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# Planning Statement

Removal of Condition 2 of
planning application 05/01312/FUL
Regarding Local Occupancy

27A Station Road,
Cheadle

**July 2018**

**Document Control Sheet**

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| **Project Name** | Removal of condition number 2 regarding local occupancy |
| **Client** | Mr A Roberts |
| **Project Reference** | 2239 |
| **Project Lead** | DC |
| **Team Members** | RW |

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# 1 INTRODUCTION

**1.1** Planning Design Practice is a town planning and architectural design consultancy consisting of chartered town planners and an architectural design team. The practice operates across England and Wales and, with over 50 years combined experience in the team, the company has a long track record and an excellent record of success.

**1.2** We have been instructed by the owner of the site to submit an application for the removal of condition 2 of the granted planning application relating to the erection of a dwelling at land adjacent to 29 Station Road, Cheadle. Ref 05/01312/FUL which was granted approval on 09/01/2005. The applicant has lived at the completed dwelling now known as 27A Station Road since 2009 and wishes to apply to remove the local occupancy clause stated in condition 2. (However it should be noted that this property is labelled as 29A on the Council's interactive planning map.)

**1.3** Also submitted to accompany the report are the following:

- Application form;
- Decision Notice from the original planning permission;
- Delegated Decision Report of Similar Local Occupancy Removal Application

# 2 SITE DESCRIPTION AND PLANNING HISTORY

## Site Location

**2.1** The site is located in Cheadle, a market town located within the Staffordshire Moorlands administrative district. The town has close proximity to the Peak District National Park and is approximately 58 miles from Manchester and 25 miles from Derby. Just over 12,000 people live

and work within Cheadle and the district attracts workers from Stoke-on-Trent and the North West.

**2.2** The site relates to the dwelling 27A Station Road, Cheadle which was granted planning approval for its erection on 09/01/2005. Ref 05/01312/FUL. The dwelling has been lived in since 2009 by the occupant and is located in a predominantly residential area well within the settlement development boundary of Cheadle.

**Relevant Planning History**

**2.3** Full planning application for erection of dwelling at Land Adjacent To 29 Station Road Cheadle Staffordshire Moorlands ST10 1LH. Application No: 05/01312/FUL (also referenced as SMD/2005/0978) Granted approval 09/01/2005. The decision notice is included with this application for ease of reference.

## 3 THE PROPOSED DEVELOPMENT

**3.1** This application is for the removal of the local occupancy condition that was attached to the original approval for the erection of the dwelling now know as 27A Station Road. At the time of the application, SMDC had a moratorium on new housing and so the permission was only considered acceptable if it had a Local Occupancy Condition to restrict the occupancy of the house, effectively providing a form of affordable housing.

Condition 2 of the approved application states;

*"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."*

**3.2** This application proposes the removal of the local occupancy condition as the applicant wishes to open the occupancy options to a wider range of residents. The district of Staffordshire Moorlands currently has a significant undersupply of deliverable new homes and the Staffordshire Moorlands Core Strategy has confirmed that 22% of the total housing delivery within the District will be targeted in Cheadle.

**3.3** It is considered that the condition no longer serves a relevant planning purpose and is effectively in conflict with current national and local planning policies. To date there have been several similar cases where it has been found that local occupancy restrictions do not pass the tests stated by the NPPF in regards to sustainable development and housing delivery. Therefore, the removal of this local occupancy condition should be considered acceptable.

**3.4** It is considered that condition 2 of the granted permission on 09/01/2005 has no relevance to current planning policy as it was imposed at the time of the permission in order for the construction of a single dwelling in this location to be considered acceptable. The construction of a dwelling with a local occupancy condition was considered to meet the needs of the Local Authority in regards to affordable housing, however affordable housing policy is now only required on developments of over 5 dwellings. This proposal relates to a single dwelling therefore the planning condition attached to the original approval is no longer relevant in current planning terms.

# 4 PLANNING POLICY CONTEXT

## National Planning Policy Framework (2018)

**4.1** There is considerable planning policy and guidance relevant to the planning application proposal at both local and national levels. The NPPF is significant as it sets out the Government's commitment for a positive response to planning proposals that would deliver sustainable development in order to assist growth to the economy.

