

TWC/2022/0291

Land rear of 135 & 137 Hadley Park Road, Hadley, Telford, Shropshire
Erection of 1no. dwellings with all matters reserved***Revised Description and
Plans***

APPLICANT

AC Developments Telford Ltd

RECEIVED

04/04/2022

PARISH

Hadley and Leegomery

WARD

Hadley and Leegomery

**THIS APPLICATION HAS BEEN CALLED IN BY HADLEY AND LEEGOMERY
PARISH COUNCIL AND IS TO BE DETERMINED BY MEMBERS OF THE
PLANNING COMMITTEE**

Online planning file:

[https://secure.telford.gov.uk/planning/pa-applicationresponses-
public.aspx?Applicationnumber=TWC/2022/0291](https://secure.telford.gov.uk/planning/pa-applicationresponses-public.aspx?Applicationnumber=TWC/2022/0291)

1. SUMMARY RECOMMENDATION

- 1.1 It is recommended that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT FULL PLANNING PERMISSION** subject to Condition(s) and Informative(s).

2. APPLICATION SITE

- 2.1 The application site comprises a parcel of land that extends from Hadley Park Road (between No's. 133 and 135) and incorporates a wider parcel of land between the rear gardens of No's. 135 and 137 Hadley Park Road and the rear gardens of No's. 8 and 9 Park Court. The site is located within the built up area of Telford and measures 0.05 hectares (ha) (0.03 ha excluding the access).
- 2.2 The site remains undeveloped and comprises a cleared site which is currently fenced off with Heras fencing for security purposes. No. 135 and 137 Hadley Park Road have recently been refurbished and are now understood to be occupied.
- 2.3 The surrounding area is residential in character with existing properties and their associated gardens surrounding the site on all sides. Park Court is located to the north and west of the land whilst properties along Hadley Park Road and their respective gardens bound the site to the east and south.

3. APPLICATION DETAILS

- 3.1 This is an Outline Application for 1No. dwelling with all Matters Reserved (Use Class C3). Whilst the Matter of access is Reserved, the proposed access to this site could be achieved from Hadley Park Road, using an existing access road which is unregistered land. The planning application was amended during the determination period from an Outline Application (all Matters Reserved) for 2No. dwellings to an Outline Application (all Matters Reserved) for one dwelling.
- 3.2 There are two existing garages located to the rear of No's. 135 and 137 Hadley Park Road which fall within the application site and are proposed for demolition. Two tandem car parking spaces per property are proposed for No. 135 and 137 Hadley Park Road in the location of the garages. The garden boundary of no. 135 and 137 Hadley Park Road are to be retained as existing.
- 3.3 The Application is accompanied by a Location Plan, Proposed Block Plan (illustrative), Floor Plan (illustrative), Application Form and Design and Access Statement.

4. PLANNING HISTORY

- 4.1 None relevant

5. RELEVANT POLICY DOCUMENTS

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Telford and Wrekin Local Plan (2011-2031):

SP1: Telford

SP4: Presumption in Favour of Sustainable Development

HO1: Housing requirement

NE1: Biodiversity & Geodiversity

NE2: Trees, Hedgerows & Woodlands

C1: Promoting Alternatives to the car

C3: Impact of Development on Highways

C5: Design of Parking

BE1: Design Criteria

ER11: Sewerage Systems and Water Quality

ER12: Flood Risk Management

6. NEIGHBOUR REPRESENTATIONS

- 6.1 The application has been publicised through direct neighbour notifications. During the determination period, the Applicant amended the proposal from

2No. dwellings to 1No. dwelling and the LPA undertook a re-consultation on the amended proposal.

6.2 One objection, one comment and two representations of support were received during the initial consultation. The Applicant has also submitted two comments online, responding to the public representations. The public representations have raised the following considerations:

- Concerns over the safety of access to the property;
- Whether the development would impact individuals' rights over the access road;
- Boundary treatment between 133 Hadley Park Road and the application site;
- Land is in a flood zone;
- Pooling not an issue on the land;
- Separation distance between proposed development and properties within Park Court;
- Boundary treatment between 4 Park Court and new property should be greater than existing for maintenance and amenity;
- Noise pollution;
- Loss of wildlife and natural habitat;
- Japanese Knotweed on site;
- Site is subject to anti-social behaviour and fly tipping therefore development; and
- land has obtained permission for 3 dwellings under W2005/0946.

