

TWC/2019/0504

Land between, Colliers Way & Park Lane, Old Park, Telford, Shropshire  
Outline application for up to 82 dwellings with associated access and all other  
matters reserved (amended description - reduction in unit numbers)

**APPLICANT**

Homes England, Catherine Hawksworth

**RECEIVED**

18/06/2019

**PARISH**

Lawley and Overdale

**WARD**

Ketley and Overdale

**THIS APPLICATION HAS BEEN REFERRED TO PLANNING COMMITTEE AS  
THE COUNCIL ARE THE APPLICANT AND IT CONTAINS A MEMORANDUM OF  
UNDERSTANDING RELATING TO FINANCIAL CONTRIBUTIONS**

**1.0 SUMMARY RECOMMENDATION**

1.1 It is recommended that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to GRANT OUTLINE PLANNING PERMISSION subject to conditions, informatives and a Memorandum of Understanding.

**2.0 SITE AND SURROUNDINGS**

2.1 The application site extends to 6.51 hectares and is located on land to the north of Colliers Way, due west of Telford Town Centre and the Forge Retail Park. The site is bordered by Colliers Way to the south, Old Park Way to the west and Park Lane to the north and east.

2.2 The site has been separated into two parts as a result of the omission of an undevelopable area of former open cast coal mine land. As a result, a smaller parcel of land now fronts onto Park lane to the north west and the main part of the site remains to the north of Colliers Way.

2.3 An area of existing woodland sits along the north boundary and separates the site from the properties along Park Lane to the north. To the east of the site is the rear service yards to five retail units on the Forge Retail Park. The Wrekin Housing Trust offices are located across Colliers Way to the south east of the site.

2.4 Colliers Way currently experiences significant amounts of on-street parking during the day.

**3.0 APPLICATION DETAILS**

3.1 This application seeks outline planning permission for the erection of up to 82 dwellings on the site, together with associated access. All other matters are reserved for later consideration.

3.2 The application is accompanied by the following supporting documents: -

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Transport Assessment
- Arboricultural Assessment
- Ground Investigation Report
- Ecology Survey
- Noise Assessment

#### **4.0 RELEVANT HISTORY**

4.1 None

#### **5.0 RELEVANT POLICY DOCUMENTS**

5.1 National Guidance:  
National Planning Policy Framework (NPPF)

5.2 Local Development Plan:  
Telford & Wrekin Local Plan

#### **6.0 SUMMARY OF STATUTORY CONSULTATION RESPONSES**

6.1 Lawley & Overdale Parish Council: Comment

- Application should be split into 2 separate applications as it concerns 2 distinct areas
- Number of houses has increased since the original application yet the area to be developed is smaller, resulting in an inappropriate density
- Imminent parking restrictions planned for Colliers Way and Caledonian Way have the potential to impact on the development as they will push parking problems onto the new residential streets

6.2 Cllr Mark Boylan: Object

Called application in to be determined at Planning Committee:

- Planning policy/circulars/statutory instruments, Local plan policy
- Highway issues
- Physical infrastructure (public drainage, water systems)
- Ground conditions (contaminated land slope stability/mineshfts)
- Wildlife (ecology), trees and landscaping
- Viability and deliverability
- Layout and density of design, visual appearance, character of the area

6.3 Highways: No objection

Subject to conditions requiring the provision of visibility splays and parking/loading/turning areas. Requests a contribution of £69,620.65 towards the Telford Transport Growth Strategy and £10,000.00 towards a traffic management scheme along the section of Colliers Way.

- 6.4 Education: No objection  
Requests contributions of £265,484 towards primary education and £105,192 towards secondary education.
- 6.5 Trees: Support subject to conditions  
Details of tree planting, species selection, management and maintenance required.
- 6.6 Drainage: Support subject to conditions  
No objection subject to conditions requiring detailed drainage proposals and SUDs details.
- 6.7 Ecology: Support subject to conditions  
No objection subject to a requirement that the none developed land is subject to a 20 year management plan to mitigate the loss pasture land and priority habitat with the development site and requirement for a commuted sum of £8,500 towards management of the area. Conditions requested include Habitat Management Plan, works in accordance with ecological survey, erection of artificial nests/roosts, lighting plan and landscaping design.
- 6.8 Healthy Spaces: Comment  
The development should trigger a request for onsite play facilities, however, there are also nearby facilities which could be upgraded. Requests a contribution of £600 per dwelling towards upgrade of those facilities.
- 6.9 Neighbourhood & Environmental Services: Comment  
Confirm that Customer and Neighbourhood Services would be looking to adopt the open space provided and alternative arrangements should be sought.
- 6.10 The Coal Authority: No objection subject to conditions
- 6.11 Shropshire Fire Service: Comment  
Consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications"
- 6.12 West Mercia Police: Comment  
Development should consider opportunities to design out crime, reduce fear of crime and promote community safety.

