DELEGATED DECISION REPORT

SMD/2017/0080	**37 SANDON STREET**	**REMOVAL OF CONDITION 11 (RELATING TO OCCUPANCY) TO 05/01196/FUL**
Valid 10/02/2017	**LEEK**	**(FULL - MINOR)**

MAIN ISSUES

- Is the condition necessary, relevant to planning and; to the development permitted, enforceable. Precise and, reasonable in all other respects.

DESCRIPTION OF SITE

This application relates to no.37 Sandon Street, located within a predominantly residential area within the Development Boundary of Leek. The site comprises f a two storey rendered dwellinghouse that was constructed by virtue of panning approval reference 05/01196/FUL.

PROPOSAL

This application seeks to remove condition 11 of planning approval 05/01196/FUL, which was granted in 2005 for the erection for 4 no. dwellinghouses and 1 no. flat. Condition 11 restricts the occupancy of the units and is worded as follows:

The dwellings hereby permitted shall not be occupied, nor shall each subsequent new occupation be undertaken until such time as it has been demonstrated in writing to the Local Planning Authority, and such written consent has been provided, that occupation of the dwelling will satisfy the following local occupancy criteria from the Supplementary Planning Guidance on Affordable Housing for Local People by meeting at least one of the following criteria:

(i) They have lived continuously in the Staffordshire Moorlands community for at least five years;
(ii) They have strong local connection wit the Staffordshire Moorlands by birth or upbringing, or by previous periods of residence;
(iii) They need to support their family currently living in the Staffordshire Moorlands or themselves in need of family support;
(iv) They are employed in the Staffordshire Moorlands

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

S01 Spatial Objectives

SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS5a Leek Area Strategy
DC1 Design Considerations
T1 Development and Sustainable Transport
H2 Affordable and Local Needs Housing

National Planning Policy Framework

Paragraph(s) 1 - 17
Section(s) 6, 7

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2012/0928
(12/01130/REM1) Removal of condition 11 of 05/01196/FUL (relating to occupancy) 41 Sandon Street, Leek
- Approved

SMD/2015/0557 Removal of condition 11 (occupancy restriction) on planning permission (05/01196/FUL)
- Approved

CONSULTATIONS

Publicity

Site Notice expiry date: 07.03.2017
Neighbour consultation period ends: 28.03.2017
Press Advert: N/A

Public Comments

No representations received.

Town / Parish Comments

Leek Town Council: Recommend approval

OFFICER COMMENTS

Principle of Development

The application site lies within Leek Town Development Boundary, where the principle of housing development is generally considered to be acceptable. Core Strategy policy SS1 states that development should contribute to the social, economic and environmental improvements of the Staffordshire Moorlands. In accordance with policy SS1a, when considering proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

It is noted that the development permitted by planning reference 05/01196/FUL is complete and appeared to be fully occupied at the time of my visit. In accordance with policy H2, the size of the original development (5 dwellings) would not trigger an affordable housing requirement if it were to be considered today.

This application seeks the removal of a local occupancy condition which the Council at one time commonly imposed on new residential permissions. However challenges at appeal were found in favour of applicants, with Inspectors noting that there was no policy basis for seeking such a restriction. This remains the case and therefore until such a time that the policy position changes, this condition does not serve any useful planning purpose. It is not considered to pass the tests of the NPPF and its removal is therefore considered to be acceptable. Other applications in relation to other properties within the row have been dealt with in a similar manner.

OFFICER RECOMMENDATION : Approve

Case Officer: Lisa Howard
Recommendation Date: 29.03.2017

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council