6.3 One public representation (comment) was submitted during the re-consultation, raising the following matters:

- Maintenance of the road (property No's. 131, 133, 135 and 137 have 'free use' within their deed to the 18ft x 60m access road which is unregistered);
- Proposed levels across the plot are unclear;
- Land acts as a soakaway / there is existing pooling on the land; and
- Vehicles have been accessing this land for at least the past 30 years, probably longer, without there ever being any problems.

7. STATUTORY REPRESENTATIONS

7.1 Hadley & Leegomery Parish Council: **Object** and call in based on the grounds listed below. Hadley and Leegomery Parish Council objected to the proposal during the initial consultation and maintained their objection during the re-consultation, in addition to calling the application into Planning Committee:

- Contrary to Policy BE1 - situated to the rear of several existing properties and the dwelling would not benefit from any visible street frontage and as a result would fail to have a positive presence within the street scene. Constitutes backland development which is considered to be an inappropriate form of development. The Parish Council considers that the placing of a dwelling at the rear of a row of existing dwellings in this context would encourage backland development, and cause fragmentation of the existing street layout by encouraging a new row of dwellings at the rear. Policy BE1 also states that historic street patterns should be respected, and the siting of a dwelling at the rear of Hadley Park Road behind the existing street in this case is contrary to this policy;
- Contrary to Policy SP4 - no other examples on this side of Hadley Park Road of development at the rear of existing properties and as a result the building would stand alone and would have no connection or relationship to the street frontage along Hadley Park Road. Proposal would fail to have a positive impact on the surrounding area and fail to enhance the local built environment;
- Contrary to Policy C4 - serious concerns regarding the access arrangements for the proposed development. The site is accessed from Hadley Park Road via a narrow entrance between existing dwellings, all of which have frontages composed of brick-built boundary walls positioned close to the narrow footway along the carriageway of Hadley Park Road. Inadequacy of the required visibility splay required for compliance with Manual for Streets (further hampered by the point of access for the road to the south of the point of access having no parking or traffic restrictions in place and as a result cars may be parked on the road within the visibility splay further reducing visibility for vehicles emerging from the site);
- Egress from the nearby residential development at Park Court is frequently hampered by parked vehicles on what is a narrow section of Hadley Park Road – despite a parking restriction being in place, residents continue to experience difficulties when emerging from this road on to Hadley Park Road.

7.2 Cllr. Parr: **Object:**

- No objection to the principle of development on this site;
- Not been made aware of the comments from two neighbouring properties relating to the land attracting antisocial behaviour. Occupation of the newly refurbished properties on the plot should prevent the antisocial behaviour;

- Outline Consent was previously granted for development on this site. This Outline Consent was given before the construction of Park Court and Honeysuckle Close which both abut the proposed development site and have junctions onto Hadley Park Road close to the proposed access to this site and would have been a material consideration when determining that application;
- Concerns with highway safety on the following grounds:
 - o Access is unadopted and unregistered;
 - o The walls on the frontage of properties would obstruct the view of the road for users exiting the site and of wheelchairs, pushchairs and small children using the pavement;
 - o Properties along Hadley Park Road do not have dedicated off-street parking and may park on the unregistered access road;
 - o Parking restrictions would need to be put in place on the strip of land that would form the access to the development;
 - o Parking restrictions would need to be put in place in front of neighbouring properties to ensure no parked cars obstructed the view of Hadley Park Road;
 - o The buses using the bus stop (located in front of 135 and 137 Hadley Park Road) would obstruct the visibility of drivers exiting the site - the bus stop would need to be moved away from the access to the proposed development;
 - o Individuals park on double yellow lines around the Park Court/Hadley Park Road junction and this area is a priority for Neighbourhood Enforcement Officers;
 - o Existing road safety issues on Hadley Park Road;
 - o Lack of off street parking resulting in more and more on street parking in the vicinity - parking restrictions would need to be put in place in front of neighbouring properties to ensure no parked cars obstructed the view of Hadley Park Road;
 - o Persistent and excessive speeding is a concern along Hadley Park Road;
 - o Space for vehicle manoeuvring within the site is questionable.

7.3 Highways: **Support, subject to Condition(s)**

7.4 Ecology: **Support, subject to Condition(s)**

7.5 Arboriculture: **No Comment**

7.7 Drainage: **Support, subject to Condition(s)**

7.8 Shropshire Fire Service: **Comment**, referencing 'Fire Safety Guidance for Commercial and Domestic Planning Applications.'