## **6.0 COMMUNITY CONSULTATION RESPONSES**

- 7.1 Old Park Residents Association – Object  
Comment in response to amended plans reconsultation:
- Regarding no through access from Park Lane – concerns that something more permanent than planting or bollards is required to prevent through access being opened up in future.
  - Note the reduction in dwellings in the smaller parcel of land in the NW corner although still feel this is flawed. This area should be considered

as a separate application. Red boundary line also encroaches into trees areas. This area is best suited to 2 dwellings only.

- Still maintain concerns regarding site layout and design quality – residents have previously been assured that the design would be in-keeping with the village

## 7.2 Initial comments raised the following concerns:

- Concern that the proposal includes an additional separate small plot of land which has been slipped in under the radar.
- Strongly maintain that the separate areas should be the subject of 2 separate applications
- Area A contains 78 dwellings – 8 more than proposed in local plan allocation
- Proposal is too dense and not in keeping with density of surrounding area
- Majority of units are smaller than the predominantly 4 bed properties in Old Park village
- Retention of tree buffer zone and provision of drainage attenuation pool are welcomed
- Welcome the installation of bollards and no through road from Old Park, but question the need for retention of turning head adjacent Franmar.
- Children's play area should be located in the no-development zone
- Area B – totally unacceptable
- No access from Park Lane should be allowed – suggests potential access to further development.
- Proposal is over developed and not in-keeping with surrounding area
- Requires major tree removal, including tree screening and noise buffer
- Area B is not part of the H12 allocation

## 7.3 Public Representations

48 public objections received in response to initial consultation. Following amended plans reconsultation, a further 18 public objections have been received. The contents of all comments are available in full on the planning file, but key points have been summarised as follows: -

- Welcome the reduction in unit numbers in Park Lane from 12 to 4 but still too many in that area
- Loss of trees is opposed – these act as a sound barrier
- Footpath between No's 12 and 14 Park Lane is unnecessary
- What provisions are being made to prevent access to the no development zone – concerns regarding travellers accessing this area.
- Drainage – ditch that backs onto Park Lane needs to be an open ditch and reinforced to protect existing properties.
- Proposed density is too high
- Substantial loss of mature trees
- Concerns regarding parking situation along Colliers Way
- Overdevelopment – quantity proposed not required
- Loss of green space
- Increased stress on local services such as surgeries, schools, etc

- Traffic calming and parking restrictions need to be provided in surrounding area
- Concerns for potential link road from Park Land to Colliers Way
- Impact upon ground conditions across the site and properties along Park Lane
- A low density development would be much more in-keeping with the area
- Access onto Park Lane for dwellings is on a dangerous bend
- Loss of wildlife and natural habitats

## **7.0 PLANNING CONSIDERATIONS**

8.1 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
- Design and Layout
- Highways and Access
- Drainage
- Trees and Ecology Issues
- Other Matters
- Planning Obligations

### **8.2 Principle of Development**

8.2.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. In this instance, the development plan consists of The Telford & Wrekin Local Plan (TWLP). The National Planning Policy Framework (NPPF) sets out policy guidance at a national level and is a material consideration in planning decisions.

8.2.2 The site is an allocated housing development site (Site H12) within the local plan, meaning that it has been identified as one of the sites intended to deliver the majority of the Council's housing supply over the local plan period to 2031. The site is listed within Appendix D as site H12 (Old Park 2, Park Lane) with an identified yield of 70 dwellings. Historically, the site has been committed for residential development within the former Central Telford Area Action Plan (CTAAP) and also benefits from residential consent under Section 7(1) of the New Towns Act. Whilst the number of objections to the proposal are noted, the principle of the development of the site for a residential use has therefore been established.

8.2.3 The site sits on the western side of Telford Town Centre and is in the vicinity of a range of shops, services, employment and leisure opportunities and is easily accessible on foot, bicycle or using public transport. Telford Town Centre is well connected to national transport networks via the M54 motorway and Telford Central Railway Station. The site therefore represents a highly sustainable location for residential development.

