

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

<b>Application number:</b>	22/00265/FUL
<b>Validated on:</b>	9 <sup>th</sup> March 2022
<b>Site address:</b>	95 Eastgate Street
<b>Proposal:</b>	Demolition and re-building of fire damaged building. Three storey repair and first floor extension to the rear, providing ground floor take-away use and kitchen to ground floor, with one number two bedroom flat occupying first and second floors. New shopfront to front elevation

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 drawing numbers:

2007/03/A Rev A: Potential First & Second Floor Plans (version of plan received by the Local Planning Authority 8th September 2022)

2007/08A Rev B: Existing & Proposed Elevations

2007/17 Rev A: New Front Elevation

**Reason**

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017)

**Condition 3**

No work above damp proof course level shall be carried out until samples or manufacturers specifications of materials proposed for the external surfaces of the development hereby approved 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.

**Condition 4**

The proposed walling for the front elevation shall be constructed in strict accordance with details of bonding and pointing which have first been submitted to and approved in writing by the Local Planning Authority and such details shall be demonstrated by the prior construction of a sample panel. The panel shall be retained on site until the completion of the walling.

**Reason**

To preserve and enhance the character and appearance of the conservation area in which this development is located.

**Condition 5**

The development shall be carried out in accordance with details of the proposed windows to be provided in a window schedule. Detailed drawings of the sash windows to the front elevation, doors, and new shop front at a minimum scale of 1:5 with moulding profiles at full size, including elevations and sections, shall be submitted to and approved in writing by the Local Planning Authority and the fitted joinery shall be in accordance with the approved drawings.

**Reason**

To preserve and enhance the character and appearance of the conservation area in which this development is located.

**Condition 6**

The development hereby permitted shall be carried out in strict accordance with details of the proposed roof lights to a specification for flush fitting roof lights which have first been submitted to and approved in writing by the Local Planning Authority and the roof lights shall be installed in accordance with the approved drawings.

**Reason**

To preserve and enhance the character and appearance of the conservation area in which this development is located.

**Condition 7**

All rainwater guttering and downpipes shall be metal finish the details of which have first been submitted to and approved in writing by the Local Planning Authority. 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.

**Condition 8**

No work shall start upon the installation of the details below until drawings at a minimum scale of 1:5 with full size moulding cross section profiles have been submitted to and approved in writing by the local planning authority

- window openings;
- door openings;
- cill and head treatments;
- verges and ridges;
- ridges
- stone dressings

All works 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.

**Condition 9**

The building, the subject of this consent, shall not be demolished before a contract for the carrying out of works of redevelopment of the site has been let and planning permission has been granted for the redevelopment for which the contract provides.

**Reason**

To preserve and enhance the character and appearance of the conservation area by ensuring that there are acceptable proposals for the site.

**Condition 10**

Prior to the first occupation of the development hereby approved the facilities for bike storage and bin storage shall be provided as detailed by approved plan 2007/03A Potential First & Second Floors.

**Reason**

To comply with the terms of the approved application and ensure that adequate facilities are provided within the site to protect the amenities of the occupiers of the development and the surrounding general area.

**Condition 11**

Prior to the commencement of the take-away use at 95 Eastgate Street details of an extractor fan and filtering system to control odours shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall also include noise emission levels from the proposed equipment. The equipment installed shall be in accordance with the approved details and thereafter maintained as such.

**Reason**

To protect the amenities of the surrounding locality.

**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: 9<sup>th</sup> September 2022**

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