DELEGATED DECISION REPORT

SMD/2018/0498 **Valid 06/08/2018**	**27A STATION ROAD** **CHEADLE**	**APPLICATION TO REMOVE CONDITION 2 RELATING TO 05/01312/FUL TO OPEN THE OCCUPANCY OPTIONS TO A WIDER RANGE OF RESIDENTS** **(FULL - MINOR)**

MAIN ISSUES

- Is the condition necessary, relevant to planning and; to the development permitted, enforceable; precise and; reasonable in all other aspects, in line with Paragraph 55 of the revised NPPF

DESCRIPTION OF SITE

The application site comprises a corner plot of land at the junction of Atlee Road and Station Road, Cheadle, and contains No.27A Station Road, a two storey dwelling constructed following the granting of planning permission under SMD/2005/0978.

It is noted from a review of the Council's internal mapping software and the submitted Location Plan that the site is incorrectly labelled as No.29A.

PROPOSAL

This application seeks to remove Condition 2 attached to the original planning consent in January 2006. The Condition restricted the dwelling to local occupancy and states the following:

"*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 needs 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"

As referenced within the Planning Statement submitted in support of the application, the applicant wishes to remove the condition in order to open the occupancy options of the property to a wider range of residents.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The local development plan for this site comprises the Saved Policies of the Staffordshire Moorlands Local Plan (1998); Staffordshire Moorlands Core Strategy (adopted 26th March 2014) and any relevant Supplementary Planning Documents (SPD's).

The revised National Planning Policy Framework (NPPF) published in July 2018 sets out the Governments planning policies for England and how these are expected to be applied. As stated in paragraph 2 of the NPPF, the document is a material consideration which must be taken into account in planning decisions.

Core Strategy Development Plan Document (Adopted 2014)

S01 Spatial Objectives
SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS5c Cheadle Area Strategy
DC1 Design Considerations
T1 Development and Sustainable Transport
H2 Affordable Housing

National Planning Policy Framework

Achieving Sustainable Development	Chapter 2
Delivering a sufficient supply of homes	Chapter 5
Achieving Well Designed Places	Chapter 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2005/0978 Erection of dwelling (Approved 06/01/2006)

CONSULTATIONS

Publicity

Site Notice expiry date: 7th September 2018
Neighbour consultation period ends: 29th September 2018
Press Advert: N/A

Public Comments

No comments received

Town / Parish Comments

Cheadle Town Council – No objection.

OFFICER COMMENTS

The site lies within the development boundary of Cheadle, one of the three main towns within the Settlement Hierarchy set out within Policy SS5 of the Core Strategy.

The application seeks the removal of a local occupancy condition (Condition 2) which was attached to the original permission for No.27A in 2006. The removal of this condition would support the aims of Chapter 5 of the NPPF of providing a wider choice of homes.

It is noted that the development permitted by planning reference SMD/2005/0978 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 (i.e. a single dwelling) would not trigger an affordable housing requirement if it were to be considered today.

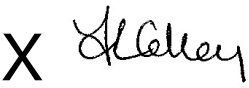
This application seeks the removal of a local occupancy condition which the Council at one time commonly imposed on new residential permissions. However challenges at appeal were found in favour of applicants, with Inspectors noting that there was no policy basis for seeking such a restriction.

This remains the case and therefore until such a time that the policy position changes, this condition does not serve any useful planning purpose. The condition does not therefore pass the tests as set out at paragraph 55 of the revised NPPF and its removal is therefore considered to be acceptable.

As the dwelling has been fully implemented, this Decision Notice includes all conditions attached to the original consent which remain relevant.

OFFICER RECOMMENDATION: Approve

Case Officer: James Stannard
Recommendation Date: 25th September 2018

X 

Signed by: Jane Colley

On behalf of Staffordshire Moorlands District Council