

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

**Application number:** | 22/00209/FUL

**Validated on:** | 21<sup>st</sup> March 2022

**Site address:** | 29 Westgate Street

**Proposal:** | Change of use of part ground floor and upper floors from retail use to a large House in Multiple Occupation (use class sui-generis), upwards extension to create an additional storey and roof terrace, demolition of small rear part of ground floor roof and external alterations including replacement of the shopfront. (Amended scheme following approval of planning application 21/01185/FUL)

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**

The development hereby permitted shall be carried out in accordance with the drawings on plans referenced;

Unreferenced site location plan dated 06.08.21

P01 Rev. P – Proposal floor plans;

P02 Rev. L – Proposal sections & elevations;

P03 Rev. M – Proposed Ground Floor;

P04 Rev. J – Proposed First Floor Plan;

P05 Rev. E – Proposed Second Floor;

P06 Rev. F – Proposal external joinery;

P25 Rev. A – Detail front elevation.

except where these may be modified by any other conditions attached to this permission.

**Reason**

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

**Condition 3**

No work to the extension hereby approved shall be carried out samples or manufacturer details of the roof material proposed to be used for the extension have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out and maintained in accordance with the approved details.

**Reason**

To ensure that materials are in keeping with the surrounding area and to provide for high quality design.

**Condition 4**

No work above damp proof course level shall be carried out until a detail drawing at 1:5, a specification of the parapet coping finish and samples of the brick and slate proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason**

To preserve and enhance the character and appearance of the conservation area in which this development is located in accordance with the aims of policies SD4 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and policies D1 and D4 of the Gloucester City Plan.

**Condition 5**

All facing brickwork of the development hereby approved shall be completed using Berkshire Red 73mm (Northcot Brick Ltd.) and shall be maintained in accordance with the approved details thereafter.

**Reason**

To preserve and enhance the character and appearance of the conservation area in which this development is located in accordance with the aims of policies SD4 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and policies D1 and D4 of the Gloucester City Plan.

**Condition 6**

The replacement windows and external doors of the development hereby approved and their fitted joinery shall be carried out in accordance with the details of approved drawings P06 Rev. F (External joinery) and C100740 (Shop front sections and Shop front elevation) and shall be maintained in accordance with the approved details thereafter.

**Reason**

To preserve and enhance the character and appearance of the conservation area in which this development is located and the setting of listed buildings in accordance with the aims of policies SD4 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and policies D1 and D4 of the Gloucester City Plan.

**Condition 7**

Any new or replacement rainwater guttering and downpipes shall be of cast metal finish details of which have first been submitted to and approved in writing by the Local Planning Authority. Details of the profile and decorative finish of the guttering and downpipes shall be submitted to and approved in writing by the Local Planning Authority prior to installation on site. The guttering and downpipes shall then be installed and maintained for the life of the development in accordance with the approved details.

**Reason**

To preserve and enhance the character and appearance of the conservation area in which this development is located and the setting of listed buildings in accordance with the aims of policies SD4 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and policies D1 and D4 of the Gloucester City Plan.

**Condition 8**

The ground floor unit (that being the unit comprised entirely at ground floor at the Westgate Street frontage of the premises adjacent to the access corridor to the house in multiple occupation) shall be used for the display or retail sale of goods, other than hot food, principally to visiting members of the public, or a use within parts (b), (c) or (e) of Class E of the schedule to the Town and Country Planning (Use Classes) Order 1987 as amended and for no other purpose (including any other purpose in Class E of the schedule to the Town and Country Planning (Use Classes) Order 1987 as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

**Reason**

The Local Planning Authority wishes to control the specific use of the land/premises, in the interest of the amenity of future residents in accordance with the aims of policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and policy A1 of the Gloucester City Plan.

**Condition 9**

The extension hereby approved shall not be occupied until the external appearance of the flank wall facing towards no. 31 Westgate Street has been finished in a manner in accordance with details to be submitted to and approved in writing in advance by the Local Planning Authority.

**Reason**

In accordance with the submitted proposal, to preserve the amenities of the occupants of the neighbouring property in accordance with the aims of policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and policy A1 of the Gloucester City Plan.

**Condition 10**

Construction and demolition work and the delivery of materials shall only be carried out between 0800hours to 1800hours Monday to Friday, 0800hours to 1300hours on Saturdays, and no construction or demolition work or deliveries shall take place on Sundays or Public/Bank Holidays.

**Reason**

To safeguard the amenities of the area in accordance with the aims of policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and policy A1 of the Gloucester City Plan.

**Condition 11**

During development works the recommendations contained within the Preliminary Roost Assessment (Wildwood Ecology, October 2021) shall be strictly adhered to, including the requirement for a check of the roof areas for nesting birds prior to works commencing should proposed works be undertaken during the nesting bird season (March to August inclusive). In the event that roosting bats are found to be using the building, all works shall cease, and a suitably qualified ecologist shall be consulted prior to any works resuming.

**Reason**

To preserve ecological interests in accordance with the aims of policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and policy E2 of the Gloucester City Plan.

**Condition 12**

Prior to first occupation of the development hereby approved a scheme for biodiversity enhancement (comprising at least 1 no. bird box or similar provision and 1. no bat box or similar provision), shall be submitted to and approved in writing by the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but is not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- ii. Materials and construction to ensure long lifespan of the feature/measure;
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken;
- iv. When the features or measures will be installed and made available.

**Reason**

To provide net gains for biodiversity in accordance with the aims of policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and policy E2 of the Gloucester City Plan.

**Condition 13**

Prior to first occupation of the development hereby approved the bin storage provision shown on plan ref. P01 Rev. P (Proposal floor plans) shall be implemented on site and it shall be retained for the duration of the use as a house in multiple occupation.

**Reason**

In the interests of waste minimisation and the appearance of the area in accordance with the aims of policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and policy A1 of the Gloucester City Plan.

**Condition 14**

Prior to first occupation of the development hereby approved the cycle storage facilities shown on plan ref. P01 Rev. P (Proposal floor plans) shall be installed in full and made available for use and those facilities shall be maintained for the duration of the use as a house in multiple occupation.

**Reason**

To ensure the provision and availability of adequate cycle parking in accordance with the aims of policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and policies A1 and G1 of the Gloucester City Plan.

**Condition 15**

The extension hereby approved shall not be occupied until measures to discourage seagulls from nesting and/or roosting on the building have been implemented in full in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. The details shall accord with the Local Planning Authority's publication "Gulls: How to stop them nesting on your roof" December 2005.

**Reason**

In the interests of the appearance of the development and to avoid nuisance caused by nesting and roosting seagulls in accordance with the aims of policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and policies A1 and F4 of the Gloucester City Plan.

**Note 1**

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucestershire Building Control Partnership on 01453 754871 for further information.

**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: 10<sup>th</sup> June 2022**

**PLEASE SEE NOTES SET OUT IN THE ENCLOSED LEAFLET**