8. APPRAISAL

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 Scale
- Residential Amenity
- Highways Impact
- Ecology
- Trees
- Drainage

8.2 Principle of Development

8.2.1 The application site is located within the built up area of Telford, as defined by the Telford & Wrekin Local Plan (TWLP) Policies Map (2018). TWLP Policy SP1 states that Telford will be the principal focus for growth to meet the borough's housing needs during the plan period. Policy SP4 states that the Council will support development proposals that are considered to be sustainable. Development is considered sustainable where it is in accordance with National and Local Plan policies, taking into account other material considerations.

8.2.2 In respect of para.11 of the NPPF, if the proposals accord with an up-to-date Development Plan they should be approved without delay. Therefore, if the proposed development complies with the Development Plan and is sustainable development the principle should be supported.

8.2.3 The proposal is an Outline Application for 1no. dwelling (all Matters Reserved). The location plan has been amended during the determination to remove an area of land (part of the access road) from the application boundary as this land is not required to serve the development.

8.2.4 Policy BE1 of the adopted Local Plan is concerned with securing high quality design in new development. It is criteria based and expects new development to (amongst other criteria):

- I. Respect and responds positively to its context and enhances the quality of the local built and natural environment;

- II. Demonstrate an integrated design approach from the outset combining layout, building form and design, landscaping, green infrastructure, surface water management, access and parking;
- III. Respect the landscape setting and topography;
- IV. Preserve and reinforce historic street patterns, layouts, traditional frontages and boundary treatments.

8.2.5 The land comprises the access road between No's. 133 and 135 Hadley Park Road and then opens out to include the land at the rear of No's. 135 and 137 Hadley Park Road which consists of backland development. As outlined earlier, the proposals have been amended from 2No. dwellings to 1No. dwelling during the course of the application period as the LPA considered that 2No. dwellings resulted in a cramped environment which would not respond well to its context and the proposal for 2No. dwellings failed to demonstrate an integrated design approach.

8.2.6 Backland development is generally considered to be an inappropriate form of the development that is typically incompatible with the character of the surrounding area. However, each application must be considered on its own merits. When looking at the evolution of this parcel of land to the rear of No's. 135 and 137 Hadley Park Road, the LPA has found no evidence that this land has been associated with the domestic curtilage of No's. 135 and 137 Hadley Park Road, nor any other existing property. Aerial images dating from 2009 to 2011 show the land heavily vegetated and the rear garden boundary of No's. 135 and 137 not including this land. By 2016, the land was cleared of the trees but remained a separate parcel of land un-associated with any specific property. The Parish Council references the historic street patterns along Hadley Park Road having a strong building line within their representation. When considering this, it is evident that No's. 125-133 Hadley Park Road to the south contain strong linear rear gardens extending c. 35 metres in length. However, to the north, No's. 1 and 2 Park Court contain shorter gardens, similar in scale to No's. 135 and 137 Hadley Park Road whilst the wider Park Court development is located to the rear of Hadley Park Road. Through the development of Park Court to the rear, it is evident that the historic pattern has been disrupted within this area. As the application site does not appear to have been associated with the curtilage of a domestic property of an existing property, the LPA is satisfied that it does not disrupt the historic pattern in this area, when assessing the proposal against Policy BE1 (iv).

8.2.7 The Applicant has demonstrated (through the submission of an illustrative proposed Block Plan and Floor Plan) that 1No. two-bedroom dwelling could be adequately accommodated within the application site and the LPA consider that it would not harm the character and appearance of the area given its scale and siting. Given the nature of the application and the site context, the LPA consider it necessary to require any Reserved Matters to be prepared in general accordance with the proposed site layout in order to safeguard the character and appearance of the area.

8.2.8 The application site is located c. 800 metres to the north of Hadley District Centre and in close proximity to the Hadley, Donnington and Hadley Park allocated employment area. The site is within walking distance of services and amenities such as convenience stores, a number of pubs, schools and public parks. There are good public transportation links with a bus stop within 30 metres of the site on Hadley Park Road providing hourly services to Telford Town Centre. The application site is therefore considered a sustainable location.

8.2.9 The development is located within the built up area, in a sustainable location, and is therefore compliant with Policy SP1. Whilst the development does consist of backland development which is typically resisted, the LPA consider that on balance, it does not impact upon the character and appearance of the area, nor does it disrupt the historic pattern of development in this instance. The proposal is therefore in general accordance with Policy BE1, subject to compliance with the conditions and an assessment of the proposals against this position at Reserved Matters stage.