**4.2** It has been made clear that the planning system has a key role in facilitating growth and development should be supported with a presumption in favour of granting planning permission. This change of emphasis provides an important background to the application proposal. National Planning Policy Framework places a strong emphasis on promoting economic growth and sets out policies for the control of development.

**4.3** The Development Plan represents the starting point for the determination of this application, which in this instance is the Core Strategy. The guidance contained within the National Planning Policy Framework is also relevant, in particular the following Chapters:

- Building a strong, competitive economy
- Delivering a wide choice of high quality homes
- Requiring good design

**4.4** Within the NPPF it is also worth noting the following relevant paragraphs:

**4.5** Paragraph 2 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise

**4.6** Paragraph 9 states that Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

**4.7** Paragraph 10 states: So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development**.

**4.8** Paragraph 11 states that Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission…

[Footnote 7 states; This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer as set out in paragraph 73 or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.]

…Unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

**4.9** Paragraph 47 states that Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

**4.10** Paragraph 73 states Local Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements, or against their local housing need where the strategic policies are more than five

years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

a) 5% to ensure choice and competition in the market for land; or

b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or

c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.

**4.11** The development plan for this area comprises the Staffordshire Moorlands Core Strategy DPD (March 2014) and the Staffordshire Moorlands Local Plan - Submission Version which has undergone consultation and is in the final stages of adoption. Although the submission version is not yet adopted, its near completion status means due weight should be given to the policies as outlined by the NPPF.

**4.12** The following policies are of relevance to the determination of this application.

## Staffordshire Moorlands Core Strategy DPD (March 2014)

**4.13 Policy SS1a**

**4.14** States that when considering development 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 will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Core Strategy (and, where relevant, with polices in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

**4.15** Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations

indicate otherwise – taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or specific policies in that Framework indicate that development should be restricted.

**Policy SS2**

States that provision will be made for 6000 additional dwellings (net of demolitions) to be completed in Staffordshire Moorlands (excluding the Peak District National Park) during the period 2006 to 2026.

**4.16** This will be phased at the average development rates to achieve the net additional dwelling completions set out below. Sufficient deliverable land will be identified to provide at least 5 years of development at all times.

**Policy SS3**

**4.17** Confirms that 22% of the total housing delivery within the District will be targeted on Cheadle.

**Policy SS5c**

**4.18** States the Council and its partners will seek to expand the role of Cheadle as a significant service centre and a market town. This will be achieved by (amongst others) increasing the range of available and affordable house types and higher market housing, especially for first time buyers and families;

And by allocating a range of deliverable housing sites both within the urban area and, on land adjacent to the urban area.

**4.19** Sites within the urban area shall be in locations across the town which have good accessibility to services and facilities with encouragement being given to previously developed (brownfield) sites. Sites on land adjacent to the urban area shall be in locations which relate well to the urban area, can be assimilated into the landscape, and would help secure infrastructure improvements for the benefit of that part of the town.

**4.20** States that new housing development should provide for a mix of housing sizes, types and tenure including a proportion of affordable housing as set out in policy H2, and where appropriate housing for special groups, to meet the needs and aspirations of the current and future population having regard to the Area Strategies in SS5 and SS6.

**4.21** All development will be assessed according to the extent to which it provides for high quality, sustainable housing and to which it meets identified local housing market needs and the strategy for the area having regard to the location of the development, the characteristics of the site and the economics of provision.

**4.22** The policy goes on to state that housing for special groups, particularly for older people, should meet a genuine and proven local need and demand and be of a scale and in a location, which is appropriate to its needs. All new dwellings must be of sufficient size to provide satisfactory levels of amenity for future occupiers whilst respecting the privacy and amenity of existing occupiers.

## Staffordshire Moorlands Local Plan - Submission Version

### Policy H1

**4.23** New housing development should provide for a mix of housing sizes, types and tenure including a proportion of affordable housing as set out in Policy H3, and where appropriate housing for special groups, to meet the needs and aspirations of the current and future population having regard to the Area Strategies.

**4.24** In line with Government legislation the Council will maintain and update a register of those interested in acquiring self-build / custom-build housing plots across the District. Where a demand exists, residential developments of 15 dwellings (0.5 hectares) or more will make an appropriate contribution towards this need in agreement with the Council. This will be negotiated on a case by case basis.

**4.25** All development will be assessed according to the extent to which it provides for high quality, sustainable housing and to which it meets identified housing needs, having regard to the location of the development, the characteristics of the site and the economics of provision.

