STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Gill
6 Wakeley Hill Penn
Wolverhampton
West Midlands
WV4 5QX

Application no: DET/2018/0010

Determined on: 22/05/2018

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015

PRIOR APPROVAL REQUIRED FOR CHANGE OF USE REFUSAL

Pursuant to Paragraph W(3) of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 Staffordshire Moorlands District Council hereby **REFUSE** this application for prior approval for;

Conversion of upper floors (first & second) into residential accommodation; approximate 10 apartments at First and Second Floor Old Court House High Street Leek

in accordance with the submitted application, details and accompanying plans Location Plan (Plan A); Existing Ground Floor Plan; Existing First Floor Plan; Existing Second Floor Plan; First Floor Plan (Sketch Residential Layout); Second Floor Plan (Sketch Residential Layout).

for the following reasons:-

1. Class O of Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 gives provision for the change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwelling houses) of that Schedule. The application to convert the first and second floors of the Old Court House, High Street, Leek into residential accommodation is not permitted development under Class O as all of the floor space intended for conversion does not fall within use Class B1(a). Accordingly the application is refused pursuant to Part 3 Para (w) (3) (a) of that Order.

2. The Napoli restaurant which is located beneath the proposed apartments is a venue well known for live music events. No information has been supplied by the applicant(s) to demonstrate that they are aware of the potential noise source or that this source can be

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appropriately addressed so that the future amenity of the proposed residents is not compromised. The proposal therefore fails to meet criteria O.2(1)(d) of Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 and the National Planning Policy Framework including Chapter 7. Accordingly the application is refused pursuant to Part 3 Para (w) (3) (b) of that Order.

3. The submitted drawings state that new windows are to be inserted. No information has been submitted to detail the number of windows, their location(s), sizes or design; therefore the proposal does not comply with paragraph W 2 9 (b) of Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 and is contrary to the National Planning Policy Framework including Chapters 7 and 12. Accordingly the application is refused pursuant to Part 3 Para (w) (3) (b) of that Order.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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NOTES

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

2. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

3. If this is a decision to refuse planning permission for a minor commercial application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

4. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

5. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk

6. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

7. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.