8.3 Design and Scale

8.3.1 In terms of the scale of the proposal, the illustrative plans show a two-bedroom single storey property on the site could be accommodated within the plot area, with an acceptable garden size for the plot, in accordance Policy BE1(ii). Whilst the application site is surrounded by two storey dwellings, the proposal would not be particularly visible from Hadley Park Road to cause an impact to the street scene. Therefore, the scale of the proposals on the illustrative floor plan (single-storey) is considered acceptable. Given scale is a Reserved Matter, the LPA consider it necessary to condition this element of the proposal to make the proposal acceptable against Policy BE1. Other Reserved Matters, including appearance, landscaping (including boundary treatment), layout and access would be considered at Reserved Matters stage.

8.4 Residential Amenity

8.4.1 Whilst the development is made in Outline, the Applicant has provided an illustrative site layout and floor plan to demonstrate how one dwelling could be accommodated within the application site. The illustrative plans demonstrate a single-storey two-bedroom dwelling measuring 68 sq. metres. with a west facing rear garden measuring 75 sq. metres and a rear garden depth of 9.5 metres from the proposed property to the boundary of the rear garden. The site layout demonstrates sufficient room for 2No. parking spaces at the front of the property. The proposals meet National Described Space Standards and the LPA's acceptable garden sizes.

8.4.2 In terms of overlooking, No's. 135 and 137 Hadley Park Road, to the east, are a pair of two storey semi-detached properties with a single storey rear

extension. To the west and north of the site are two storey terrace and detached houses within Park Court. The illustrative site layout plan shows that a separation distance of 21 metres could be achieved from the proposed property to the properties to the east and west, whilst 8 metres could be achieved to the north. However, there are no non-obscure windows proposed on the northern elevation. As such, the LPA is satisfied that the proposal would not give rise to residential amenity issues and would not result in any significant adverse impacts on neighbouring properties or the host property. Additionally, a public representation has raised an issue around the proximity of the property to the neighbouring boundary with respect to fence maintenance (No. 4 Park Court). The distance between the proposed property and the boundary of No. 4 Park Court is 2 metres. The maintenance of this fence is not a material planning consideration in the determination of this application. Notwithstanding this, the application is made in Outline and matters including layout, would be considered at Reserved Matters stage.

8.5 Highway Safety

8.5.1 The access to the site is proposed via an existing shared vehicular access between No's. 133 and No. 135 Hadley Park Road. The width of this access would be retained and measures 5.5 metres. The proposal would provide 2No. tandem spaces for the proposed dwelling and turning space within the existing access road. The two existing garages to the rear of No's. 135 and 137 Hadley Park Road are proposed to be demolished and 2No. tandem spaces for each property would be provided in their place. As such, the proposal is compliant with the Parking Standards within the Telford and Wrekin Local Plan.

8.5.2 A number of representations have raised concerns around the safety of the access point to serve the development. The access road currently serves No's. 135 and 137 Hadley Park Road as well as the other properties that have a right of way over this land in their deed. As such, the land at the rear benefits from an existing unrestricted access point from Hadley Park Road. The low boundary walls in front of the properties on Hadley Park Road, as well as the existing bus stop in front of 135 and 137 Hadley Park Road are existing features which serve this access point and therefore the application needs to be considered in this context.

8.5.3 The proposed land to the rear of Nos. 135 and 137 Hadley Park Road measures 23 metres in length therefore it is feasibly possible for the land owner to park up to 5No. vehicles on this plot of land, including turning space. These vehicles could benefit from unrestricted movements during the day and night over the existing access road. The LPA considers that the introduction of 1No. dwelling effectively restricts the use of the land resulting in a betterment of the overall use of the access point from the existing position. The decision-maker should consider this fallback position in the assessment of highway safety matters.

- 8.5.4 The comments received also raise the issue of the boundary wall, located to the front of the existing properties along Hadley Park Road, which restrict visibility to vehicles exiting the site. Whilst the LPA accept the existing situation is not ideal, this consideration also needs to be assessed in the context of the fallback position mentioned above.
- 8.5.5 The Local Highway Authority has reviewed the proposal and supports the application, subject to conditions in respect to the details and surface of the parking/turning and access road.
- 8.5.6 Some of the public representations raise the issue of the maintenance and use of the access road following the determination of the application. The LHA have recommended a condition to deal with the surfacing of the access road and the parking areas provided. The right of way/access easement mentioned within the public representations is a separate legal matter. However, the proposal would not prejudice the rights of way/access within the aforementioned deed as the access road remains undeveloped and is proposed to be used by only one additional property.
- 8.5.7 A public representation has also raised the issue of levels across the site. Whilst the site is fairly level, it does slope away towards the rear. No details of levels have been provided with this application and the LPA would expect this detail to be included at reserved matters stage and included on any proposed layout and landscaping plan (containing finished floor levels and ground levels).
- 8.5.8 Notwithstanding the matters raised above, the proposal is an Outline Application for 1no. dwelling with all Matters, including access, which will be Reserved for future determination.

