

**20/00135/VAR
MAJOR**

Mr Daniel Wright

**ESSINGTON
Councillor Warren Fisher
Councillor Christopher Steel**

Land On The South East Side Of Hobnock Road Essington

Approved drawings (Condition 2 18/00450/REM) to be varied

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The site was granted outline planning permission in 2017 for residential development. A reserved matters application was then submitted and approved for 230 dwellings along with ancillary parking amenity space landscaping and associated infrastructure. The development is currently under construction.

1.2 Planning History

2016 The erection of approximately 210 dwellings with ancillary parking and private amenity space; a convenience store to serve existing and future residents; additional parking to serve St John's Primary School; Allotments for use by the wider community; site infrastructure and landscaping, approved with section 106 [16/00487/OUT].

2018 The erection of 230 dwellings with ancillary parking, private amenity space, site infrastructure and landscaping, approved with section 106 [18/00450/REM]

1.3 Pre-application Advice

1.3.1 No pre-application discussions have taken place.

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1 This application follows on from the outline planning permission, and subsequent reserved matters approval for residential development at the site. The applicant states that changes are to be made to affordable housing units in Phase 2.

2.1.2 The changes involve both internal and external alterations but do not change the tenure or the number of bedrooms. The en suite of plots S325 will be omitted. External alterations involve minor changes in fenestration.

2.2 Applicants Submission

2.2.1 - Design and Access statement

3. POLICY CONTEXT

3.1 The site has safeguarded land status as defined in the Council's Core Strategy (2012) and Site Allocations Document 2018.

3.2 Core Strategy

National Policy 1 - The Presumption in Favour of Sustainable Development

Core Policy 1 - The Spatial Strategy for South Staffordshire

Core Policy 6 - Housing Delivery

Policy EQ4 - Protecting and Enhancing the Character and Appearance of the Landscape

Policy EQ9 - Protecting Residential Amenity

Policy H2 - Provision of Affordable Housing

Policy H4 - Delivering Affordable Housing

Policy EV11 - Sustainable Travel

Policy EV12 - Parking Provision

Appendix 6- Parking Standards

Appendix 6 - Space about Dwelling Standards

3.3 National Planning Policy Framework

4. CONSULTATION RESPONSES

No **Councillor** Comments (expired 23/03/2020)

No **Parish Council** comments (expired 23/03/2020)

Senior Housing Officer (received 26/05/2020) *The approved house types were:*

Type 24 - 2-bedroom, 4 person house - 79m²

Type 25 - 3-bedroom, 5 person house - 94m²

The applicant is proposing to replace these with:

Type S241 - 2-bedroom house - 71m² (both bedrooms fall short of required 11.5m² floorspace to be classed a double bedroom)

Type S351 - 3-bedroom house - 83m² (all bedrooms fall short of required 11.5m² floorspace/2.75m width to be classed a double bedroom, one bedroom falls short of required 7.5m² floorspace for single bedroom)

The amendments do not change the overall housing mix on the site (i.e. in terms of affordable housing or mix by bedroom count) so there is no change in terms of level of compliance with Policies H1 and H2.

The properties are being significantly reduced in size, which is considered to be a backward step in terms of housing standards. It is particularly concerning given the

properties are affordable homes, as there is therefore a reduced 'buyer beware' element. It is accepted however that a number of the original, larger affordable property types are still to be provided in other areas of the development, thereby continuing to ensure there is some provision of 2b4p and 3b5p affordable homes in the scheme.

In terms of compliance of the new house types with the nationally described space standard (NDSS), the minimum overall floorspace requirement (i.e. the total internal floorspace for the entire property) is generally met for the number of bedrooms proposed (the 3-bedroom property only falls 1m² short). However as highlighted above, the requirements for individual bedroom areas are not strictly adhered to. Dwellings with 2 or more bed spaces must provide at least one double/twin bedroom. Both house types fail to provide at least one double bedroom with an area of minimum 11.5m² as required by NDSS. In addition, the smallest bedroom in the 3-bedroom property falls below the 7.5m² required for it to be classed even as a single bedroom.

These issues can be addressed with minor tweaks to the internal layout of the house types, to ensure both provide at least one double bedroom to the required standard (both floorspace and width), and all remaining bedrooms meet the required single bedroom standard. This would not necessarily require changes to the overall footprint of the properties, so is considered achievable for the applicant.

No **neighbour** comments (expired 23/03/2020)

Site notice and advert (both expired 08/04/2020)

5. APPRAISAL

5.1 The application has been called to Committee by the Chairman, Councillor Mason.

5.2 Key Issues

- Principle of development
- NDSS and space about dwellings

5.3 Principle of the development

5.3.1 The principle of redeveloping the site to provide housing and access arrangements has already been established through previous planning permissions. This application relates solely to the changes in the affordable housing house types. The changes will not have any impact on highways, ecology or the amenity of neighbours.

