

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

Application number:	22/00523/COU
Validated on:	23 rd May 2022
Site address:	94 High Street
Proposal:	Subdivision and change of use from sui generis laundrette to Class E café and Sui generis takeaway

In exercise of its powers under the above-mentioned Act and Order the City Council as the Local Planning Authority **GRANT PERMISSION** for the development described above in accordance with the terms of the application and the plan/s submitted therewith subject to the following conditions:

Condition 1

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

Reason

Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

Except where these may be modified by any other conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the details of the application form, and drawings:

- PLANS CG12 THS 02 – As proposed
- PLANS – Block Plan
- Design and Access Statement

Reason

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

Condition 3

Notwithstanding the submitted details, no hot food shall be prepared at the premises until a system for the extraction, filtration and disposal of kitchen fumes has been installed in accordance with full details that shall first be submitted to and agreed in writing by the local planning authority.

As a minimum, details of the kitchen fume extraction system shall include exact details of:

- the fan(s) to be installed;
- acoustic attenuation measures;
- de-greasing, de-odourising and particulate filters; and
- system maintenance details (to ensure the system functions correctly for its expected lifetime and to ensure that occurrences of system failure are minimised).

The equipment shall thereafter be maintained in accordance with the approved details.

Reason

To minimise pollution emissions from the premises in the interests of air quality and to ensure that the amenities of occupiers of neighbouring premises and nearby residential dwellings in the vicinity are protected in accordance with the aims of policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and emerging policies C4 and C5 of the Gloucester City Plan.

Condition 4

Before the first use/occupation of the development hereby permitted, details of any external plant, including ventilations facilities, air conditioning equipment and their noise generation levels, and any noise attenuation measures shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that the cumulative assessment level (excess of rating level over background level (LA90) level of sound emitted from any fixed plant or machinery associated with the development shall not exceed 0dBA. All measurements shall be made in accordance with the methodology of BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound. Only external plant in accordance with the approved details shall be provided on the site.

Reason

To ensure there is no detrimental noise effects upon the amenities of the area or nearby properties

Condition 5

Before the first use/occupation of the development hereby permitted, details of the arrangements for internal air extraction, odour control, fume control, noise control and discharge to atmosphere from cooking operations, including a maintenance schedule for all equipment, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed in their entirety before the use hereby permitted is commenced, shall thereafter be maintained in accordance with the maintenance schedule(s) and shall be operated at all times when cooking is being carried out.

Reason

To prevent unacceptable odour or noise pollution

Condition 6

Before the first use/occupation of the development hereby permitted (as a hot food takeaway) the proposed hours of opening shall be submitted to and approved in writing to the Local Planning Authority.

Reason

To ensure that the amenities of occupiers of neighbouring premises and nearby residential dwellings in the vicinity are protected in accordance with the aims of policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and emerging policy C4 of the Gloucester City Plan.

Note 1

Your attention is drawn to the provisions, conditions and limitations of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) with regards to the display of advertisements/signage at the premises. You may be required to seek express consent from the local planning authority before new signage can be displayed. Should you be required to display an advertisement at the property you are advised to first consult the design advice within the city council's adopted Shopfronts, Shutters & Signage Design Guidelines for Gloucester supplementary planning document.

Note 2

Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

- Work on an existing wall or structure shared with another property.
- Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property.
- Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 – explanatory booklet.

Note 3

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Note 4

The details of the arrangements for internal air extraction, odour control, noise control and discharge to atmosphere from cooking operations required by condition xx shall include an assessment using the principles of EMAQ's Guidance on the 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (EMAQ, 2018)



Jon Bishop

Planning Development Manager

Decision date: 30th November 2022

PLEASE SEE NOTES SET OUT IN THE ENCLOSED LEAFLET