- 8.2.4 As the application seeks outline planning permission only, matters including layout, scale, external appearance and landscaping will need to be considered at the reserved matters stage and cannot be considered further under this application. As such, Members are advised that the proposed layout is indicative only. A number of objections received have raised concerns regarding the density, layout and design of the proposal and these will need to be considered as part of a reserved matters application submitted by the site developer once confirmed.
- 8.2.5 Concerns have been raised that the application has been separated into two parcels of land, including a smaller plot now containing units in the north west corner of the site. Whilst not a regular arrangement, there is no reason why the application cannot be presented this way which in this instance has resulted from the omission of the 'no development zone' within the centre of the site. Officers are satisfied that any issues affecting the two sites can be considered and controlled under one permission.
- 8.2.6 The application has been amended to reduce the number of units provided in the smaller part of the site – which will hereafter be described as Site A. The indicative layout originally showed 12 units in that area, however, the applicant has now reduced these to 4 units, which will all front onto Park Lane. This change removes the unacceptable overlooking of No. 8 Park Lane which would have resulted and will result in a development which is more in keeping with the Park Lane street scene. A planning condition could also be imposed ensuring that no more than 4 units are provided in Site A.
- 8.2.7 Concerns have also been raised regarding the number of units proposed which is significantly more than the 70 unit allocation. Following the amendments to Site A, the proposal now seeks permission for a maximum of 82 units, with 78 provided in the main part of the site – Site B. Members are advised that the allocation is an indicative figure therefore it would be for a developer to demonstrate that more units could be satisfactorily accommodated. Whilst it is accepted that the indicative layout appears rather dense in comparison to the surrounding area within Old Park, it is unrealistic to expect a development to replicate such spacing standards, given the mix of accommodation the local plan requires to be provided. Notwithstanding the above, Officers are satisfied that the proposal indicates a density which is acceptable by modern standards, providing an acceptable mix of units which include appropriate garden and amenity spacings. As such, officers are satisfied that the site can accommodate up to 82 units.

### **8.3 Highways and Access**

- 8.3.1 The proposal will utilise two existing vehicular access points off Colliers Way. Following the amendment to the proposed layout, the 4 properties in Site A will take their access directly off Park Lane. A pedestrian footpath will also be provided from the development to Park Lane to the north, utilising an existing access between No's 12 and 14 Park Lane. No objection is raised by the Council's Highways Officers to the proposed means of access to the site.

- 8.3.2 The application has been accompanied by a Transport Assessment which has considered the potential impact upon the surrounding highway network. The assessment concludes that trip generation from the development is unlikely to give rise to any material issues on the local highway network, taking into account traffic flows and junction capacity.
- 8.3.3 The Council's Highways Officer therefore raises no objection subject to conditions requiring the provision of visibility splays at the access points and parking and turning areas to be provided before the development is occupied. A contribution of £69,620.65 is also requested towards the Telford Transport Growth Strategy, as required by Local Plan Policy C3.
- 8.3.4 Colliers Way is known to experience significant on-street parking issues and it is likely that any proposed development of the site would lead to conflict with the on-street parking along the section of Colliers Way that fronts the proposed development. A scheme will therefore need to be implemented by the Council's Traffic Management team which will in turn look to formalise the existing on-street parking, protect areas where parking is inappropriate and look to reduce the speed of vehicles as they travel along that stretch of carriageway. Accordingly, a contribution of £10,000 has been requested towards these works.
- 8.3.5 A consideration of more technical highway design matters such as layout, turning areas and parking provision will take place at the reserved matters stage.
- 8.3.6 Concerns have been raised by a number of residents regarding the need to prevent vehicular access to the development being obtained from the end of Park Lane in the south east corner. The proposed plans confirm that no through access is to be provided and the amended plans show a landscaped area forming a physical barrier which would be incorporated into the private garden for the adjacent plot. Officers consider this arrangement to be sufficient to prevent through-access and appropriate design and landscaping measures can be considered further at the reserved matters stage.
- 8.3.7 It is noted that concerns have been raised by owners of No's 12 and 14 Park Lane to the proposal to provide a public footpath link between the site and Park Lane between those properties. A gap currently exists between those properties which has been laid to grass and provides an excellent opportunity to provide an additional point of pedestrian access. This is necessary in the interests of connectivity. Side boundaries between those properties currently comprise post and rail fences therefore in the interests of security, a more substantial form of boundary treatment will need to be provided alongside the footpath. Details of fencing or a suitable boundary treatment can be provided as part of a reserved matters submission.

