networks to the east of the site and therefore not provide any gain; furthermore it will also use developable land which is necessary to ensure viability. The request to widening a pinch point (to 3m) by the underpass would not only result in additional costs but also the acquisition of land outside of the applicants ownership. This area currently exists as a bridleway, to the far west of the development site, and at no point connects with this development site or passes by it. Therefore this matter whilst examined, especially in considering viability, is not considered essential as part of this scheme to warrant the additional contributions, nor has any upgrade been justified by the Rights of Way officer, who would rather promote the pedestrian accessibility of the site through the requested contribution.

7. CONCLUSION

- 7.1 Whilst the proposed development is partially on Green Network Land, it is considered that this designation and its policies are dated, with limited weight and weight should be given to the lack of this designation in the emerging plan. Consideration is also given to the recently lapsed planning consent, which approved the principle of development. The site is located in a sustainable location within the urban boundary of Telford, to the northern edge of Overdale, some 1.1km west of Telford Centre. It has good accessibility to public transport and local facilities at Overdale local centre in addition to the Town centre. The site is therefore considered to be in a sustainable location for new development.

- 7.2 The proposed development site can be adequately drained and protected from previous ground uses through condition relating to ground contamination and mine shaft stand offs. Furthermore it has been adequately demonstrated that through condition the development will not have an adverse impact on the adjoining motorway in terms of slope stability. In turn the motorway through the use of noise mitigation measures will not adversely affect the amenities of the proposed residents.
- 7.3 It has been demonstrated that the site can be adequately accessed without prejudice to highway safety. The proposal will not harm the character of the visual amenities of the surrounding area or amenities of existing or proposed residents in terms of overlooking, loss of light, distance separation or private amenity area, in addition it has been adequately demonstrated that sufficient parking facilities can also be provided. The proposal through condition will also ensure an enhancement landscaping scheme and bat and bird boxes, protecting the character of the area and providing ecological enhancements.
- 7.4 Based on the inability to develop the site over the past 3 years, taking account of the lapsed consent, the approved form has not been demonstrated viable, and there is a need to significantly reduce the obligations of the site. Whilst this is undesired it is based on factual financial information, this is a material consideration and therefore accords with the NPPF. Accordingly it is considered that the proposed development is in accordance with both local planning policies, the NPPF and the presumption in favour of sustainable development.

8. RECOMMENDATION:

- 8.1 Based on the conclusion above, to GRANT OUTLINE PLANNING PERMISSION subject to the following:

A.) The applicants entering into a Section 106 agreement with the Council (terms to be agreed by the Service Delivery Manager of Development Management) that includes the provision of:

- i. £62,000 towards primary education facilities
- ii. £24,000 towards offsite Leisure and recreation facilities
- iii. £10,000 towards offsite highway works.

Nb. Indexation shall be taken from the date of the resolution to grant

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

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|----|-----|---|
| 1. | A01 | Time limit |
| 2. | A03 | Submission of Reserved Matters |
| 3. | B02 | Standard outline |
| 4. | B03 | General details required including management of suds and pedestrian link, 20m stand off to mineshaft |
| 5. | B34 | Highway details |
| 6. | B42 | Parking turning and Loading |

7. BCustom Comprehensive ground investigation to m54 embankment
8. BCustom Geotechnical design and ground investigation
9. BCustom Vehicle restraint system
10. B58 Slope Stability
11. BCustom Foundation design and Retaining structures
12. B50 Shallow mining
13. B61 Foul & Surface water drainage, inc Greenfield run off rates
14. B84 Noise mitigation
15. B125 Details of earthworks
16. B146 Planting scheme
17. B150 Site Environmental Management Plan
18. C106 Lighting
19. C109 Bat and Bird boxes