5.4 NDSS and space about dwellings

5.4.1 The nationally described space standard replaced the existing different space standards used by local authorities as part of a wider housing standards review package which the government announced on 27 March 2015. It is not a building regulation and remains solely within the planning system as a new form of technical planning standard.

5.4.2 The initial changes were at odds with the standards and the applicants made revisions. The revised layouts are now in accordance with the internal space standards. The changes have resulted in separate kitchens and living areas to include the dining areas. The en suite's to the three bed dwellings have also been omitted. Notwithstanding these changes however a good standard of living accommodation will be provided and the standards are now satisfied bar Bedroom 1 in the 3 bedroom property falling slightly below the required width but this is only minimal - it measures 2.69m in width, compared to the 2.75m width required by NDSS.

5.4.3 A number of dwellings will no longer be able to meet the required 10.5m rear garden length as recommended in the Council's Space about Dwellings standards however the short falls are relatively minor varying from one plot having 9m to 10.3m (where below). The plot with the 9m garden has no overlooking issues due to the relationship with the neighbouring property and has a larger garden area wise. These minor technical shortfalls are considered acceptable as the amenity of the residents will not be affected.

5.5 Other matters

5.5.1 Both the reserved matters and the outline consent were subject to Section 106 agreements and both consents have been implemented and the requirements of the agreements remain. However, this application will need to be subject to a supplemental Section 106 agreement, to ensure all the permissions on the site are tied together. With the exception of the drainage, which is yet to be agreed, the conditions from the REM need to be transferred to this consent in accordance with the approved discharge of conditions submission. The drainage shall now require that the details are submitted and approved by the end of June 2020.

6. CONCLUSIONS

6.1 The principle of development, including access, has been established as part of the outline consent and subsequent reserved matters application to bring the site forward for housing. The proposed changes to the affordable units are considered acceptable as a good standard of living accommodation and external amenity space is to be provided. As such, I am recommending the application be approved.

7. RECOMMENDATION - Delegate APPROVAL to the Team Manager to issue the decision on completion of a satisfactory Section 106 agreement. If this has not been achieved by 15th September 2020 this application will be referred back to the Planning Committee;

Subject to the following condition(s):

1. The development shall be carried out in accordance with the approved drawings:
ESSI-02-002A, ESSI 02-002B, ESSI-02-008, Apartment Block -VT1 Elevations, Type 1-2BF-P, Type 07-E, Type 07-P, Type 07P-E, Type 07P-P, Type 08-E, Type 07P-P, Type 08-E, Type 08-P, Type 12-E, Type 12-P, Type 13 -E, Type 13-P, Type 13P-E, Type 13P-P, Type 14-E, Type 14-P, Type 16-E, Type 16-P, Type 18-E, Type 18-P, Type B201 - E, Type B201 - P, Type SB201-E, Type SB201 -P, Type 04-E, Type 04-P, Type 24-E, Type 25-E, Type 25-P, ESSI-02-003A, ESSI-02-005A, ESSI-02-009A

Floor plans S351P Rev A, S241P Rev A

S351 Elevations 1011

S241 Elevations 1010

Plot Sub elevations 1000

Plot Sub elevations 1001

Plot Sub elevations 1002

and amendment to the site layout drawing X02 002 Rev A

2. The landscape scheme shown on the approved plan(s) LS01_D, LS02_D, LS03_D, LS04_D, LS05_D, LS06_D for approved application 18/00450/REM shall be implemented concurrently with the development and completed within 12 months of the completion of the development. The Local Planning Authority shall be notified when the scheme has been completed. The planting, hard landscaping (and any other introduced features shown on the approved plan(s) shall be retained and maintained for a minimum period of 10 years by the property owner from the notified completion date of the scheme. Any plant failures that occur during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).

3. The development shall be carried out in accordance with the recommends of the Supplementary Geo-Environmental Assessment submitted as part of approved reserved matters application 18/00450/REM.

4. By the 30th June 2020 a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and concurrently with any relevant discharge of condition application for approved application 18/00450/REM. The scheme must be based on the design parameters and proposed strategy set out in the Flood Risk Assessment (Job No. MID4259 Report No. R.001, 12/04/2016), Drainage Strategy (Drawing No. MID4259-004 Rev B, Oct 2016) and information subsequently submitted to the LPA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- Surface water drainage system(s) designed in accordance with the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).

- No discharge should be permitted to the south of the site unless it can be demonstrated that the proposed route of discharge to the south has sufficient capacity and connectivity to convey the flows without increasing the flood risk to others.
- SuDS management train to provide adequate water quality treatment in accordance with the Simple Index Approach (CIRIA SuDS Manual).
- Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to 15.8l/s at the north outfall, and 5.0l/s to the south outfall (if applicable).
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
- Potential for surface water flooding on Hobnock Road at the site entrance to be further investigated. Potential improvements and emergency access should be investigated and provided where necessary.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and frequencies, and contact details for the organisation responsible for carrying out these duties.
- Finished floor levels to be set at a minimum of 150mm above existing ground levels.