## **8.4 Flood Risk and Drainage**

- 8.4.1 The application has been accompanied by a Flood Risk Assessment which confirms that the site is located in Flood Zone 1 where the principle of a residential use is acceptable. Parts of the site along existing drainage ditches and an area within the existing stub road to the east have been identified as being at risk of surface water flooding, however, the rest of the site is at negligible risk. Several existing drainage systems exist within the site which will be retained as open features providing blue/green relief. Ground conditions mean that infiltration drainage will not be possible, therefore a detailed drainage scheme will need to connect to surface water sewers with runoff restricted to greenfield rates. Any development of the site will need to consider the use of SuDS.
- 8.4.2 A detailed drainage design has not been provided with the outline application, however, the Council's Drainage Officer raises no objection in principle subject to the submission of further drainage details as part of a reserved matters application or a planning condition. At this stage, officers are satisfied that the proposal complies with local plan Policy ER12.

## **8.5 Trees and Ecology**

- 8.5.1 Trees: The application has been accompanied by a Tree Survey and Arboricultural Impact Assessment which have categorised the trees on site in terms of their quality, condition and suitability for retention. No protected trees or high quality (Category A) trees are located within the development site. The proposal will require the loss of a number of trees within the site, however, the woodland belt along the northern boundary will be retained. In addition, following the amendments to Site A, the extent of tree removal in the north west corner of the site has been significantly reduced.
- 8.5.2 The Council's Trees Officer raises no objection but makes comments in respect of the location of some development in relation to retained trees. In addition, the submitted Shading Assessment identifies that some units will fall within areas highlighted as falling within tree shadows. These issues can be picked up as part of the layout proposals at the reserved matters stage.
- 8.5.3 At this stage, officers are satisfied that the proposal will achieve a suitable level of tree and woodland retention and would not result in the loss of trees or hedgerows with amenity value and the application therefore complies with the requirements of local plan policy NE2.
- 8.5.4 Ecology: The application has been accompanied by a Phase One Ecology Report undertaken by Shropshire Wildlife Surveys (April 2018) and a further Ecology Survey Update which conclude that the proposal does not have the potential to impact upon protected species or statutory wildlife designations within the wider landscape. The woodland priority habitat around the edge of the site will be retained. The Council's Planning Ecologist has considered the application and supporting information and raises no objection subject to conditions and a requirement to retain the 'no development' land edged blue



on the submitted plan as an area of enhanced wildlife habitat to mitigate the small loss of priority habitat on the development site. A commuted sum of £8,500 is also requested towards the management of this area over a 20 year period.

8.5.5 Accordingly, it is considered that the proposal complies with local plan policy NE1.

## **8.6 Other Issues**

8.6.1 Layout and design: Members are reminded that the submitted site layout plan is indicative only and a detailed consideration of layout, scale and design will take place at the reserved matter stage. The reserved matters application will be subject to normal consultation procedures therefore local residents and interested persons will have the opportunity to comment, once an application has been submitted.

8.6.2 Residential Amenity: The existing woodland belt located to the north of the site will separate existing residents along Park Lane from the proposed development. This woodland area will be retained as part of the proposal. Whilst the detailed layout will be considered at the reserved matters stage, officers had raised concern regarding the potential impact upon No. 8 Park Lane from the proposal to site 12 properties in the area known as Site A. Following amendments to this area, the indicative layout now shows four units fronting onto the highway which is considered to be a much more acceptable arrangement which avoids the unacceptable overlooking of the existing neighbour's property. A condition can be added ensuring that no more than 4 units are provided in that part of the site.

8.6.3 The occupants of No. 8 Park Lane have also drawn attention to the fact that a large two storey extension has been erected to the rear of their property which has not been shown on the proposed plans. Officers are aware of the extension and this has been factored into the determination, however, this matter will be considered further at the reserved matters stage when the detailed layout and design will be considered in detail.

8.6.4 Ground conditions: The application is supported by a Ground Conditions Report, dated December 2018 prepared by the Council's Engineering Services team. The report confirms that land to the west of the site was a former open cast coal mine with a base at approximately 30 to 35 metres. The depth of made ground in that area has resulted in its omission from the development site. The eastern part of the site was found to contain four mine-entries which could potentially be a constraint to development. The Coal Authority have reviewed the reports and raise no objection to the principle of the proposal, however, any reserved matters application will need to include details of how those constraints will be overcome. No evidence of ground contamination was found within the site. As such, the proposal complies with local plan Policies BE9 and BE10.

