

Leek  
Staffordshire  
ST13 7QF

Sammons Architectural  
10 Cawdry Buildings  
Fountain Street  
Leek  
Staffordshire Moorlands  
ST13 6JP

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Staffordshire  
ST13 7QF

Application no: SMD/2013/1180

Determined on: 18/03/2014

**Town and Country Planning Act 1990  
Town and Country Planning (Development Management Procedure) England) Order 2010**

**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:**

WINDYRIDGE CAFÉ, ASHBOURNE ROAD, BOTTOMHOUSE, LEEK, STAFFORDSHIRE  
ST13 7PN

**Description of Development:**

Extention to exisiting cafe including new retail area

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. The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the Local Planning Authority:  
Drawing no. 2013-1927-01; 03A; 04B

Reason - To ensure that the development is carried out in accordance with the approved plans.

3. The development hereby permitted shall be constructed out of the materials specified on the approved plans.

Reason:- For the avoidance of doubt and to ensure that the external appearance of the development is satisfactory.

4. The retail element of the operation shall be confined to the area identified on plan no. 2013-1927-04B by a single purple line. The retail area shall not exceed the area specified in the approved plans and shall always function as an ancillary operation to the main use of a cafe.

Reason:- For the avoidance of doubt and to ensure that the retail element is controlled and remains as an ancillary function to the main use.

5. Prior to the first use and occupation, the car parking layout as identified in plan no. 2013-1927-03A shall be provided and then maintained and retained in perpetuity.

Reason:- For the avoidance of doubt and in the interest of highway safety.

### **Informative**

1. In considering this proposal, account has been taken of the following development plan policies: Staffordshire Moorlands Local Plan - Policy B13, Policies DC1 of the Revised Submission Core Strategy (as modified) and National Planning Guidance in the form of the NPPF. The proposed development is considered not to adversely impact on the existing building, or the character and appearance of the surrounding area in which it is sited, furthermore it will not have an unacceptable or adverse effect on the enjoyment of any neighbouring dwellings or highway safety.

2. This is considered to be a sustainable form of development and so complies with the provisions of the NPPF.

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**Signed 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 the Councils Building Control Section.
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. **A fee is payable to us for the discharge of condition. Please refer to our web site : [www.staffsmoorlands.gov.uk](http://www.staffsmoorlands.gov.uk) for details.** 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. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes). The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.
8. 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.