DELEGATED DECISION REPORT

SMD/2017/0468	**1**	**REMOVAL OF CONDITION 17**
Valid 07/07/2017	**SUMMERHILL GALLOWS GREEN**	**RELATING TO SMD/2016/0150**
	ALTON	**(FULL - MINOR)**

MAIN ISSUES

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

DESCRIPTION OF SITE
The application relates to a new dwelling and vehicular access which has been constructed following the grant of planning permission SMD/2016/0150, in 2016.

The dwelling is a two storey detached dwelling comprising three bedrooms.

PROPOSAL
This application seeks permission to remove condition 17 from the planning permission which was granted in 2016. The condition relates to off-site highway works which need to be provided in the interests of highway safety.

The condition is worded as follows:

17. The development hereby permitted shall not be brought into use until details of the following off-site highway works have been submitted to and approved in writing by the Local Planning Authority:

1. Replacement, relocation and improvement of the warning sign on B5032 to TSRGD dia 504.1;
2. Road markings to TSRGD dia 1024

The works shall thereafter be completed in accordance with the approved plans before the proposed development is brought into use.

Reason:-
In the interest of highway safety.

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
Paragraph(s) 1-17
Section(s) 4 & 7

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS
SMD/2016/0150 Proposed dwelling and creation of new vehicular access

CONSULTATIONS
Publicity
Site Notice expiry date: 12/09/2017
Neighbour consultation period ends: 16/08/2018
Press Advert: N/A

Public Comments
N/A

Town / Parish Comments
No objections

Staffordshire County Council Highways
Objection
The application refers to the condition appearing on earlier applications SM12/01344/OUT and SM13/00884/REM on a site opposite the site of SMD/2016/0150. It is not clear when SM13/00884 was implemented. Condition 17 has been correctly included on SMD/2016/0150 to improve safety at the junction of Allotment Lane with Gallows Green.

However, the dwelling approved under 13/00884 has subsequently been completed without the conditioned works to improve signs and markings being provided. If this dwelling has been brought into use, enforcement action against the developer may be appropriate.

The best course of action would be for the developer of SMD/2016/0150 and the developer of 12/01344&13/00884 to share the costs of complying with the condition.

OFFICER COMMENTS
Principle of Development
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.

The application seeks the removal of condition 17 which requires a contribution to a road sign and some road markings, in the interests of highway safety.

At present, it is not considered the development is occupied and has not been brought into use. Having carried out investigation with the Council Tax department, there have been no rates paid on the new dwelling, which would indicate that it is not

yet occupied. Further, there has been no evidence that the off-site highway works have been carried out by this or the development opposite.

The Highways Authority have registered an objection against this application stating that the works need to be undertaken in order to improve highway safety at the junction.

Prior to occupation of the new dwelling, this condition must be discharged in order to address the issues which were highlighted as part of the highways consultation response on the original planning application and their further consideration of this application, in order to comply with Policy DC1 or Policy T1 of the Core Strategy.

CONCLUSION / PLANNING BALANCE
In conclusion it is not considered appropriate to remove this condition given that it was included on the original planning application in the interests of highway safety. Without it, the proposed development would have an impact upon highway safety which is unacceptable. The highways Authority has objected to the removal of this condition.

It is recommended that the condition is complied with in full prior to occupation of the dwelling. It may be worth seeking the views of the developers of the dwelling opposite to see whether the cost of the off-site works could be shared, in order to move both development forward.

OFFICER RECOMMENDATION : Refuse

Case Officer: Laura Barnes
Recommendation Date: 22nd June 2018

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council