8.6.5 Noise: A noise assessment carried out and submitted in support of the application concludes that the site is at a low risk of noise from adjacent road traffic. The report makes recommendations in respect of glazing specifications and fencing for gardens which if adhered to, will ensure that internal and external spaces meet the relevant guideline values.

## **8.7 Planning Obligations**

8.7.1 The proposed development meets the requirement to provide the following contributions: -

8.7.2 Education: Local Plan Policy COM1 recognises that major new housing development will generate additional demands upon existing levels of education provision. The application meets the trigger to provide a contribution of £265,484 towards primary education and £105,192 towards secondary education.

8.7.3 Highways: As required by Policy C3, the Local Highways Officer has confirmed the application meets the trigger to provide a contribution of £69,620.65 towards the Telford Transport Growth Strategy and £10,000.00 towards a traffic management scheme along the section of Colliers Way.

8.7.4 Children's Play/Recreation: Local Plan Policy NE4 requires that the development provides a contribution towards the enhancement of public open space. The Council's Healthy Spaces Officer has confirmed the application generates a contribution of £600 per two or more bed dwelling (82 x £600 = £49,200).

8.7.5 Ecology: The Council's Planning Ecologist has requested a contribution of £8,500 towards the management of the enhanced habitat area to be provided to the west of the development site.

8.7.6 Affordable Housing: Local Plan Policy HO5 requires that residential developments provide affordable housing at 25% within the Telford area. This will be imposed in a legal agreement with details of the tenure split to be confirmed at the reserved matters stage.

8.7.7 The applicant has confirmed there are no viability issues and they are able to meet the contribution requirements set out above in full.

8.7.8 In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations (2010), in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development;
- c) fairly and reasonably related in scale and kind to the development.

8.9.8 In addition account has to be taken of the changes to the CIL Regulations in April 2015 that now restrict the "pooling" of financial contributions to no more

than five contributions to a single type of infrastructure. It is considered that the financial contributions required for this application meet the relevant tests. The above obligations will be secured by a S106 agreement attached to the planning permission.

## **9.0 CONCLUSIONS**

- 9.1 This application seeks outline permission for the erection of up to 82 units on land at Old Park, Telford. The site is allocated for residential development in the Telford & Wrekin Local Plan and has historically been committed for development under CTAAP and Section 7(1) of the New Towns Act. The principle of development on the site is considered acceptable and the site occupies a convenient, highly sustainable location on the edge of Telford Town Centre.
- 9.2 The indicative plans confirm that up to 82 units can be accommodated on the site and the supporting Transport Assessment confirms that subject to financial contributions the proposal will have no material impact upon the operation of the highway network. There are no technical matters with drainage, trees, ecology or ground stability which would prevent the principle of the development. Precise details, including development layout, scale and design will be considered at the reserved matters stage.
- 9.3 The proposal generates the requirement for financial contributions towards education, highways, children's play/recreation and affordable housing.
- 9.4 Having regard to the above considerations, the proposal represents a sustainable form of development and complies with the National Planning Policy Framework, together with relevant policies within the Telford & Wrekin Local Plan.

## **10.0 RECOMMENDATION**

- 10.1 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 OUTLINE PLANNING PERMISSION** subject to the following:
- A) The applicant/landowners entering into a Memorandum of Understanding with the Local Planning Authority (subject to indexation from the date of committee with terms to be agreed by the Development Management Service Delivery Manager) relating to
- i) Education contribution of £370,676.00
  - ii) Highways contribution of £79,620.65
  - iii) Children's Play/Recreation contribution of up to maximum of £49,299.00
  - iv) Ecology contribution of £8,500.00 towards management of habitat and species mitigation area
  - v) Affordable Housing to be provided at 25%

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

1. A01 Time limit – Outline
2. A03 Time Limit - Submission of Reserved Matters
3. B001 Standard Outline
4. B150 Site Environmental Management Plan
5. B010 Details and Samples of Materials
6. B034 Highways details
7. B061 Foul and Surface Water Drainage
8. B076 SUDS Management Plan
9. B129 Boundary Treatment details
10. B126 Landscape Management Plan
11. B142 Habitat Management Plan
12. B145 Lighting Strategy
13. C091 Works in accordance with Ecology Report
14. C100 Bat/Bird Boxes
15. C013 Parking, Loading, Unloading and Turning
16. C014 Visibility Splays
17. C100 Artificial Bird Boxes/Bat Roosts
18. C38 Approved plans
19. C40 No approval of layout
20. D01 Noise Report Recommendations
21. DCus No more than 4 dwellings to be built on 'Site A'