In addition:

**4.26** Housing development on sites not allocated for such purposes in Policy H2 will be supported as follows:

a) Within the development boundaries of the towns and larger villages, residential development and development on unidentified (windfall) sites will be permitted, subject to compliance with the Spatial Strategy and wider Local Plan policies.

b) Outside of the development boundaries, limited infill residential development of an appropriate scale and character for the Spatial Strategy will be supported, provided that:

c) The development will adjoin the boundary of a larger village and be well related to the existing pattern of development and surrounding land uses, or;

d) The development is well related to the existing pattern of development of a smaller village and will not create or extend ribbon development or lead to sporadic pattern of development; and

e) In all cases the development will not lead to a prominent intrusion into the countryside or have an adverse impact of significance to the character of the countryside.

# 5 KEY PLANNING ISSUES

## Principle of Development

**5.1** The affected property lies within the established built up area of Cheadle where a substantial proportion of new housing development is to be targeted over the plan period (policies SS2, SS3 and SS5c of the Core Strategy refer). The removal of the condition will make this house available to a wider demographic than its currently restricted market and will increase the overall housing supply of the district.

**5.2** The site has close proximity to the town centre and benefits from excellent public transport links with Bus stops located not far from the site and excellent connections along the A522 connecting the site to the town centre and wider area. The site is in a sustainable location that will likely prove a popular place to live for commuters and people from the wider area and surrounding districts that may need to move to Cheadle to take up a new job opportunity.

**5.3** The Local Occupancy Condition currently on the dwelling would therefore limit the occupation to people already from surrounding areas and would not comply with local and national sustainable development policies that encourage social mobility and economic growth. The principle of development is therefore considered to be acceptable.

**5.4** Planning application SMD/2017/0080 regarding 05/01196/FUL which sought to removal a similar local occupancy condition in the district of Staffordshire Moorlands was approved in 2017. The Delegated Decision Report stated that the condition does not serve any useful planning purpose and is not considered to pass the tests of the NPPF and its removal is therefore considered to be acceptable. The report highlighted other applications in relation to other properties within that row have been dealt with in a similar manner.

**5.5** In relation to this application it is therefore considered that there is no current policy basis for seeking such a restriction as affordable housing requirements are only required on developments of 5 dwellings or more. This proposal relates to a dwelling of 1 and as such the removal of condition 2 does not conflict with current planning policy and should be considered acceptable.

### Impact on neighbouring residents

**5.6** The dwelling was completed in 2009 and has been occupied as a residence by the occupant since that time. It is not considered that the removal of the local occupancy condition will have any impacts to the use or nature of the dwelling. As such no adverse effects to neighbouring residents will be incurred due to the removal of the condition.

### Impact on highway safety

**5.7** The dwelling 27A Station Road has been completed in compliance with conditions regarding highway safety in the approval Ref 05/01312/FUL. As such 1.5m x 45 degree visibility splays have been provided each side of the access and nothing has been placed or allowed to remain forward of the splays that exceeds 600 mm in height above the adjacent carriageway channel level.

**5.8** Furthermore, the dwelling has incorporated a driveway that has been hard surfaced with no gates in the interest of highway safety. This proposed removal of the Occupancy Condition 2 will have no bearing on these measures and there will be no increased risks to highway safety.

# 6 CONCLUSIONS

**6.1** This application proposes the removal of the local occupancy condition as the applicant wishes to open the occupancy options to a wider range of residents. The district of Staffordshire Moorlands currently has a significant undersupply of deliverable new homes and the proposal will add to the housing supply of the district.

**6.2** The proposal conforms to policies from the NPPF, Staffordshire Moorlands Development Plan and emerging Staffordshire Moorlands Local Plan regarding sustainable development and housing delivery and the proposal is in a sustainable location and will add housing to the housing options of people from in and around the wider district.

**6.3** There have been several similar cases where it has been found that local occupancy restrictions do not pass the tests stated by the NPPF in regards to sustainable development and affordable housing requirements on developments under 5 dwellings. Ref SMD/2017/0080 regarding application 05/01196/FUL. Other applications for the removal of Local Occupancy Conditions have been granted and it is therefore considered that this proposal should be considered acceptable and the applicant respectfully requests that it is approved.

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