DELEGATED DECISION REPORT

SMD/2018/0191 **Valid 26/03/2018**	**THE FOXGLOVES STAR BANK OAKAMOOR**	**REMOVAL OF CONDITION 11 IN RELATION TO SMD/2006/0329** **(FULL - MINOR)**

MAIN ISSUES

- Principle of development.

DESCRIPTION OF SITE

The application site is a detached dwelling known as The Foxgloves, Star Bank Oakamoor. The property is located within the Oakamoor Village Development Boundary and Oakamoor Conservation Area.

PROPOSAL

The application is for the removal of condition number 11 relating to approved application reference SMD/2006/0329 (06/00574/FUL). Condition 11 stated that;

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:

(i) They have lived continuously in the Staffordshire Moorlands community for at least five years;
(ii) They have strong local connection with 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.

Reason:-
In order to achieve and maintain in perpetuity local needs housing in circumstances where planning permission would otherwise be refused.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

SS1	Development Principles
SS1a	Presumption in Favour of Sustainable Development
SS6b	Smaller Villages Area Strategy
SD1	Sustainable Use of Resources

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

02/00406/OUT	Erection of one pair of semi-detached dwellings (outline). Refused.
02/01255/OUT	Erection of dwelling. Approved.
04/01490/FUL	Detached dwelling (Approval of reserved matters). Approved.
06/00574/FUL	Erection of a detached dwelling. Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: 02/05/2018.
Neighbour consultation period ends: 18/04/2018.
Press Advert (Cheadle and Tean Times): 09/05/2018.

Public Comments: None received,

Oakamoor Parish Council: No objections.

OFFICER COMMENTS

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.” Imposition of the condition has resulted in the council being subjected to a number of appeals, a number of which have been found in favour of the appellants. One example case relates to a site within Leek known as Middle Mill, Belle View Road Leek. Application reference 06/01207/FUL sought removal of the Local Occupancy condition; the application was refused, appealed against (APP/B3438/A/07/2034872) and allowed. 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’ which was adopted in February 2005.

This seeks, in the context of a current overprovision of market housing, to restrict future occupancy to local people. Accordingly, the Council imposed the condition in dispute when it granted permission for the Middle Mill apartment building.

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."*

The RSS has now been abolished. The Council cannot demonstrate a five year housing land supply, therefore in accordance with the NPPF the policies which restrict the supply of housing are considered to be out of date and the proposal being considered in the context of the presumption in favour of sustainable development. Planning permission should be granted unless there are significant and demonstrable adverse effects (paragraph 14 NPPF).

The application site is located within the Oakamoor Village Development Boundary and is not considered to be within an isolated location. There are a number of services within close proximity to the property including a pub, school and church. Due to its non existence the removal of the Local Occupancy condition would not result in undermining RSS policy objectives, is not required 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: 14/06/2018

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council