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c/o 7 Derby Street
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ST13 6HN

Application no: SMD/2022/0602

Determined on: 25/07/2023

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015
(as Amended)**

FULL PERMISSION FOR DEVELOPMENT

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990.

Location of Development:

7 Derby Street Leek Staffordshire ST13 6HN

Description of Development:

Change of use of first and second floors to 5-room HMO with internal alterations,
rear waste chute.

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council Planning Authority, **HEREBY GRANTS PLANNING PERMISSION** for the development described above subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. Save for all references to double glazing the development hereby approved shall be carried out in accordance with the details as submitted in the application form and submitted specifications and as shown in drawings:

06 – proposed site layout rev C

07 – proposed 1st and 2nd floors rev C

08 – proposed front, rear and roof plans and elevations rev C

09 – proposed sides rev C

10 – proposed entrance rev C

Reason: To ensure that the development is carried out in accordance with the submitted details and approved plans, in the interests of good planning, for clarity and the avoidance of doubt.

3. Notwithstanding the approved details the subject of condition 2 above nothing in this permission shall be construed as granting consent to the removal or replacement or other alteration to any windows in the building, except in respect of the windows to the rear of the building where the waste chute hereby approved is to be constructed, the subject to condition 4 below.

Reason: In the interests of the appearance of the completed development and heritage including the character and appearance of Leek Conservation Area and for clarity and the avoidance of doubt following an e-mail dated 17th July 2023 in which the agent for the applicant withdrew from the proposal all reference to replacement of windows.

4 Prior to installing the waste chute to the rear of the development hereby approved detailed plans and sections of the proposed chute structure and window adaptations to a suitable scale in the range eg. 1:5, 1:10 and 1:20 as appropriate together with details of proposed finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the completed development and in the interests of good planning, for clarity and the avoidance of doubt.

5. The development hereby approved shall not be occupied until and unless the waste chute to the rear of the building has been completed nor until and unless waste disposal for occupiers of the first and second floors of the development hereby approved can be undertaken from the alley at the rear of the building using the chute.

Reason: In the absence of feasible or satisfactory alternative means of waste storage and collection for residential occupants of the first and second floors the waste chute and waste collection via the rear alley serving the building are essential to ensure satisfactory living conditions and to avoid conflicts with highway safety and public amenity at the Derby Street entrance to the development.

6. No external cowls, vents, ducts flues or extractor equipment whatsoever shall be installed in the development hereby approved without the prior written consent of the Local Planning Authority and subject to the submission of details first being provided including details of any ventilation grilles required as referred to in the submitted Acoustic Report. Thereafter the any cowls, vents, ducts, flues or extractor equipment shall be installed in accordance with the approved details.

Reason: To protect the amenities of occupiers of adjoining properties, the integrity and appearance of the building and the visual amenities of the area and to protect the heritage significance of the building and the Leek Conservation Area.

7. Prior to the first occupation of the development hereby approved, a scheme of noise mitigation work by way of secondary glazing and passive ventilation to achieve the minimum performance requirements set out in table 8 to the applicant's submitted acoustic report by Peak Acoustics (ref. TW1207216NR version 1.0 dated 25/11/2021) shall be installed subject to condition 6 above and its effectiveness at the stated required performance levels shall have been demonstrated by in situ testing with details submitted to the Local Plan Authority for written approval.

Reason: In order to ensure satisfactory living conditions for occupiers whilst maintaining the historic significance of the building and of the Leek Conservation Area.

8. Prior to the first occupation of the development hereby approved the communal waste chute access, utility and storage space as shown in the proposed first floor plan in drawing 07 rev C shall be provided and shall be kept available for the shared use by occupants for the life of the development. There shall be no storage of waste in the shared inside spaces of the development hereby approved.

Reason: In order to ensure satisfactory living conditions for occupiers.

Informatives

1. You are reminded of your responsibilities under the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 in respect of any protected species that may inhabit the site including bats. It is judged unlikely that Bats will utilise the application buildings as a place of rest or shelter. However bats are protected by law and in the event that bats or bat droppings are encountered during the development work, all operations should be immediately ceased and advice obtained from an ecologically qualified bat specialist. Work should then continue only in accordance with the specialist advice obtained and with due reference to the law including the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981.

2. Asbestos – a demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the alterations and renovation of the existing building. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>.

3. The proposed development is judged to be of suitable design and meets the tests of sustainability in planning. There are not judged to be any adverse implications for neighbours or wider public amenity and street scene. Amendments were agreed with the agent in the course of the determination in accordance with the approach to decision making as advocated in the National Planning Policy Framework at paragraph 38.

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council

NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting DBCP Limited, Web: dbcp.co.uk; Email: info@dbcp.co.uk ; Tel: 0333 880 2000.
2. Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority at Staffordshire County Council.
3. This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. An application will need to be made to discharge conditions and a fee is payable with the application. For more details please refer to our web site: www.staffsmoorlands.gov.uk If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a “condition precedent”. The following should be noted with regards to conditions precedent:
 - a. If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
 - b. Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.
4. Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.
5. The permission is granted in strict accordance with the approved plans. It should be noted however that:
 - a. Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
 - b. Variation to the approved plans will require the submission of a new planning application.
6. 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.
7. 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.
8. 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.
9. 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.

10. 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>
11. 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.
12. 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.
13. Domestic sprinklers. Fire sprinklers operate automatically even if you are not at home releasing water directly over the source of the fire and sounding the alarm, they are unobtrusive and easy to install. Sprinklers are NOT expensive; normally costing around 1-2% of the cost of construction of a new building. The use of sprinklers will usually allow design freedoms as well, which can reduce construction costs and improve usability and design freedoms of the building. The chance of an accidental discharge is 16,000,000:1. If you would like further advice please contact Staffordshire Fire and Rescue Service (www.staffordshirefire.gov.uk).
14. Working smoke alarms correctly positioned in your home can save your life. The Fire Service recommends you have smoke alarms on every floor of your home, including in each bedroom, and make sure you test your smoke alarms at least once a month. Although the application of approved guidance and enforcement of regulations will give buildings the legally required baseline of fire protection, the Fire Service's viewpoint is many of these fall short of what we would consider adequate. This is why we campaign for the inclusion of sprinklers.