



STAFFORDSHIRE
moorlands
 DISTRICT COUNCIL
 ACHIEVING • EXCELLENCE

Staffordshire Moorlands District Council
 Moorlands House, Stockwell Street, Leek
 Staffordshire Moorlands, ST13 6HQ
 Telephone: 0845 605 3013
www.staffsmoorlands.gov.uk

Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	7
Suffix	A
Property Name	
Address Line 1	Derby Street
Address Line 2	
Address Line 3	Staffordshire
Town/city	Leek
Postcode	ST13 6HN

Description of site location must be completed if postcode is not known:

Easting (x)	Northing (y)
398431	356523

Description

Applicant Details

Name/Company

Title

Dr

First name

Ashley

Surname

Gunay

Company Name

Ashley Group Properties Ltd

Address

Address line 1

1 Castel Close

Address line 2

Address line 3

Town/City

Newcastle-under-Lyme

County

Country

Postcode

ST5 3EG

Are you an agent acting on behalf of the applicant?

- ☒ Yes
- ☐ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Agent Details

Name/Company

Title

Dr

First name

Ashley

Surname

Gunay

Company Name

Ashley Group Properties Ltd

Address

Address line 1

1 Lyric Square

Address line 2

Address line 3

Town/City

London

County

Country

United Kingdom

Postcode

W6 0NB

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Amendment of Condition 5 of the planning permission to remove requirement for a waste chute and replacement with an alternative waste management strategy.

Reference number

SMD/2022/0602

Date of decision (date must be pre-application submission)

25/07/2023

Please state the condition number(s) to which this application relates

Condition number(s)

Condition 5 - 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.

Has the development already started?

☒ Yes

☐ No

If Yes, please state when the development was started (date must be pre-application submission)

17/09/2023

Has the development been completed?

- ☒ Yes
☐ No

If Yes, please state when the development was completed (date must be pre-application submission)

01/04/2024

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

It is proposed that Condition 5 is varied to remove the requirement for a waste chute and replace with an alternative waste management strategy. This follows advice from the Council Building Regulations team and the Planning Enforcement Team. Refer to covering letter for full details.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

proposed wording of Condition 5:

"The development hereby approved shall not be occupied until and unless an alternative waste management strategy, as detailed in the covering letter and Waste Management Statement, has approved and implemented to the satisfaction of the Local Planning Authority. Waste collection shall be carried out using a designated private waste collection service from the front of the property."

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☒ The agent
☐ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☒ Yes
☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED *****

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

via email on 03/02/25

Date (must be pre-application submission)

03/02/2025

Details of the pre-application advice received

If you can find an alternative waste solution then a variation of condition could be applied to vary condition 5 for waste handling, but as it stands at this time the planning consent would not permit the HMO use of the property as per SMD/2022/0602. If necessary, please submit a variation of condition 5 in order to propose an alternative waste solution before occupied as an HMO

*A shared occupation in accordance with SMD/2022/0602 is not currently permitted as per condition 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 & unless waste disposal for occupiers of the first & 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

*Change to normal domestic habitation C3 is possibly permitted development but what is so far described is not C3 (though at present perhaps it is being used like that if only one person in it). The intention to use the property appears to be as an HMO – albeit not for the numbers approved by SMD/2022/0602 but it would still need planning consent. The current planning permission does not cover this unless condition 5 for waste is passed.

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- ☐ Yes
☒ No

Can you give appropriate notice to all the other owners/agricultural tenants? (Select 'Yes' if there are no other owners/agricultural tenants)

- ☒ Yes
☐ No

Certificate Of Ownership - Certificate B

I certify/ The applicant certifies that:

- ☒ I have/The applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land or building to which this application relates; or
☐ The applicant is the sole owner of all the land or buildings to which this application relates and there are no other owners* and/or agricultural tenants**.

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990

Name of Owner/Agricultural Tenant:

***** REDACTED *****

House name:

Number:

9

Suffix:

Address line 1:

Milner Terrace

Address Line 2:

Town/City:

Leek

Postcode:

ST13 6BY

Date notice served (DD/MM/YYYY):

22/02/2025

Person Family Name:

Person Role

☐ The Applicant

☒ The Agent

Title

Dr

First Name

Ashley

Surname

Gunay

Declaration Date

22/02/2025

☒ Declaration made

Declaration

I/We hereby apply for Removal/Variation of a condition as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Ashley Gunay

Date

05/03/2025

Amendments Summary

conditions to be varied amended to relate solely to condition 5 and block plan removed as not necessary - site location plan was utilised in original application