

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

Application number:	22/00033/COU
Validated on:	28 th December 2021
Site address:	36 Westgate Street
Proposal:	Change of use of ground floor from a Betting Office (Sui Generis) to a Hot Food Take Away (Sui Generis)

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:

- PL01 – Location Plan;
- PL03A – Proposed Elevations and Floor Plan.

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

The rating level of the noise emitted from any fixed plant or equipment at the site shall not exceed the existing background noise level at any time by more than 5dB(A) at any residential property when measured and corrected in accordance with BS 4142:2014+A1:2019.

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.

Condition 6

The use of the premises hereby permitted (as a hot food takeaway) shall only be in operation between the hours of 08:00 and 23:00 (the same day). Outside of these hours the hot food takeaway use shall not be in operation and premises shall be closed to members of the public.

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.

**Jon Bishop**

Planning and Development Control Manager

Decision date: 11th May 2022

PLEASE SEE NOTES SET OUT IN THE ENCLOSED LEAFLET