DELEGATED DECISION REPORT

SMD/2017/0333 **Valid 17/05/2017**	**OVERTON BUILDING WEST STREET LEEK**	**REMOVAL OF CONDITION 7 RELATING TO APPLICATION SMD/2005/0613** **(FULL - MINOR)**

MAIN ISSUES

- Principle of development

DESCRIPTION OF SITE

The application relates to Overton Buildings which were converted into residential apartments in 2009

PROPOSAL

Permission was granted for the conversion in 2005 subject to the following condition

> *'The dwelling 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:*
>
> - *They have lived continuously in the Staffordshire Moorlands community for at least five years;*
> - *They have [sic] strong local connection with the Staffordshire Moorlands by birth or upbringing, or by previous periods of residence;*
> - *They need to support their family currently living in the Staffordshire Moorlands or themselves in need of family support;*
> - *They are employed in the Staffordshire Moorlands.'*

This application seeks to remove that condition.

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
DC1 Design Considerations
T1 Development and Sustainable Transport

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2005/0613 – Change of use of former working mens club into 11 one-bedroom apartments under Use Class C3 of the Town and Country Planning use classes order 1987.

CONSULTATIONS

Publicity

Consultation ends 12/07/2017

Public Comments

None

Town / Parish Comments

None

Conservation Officer

No comments

OFFICER COMMENTS

Principle of Development

The reason given for the condition was "In order to achieve and maintain in perpetuity local needs housing in circumstances where planning permission would otherwise be refused."

An appeal against a refusal to remove an identical condition at Middle Mill, Belle Vue Road, a short distance from the site, was allowed in 2007. The Inspector noted in that case that the reason for refusal relied on Supplementary Planning Guidance (SPG) entitled 'Housing for Local people and Affordable Housing' was adopted in February 2005. This seeks, in the context of a current overprovision of market housing, to restrict this in future to local people. Accordingly, the Council imposed the condition in dispute when it granted permission for the development of an apartment building on the Middle Mill site.

The reasoning behind the condition in the current case would have been the same in that without it permission would have been refused due to housing oversupply. This was based on the Regional Spatial Strategy at that time and

the Middle Mill Inspector noted" *The SPG notes that the RSS aims to reduce the dispersal of population from major urban areas. The RSS policy CF2(C), partially quoted in the SPG, comments that the function of the Region's market towns should not generally be to accommodate migration from such areas."*

However, the RSS has now been abolished and the Council now faces a housing land supply shortfall with current supply standing at approx. 1.87 years, which is significantly below the 5 year requirement. Accordingly policies which restrict the supply of housing are considered to be out of date and the proposal must be considered in the context of the presumption in favour of sustainable development, which means granting permission unless there are significant and demonstrable adverse effects.

In this case, the site is sustainably located, close to Leek town centre and the proposal to remove the condition would no longer no undermine RSS policy objectives. As such it is no longer necessary to make the development acceptable in planning terms and therefore no longer complies with the tests for a planning condition as set out in the PPG. Given that no other adverse effects would occur, it is considered that the proposal should benefit from the presumption in favour of sustainable development and should be approved without delay.

CONCLUSION / PLANNING BALANCE

In the light of the change in policy circumstances, in particular the abolition of the RSS, the 5 year housing undersupply and the previous appeal decision relating to Middle Mill, it is considered that the condition should be removed.

OFFICER RECOMMENDATION : Approve

Case Officer: Lisa Jackson
Recommendation Date: 13th July 2017

X

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council