5. Before the 30th June 2020 a scheme for the provision and implementation of foul drainage works and in shall be submitted for the approval of the Local Planning Authority and concurrently with any relevant discharge of condition application for approved application 18/00450/REM. The development shall not be occupied/brought into use until the approved scheme has been completed.

6. The development shall be carried out in accordance with the approved off-site management scheme - 02-019 approved on the 31st of August under discharge of condition application 16/00487/COND2.

7. The development hereby permitted shall be carried out in accordance with the approved details of the following off-site highway works submitted to and approved

in writing by the Local Planning Authority for application 18/00450/REM which included;

- Signalisation of Hobnock Road/Bursnips Road and associated works.
- New Pedestrian crossing and traffic calming measures.
- Revision of single yellow lines waiting order in Hobnock Road.

The off-site highway works shall thereafter be constructed in accordance with the approved details.

8. The garages indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

9. The development hereby permitted shall not be brought into use until the access drives, parking and turning areas have been provided in accordance with the approved plans.

10. During construction works the following measures shall be complied with:

- All works, including demolition, site works and construction shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
- Deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.

Reasons

1. In order to define the permission and to avoid doubt.
2. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
3. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EQ9 of the adopted Core Strategy.
4. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
5. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding

problem and to minimize the risk of pollution, in accordance with policy EQ7 of the adopted Core Strategy.

6. In order to define the permission and to avoid doubt.
7. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
8. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
9. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
10. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.

1. County Highways Informative

This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

2. Public Rights of Way Informative

The attention of the developer should be drawn to the existence of the paths and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path network. If either path does need diverting as part of these proposals the developer would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. The County Council will need to be formally consulted on the proposal to divert this footpath(s). The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

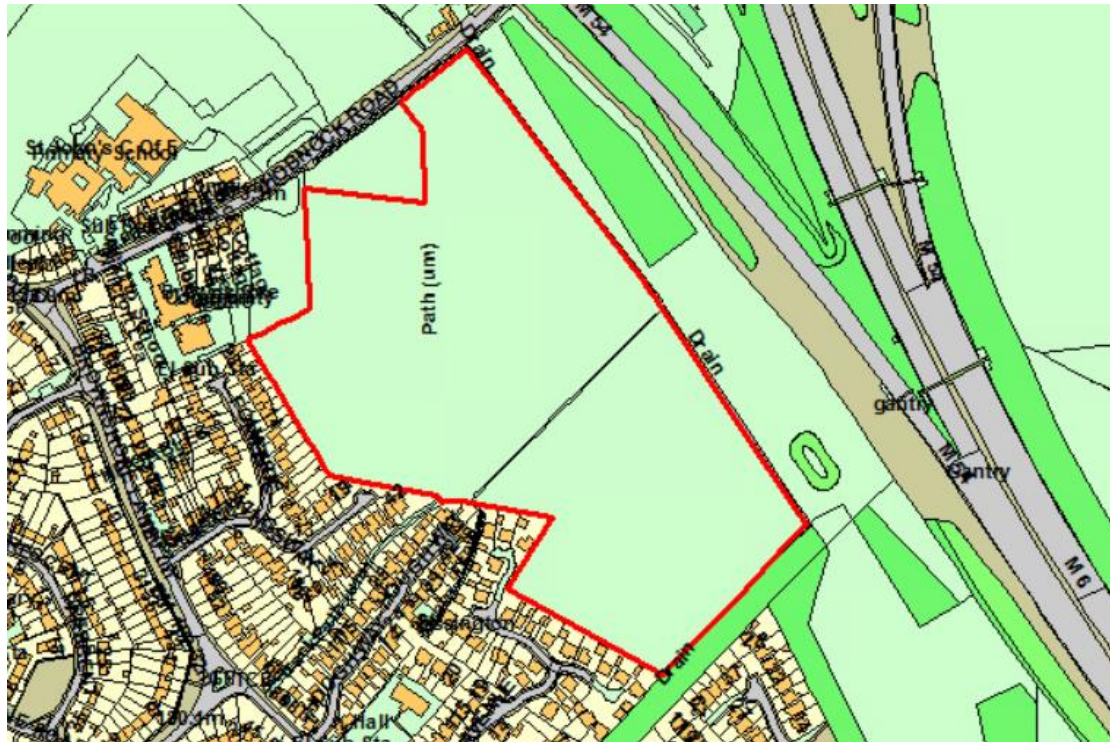
It is important that users of the path(s) are still able to exercise their public rights safely and that the path(s) is reinstated if any damage to the surface occurs as a result of the proposed development. We would ask that trees are not planted within 3 metres of the footpath unless the developer and any subsequent landowners are informed that the maintenance of the trees is their responsibility.

Please note that Rights of Way Circular 1/09 (section 7.8) recommends that "In considering potential revisions to an existing right of way that are

necessary to accommodate planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic".

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public

Proactive Statement - In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner by agreeing amendments to the application and in accordance with paragraph 38 of the National Planning Policy Framework 2019.



Land On The South East Side Of Hobnock Road, Essington