8.6 Ecology

- 8.6.1 Given the lack of ecological connectivity associated with the site, the application was accepted without a Preliminary Ecological Appraisal. The Council's Ecologist has reviewed the proposal and supports the proposal, subject to a Condition in respect to roosting and nesting boxes being erected pre-occupation.

8.7 Arboriculture

- 8.7.1 There are no trees located on the application site. However, a Tree Preservation Order is noted to exist on the site within the location of the garage of No. 4 Park Court, located to the north-west of the application site. The tree was not present at the time of the officer's site visit. The Council's Arboriculture Officer is reviewing whether the tree was lawfully removed as part of the Park Court development or whether action is required to reinstate the tree.

8.7.2 Notwithstanding the above, the tree is located outside of the application boundary and the current illustrative site layout does not prejudice the tree.

8.8 Drainage

8.8.1 The formal flood zone mapping shows the site to be located within Flood Zone 1 (low risk of flooding).

8.8.2 The Lead Local Flood Authority (LLFA) supports the application, subject to conditions requiring the submission of the detailed foul and surface water drainage strategy prior to commencement.

8.8.3 Two public representations make reference to this land being a soakaway whilst one representations challenges this view and considers the land to drain naturally. The Lead Local Flood Authority has reviewed the comments and requests that the foul and surface water condition covers any existing drainage on the site that serves adjacent properties (e.g. soakaways) to ensure no diminution of performance or increase in flood risk.

8.9 Other Matters

8.9.1 The planning application referenced by Cllr. Parr (ref.: W2005/0946) does not relate to the application site and instead covers the land to the west (No's. 8, 9 and 10 Park Court).

8.9.2 Policy ER1 encourages developments to adapt to climate change and help reduce carbon emissions. As the proposal is made in Outline, no details have been provided at this stage and it is expected that these matters would be dealt with at Reserved Matters stage.

9. **CONCLUSION**

9.1 The site is located within the built up area of Telford, in a sustainable location and therefore the proposals are in line with Policy SP1 and SP4 of the Local Plan. Notwithstanding the above, the development consists of backland development which is typically resisted by the LPA owing to the impact of development on the character of the area. On balance, and following the amendments made to the plans and description, the LPA consider that the scale and form of the 1 No. proposed dwelling would respect the surrounding context.

9.2 Whilst the proposal is made in Outline, the LPA is satisfied that the plot could accommodate a single-storey two-bedroom bungalow, subject to matters of access, appearance, layout, scale and landscaping being assessed at Reserved Matters stage. Additionally, given the constraints of the size of the

site, the LPA have proposed a number of conditions to control the scale and general layout of the plot. As such, the proposals in their current form comply with Policy BE1.

- 9.3 Whilst access is a Reserved Matter, the Applicant is proposing to use the existing access point between No's. 133 and 135 Hadley Park Road. The Local Highway Authority has reviewed the proposal and support the application, subject to conditions. The LPA has considered the Applicant's fallback position in considering the use of this access road and vehicle movements from this land, and consider that the proposed development could result in a betterment in terms of vehicle movement to and from this plot of land given the existing unrestricted access arrangement.
- 9.4 The Lead Local Flood Authority and the Council's Ecologist have reviewed the proposals and support the application, subject to Condition(s).

10. DETAILED 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 PLANNING PERMISSION** subject to the following:
- a) The following Condition(s) and Informative(s) (with authority to finalise Condition(s) to be delegated to Development Management Service Delivery Manager):

Condition(s):

Time Limit
Reserved Matters Time Limit
Reserved Matters
Construction Environmental Management Plan
Foul and Surface Water
Materials (details to be submitted)
Parking, Turning, Loading (to be submitted)
Access drive surface / bound material (to be submitted)
Nesting and Roosting Boxes
Scale of Development (single storey)
Illustrative Site Layout Plan (general principles)
Approved Plans
Highways License Informative
Nesting Wild birds Informative
Restriction to 1No. dwelling

