

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **1ST JULY 2014**

ADDRESS/LOCATION : **DLK FURNISHINGS, 5 – 7 STROUD ROAD**

APPLICATION NO. & WARD : **14/00381/FUL & 14/00382/LBC
MORELAND**

EXPIRY DATE : **2ND JULY 2014**

APPLICANT : **C/O THE AGENT (MR. OWEN PIKE)**

EMMABL :

PROPOSAL : **14/00381/FUL: CHANGE OF USE FROM
SHOP (USE CLASS A1) TO HOT FOOD
TAKE-AWAY (USE CLASS A5) WITH
ASSOCIATED INTERNAL AND EXTERNAL
ALTERATIONS, TO INCLUDE
INSTALLATION OF 1 NO. EXTRACT FLUE
CONCEALED WITH CLADDING ON REAR
ELEVATION**

**14/00382/LBC: INTERNAL AND EXTERNAL
ALTERATIONS TO LISTED BUILDING, IN
ASSOCIATION WITH PROPOSED CHANGE
OF USE FROM SHOP (USE CLASS A1) TO
HOT FOOD TAKE-AWAY (USE CLASS A5)**

REPORT BY : **EMMA BLACKWOOD**

**NO. OF APPENDICES/
OBJECTIONS** : **SITE LOCATION PLAN**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 No. 5-7 Stroud Road is a 3 storey detached building with a footprint of approximately 232 square metres, which is located on the north-eastern side of the highway. The application site is located to the south of the city centre at the junction between Stroud Road, Bristol Road and Trier Way. There is a reasonably generous expanse of pavement towards the south-west and north of 5-7 Stroud Road, and there is a bus stop towards the front of the site. Immediately to the south-east of the application site (at nos. 9-19 Stroud Road) are a mixture of retail and office uses, and a “*Kwik Fit*” garage is situated on the south-west side of Stroud Road, south of the junction with Bristol Road. Further towards the south-east on both sides of Stroud Road are two storey dwellings. A retail park lies to the west of the junction with Bristol Road, and a

“*Burger King*” takeaway restaurant within this retail park lies opposite the application site.

- 1.2 5-7 Stroud Road currently comprises a retail unit at ground floor level (with ancillary offices, stores, a kitchenette and W.C. facilities), with offices on the first and second floors. The property is a Grade II listed building with a Limestone façade, located within the Southgate Conservation Area, and is designed with a pitched roof covered with interlocking concrete tiles, behind a brick parapet wall. There is also a single storey pitched roof extension which adjoins the rear of the property. The existing fully glazed shopfront is timber framed and extends across the full width of the front (south-western) elevation of 5-7 Stroud Road. This glazed shopfront curves in towards the pedestrian entrance to the existing retail unit, which is located towards the south-eastern side of the front elevation. The spacing, style and form of windows at first and second floor level on the front elevation give the building a symmetrical appearance.
- 1.3 It is proposed to change the use of the ground floor of No. 5-7 Stroud Road from existing retail use (class A1) to a hot food takeaway (use class A5) for ‘*Papa John’s*’, which would operate from 11:00am to 11:00pm Sunday to Thursday, and from 11:00am to 1:00am on Fridays and Saturdays. The ground floor level of the building is currently vacant. The first and second floors would be unaffected by the application proposal and, as such, would remain in B1 (office) use. No extensions are proposed to the property and no additional openings are proposed either inside or outside of the property.
- 1.4 The existing shopfront is in a poor condition and it is consequently proposed to fully refurbish the shopfront, on a like for like basis using new timber frames. The shopfront would remain predominantly glazed, with a large glazed entrance door and a generously sized fascia above.
- 1.5 The existing principal entrance to the premises, towards the south-eastern side of the front elevation, is stepped at 150mm above ground level. The Design and Access Statement advises that a management strategy would be implemented at the property that requires the franchisee to store a temporary access ramp inside the premises at all times to be used at the stepped customer entrance as required, in order to allow people with restricted mobility to be able to access the premises.
- 1.6 It is proposed to erect a flue towards the south-eastern side of the rear elevation of the building. The original plans showed this flue to be uncovered, and this was judged to appear visually intrusive. Following negotiations throughout the application process, amended plans were received by the Local Planning Authority on 19th May 2014 to show that the proposed flue would be enclosed with cladding, using materials to match the appearance of the existing brickwork facing materials on the rear elevation of the building. The proposed extract flue would terminate 1000mm above the eaves level of 5-7 Stroud Road. Original plans proposed the erection of a condensing unit on the south-eastern side elevation of the building. The amended plans show that this has been removed from the scheme.

- 1.7 No other external alterations are proposed to the building.
- 1.8 In terms of the internal layout of the building, it is proposed that there would be a customer order and waiting area and a separate kitchen towards the front of the premises, a control hub (dispatch area), cold storage area and preparation room centrally within the premises, and there would be a staff toilet and separate storage area, both of which already exist, at the rear. The alterations to the internal layout of the building would involve the creation of a ramp behind the customer order and waiting area that leads into the preparation room, which would be required as the floor area beyond the front of the premises is approximately 408mm higher. Additional proposed internal alterations include the installation of a customer reception area and sales counter, gas oven, extraction system comprising stainless steel extract hood, galvanised ductwork and fans, preparation tables, refrigerators, freezers, sinks, dispatch tables and new doors.
- 1.9 It is proposed that the internal storage area at the rear of the premises would be used to store the refuse and recycling bins associated with the proposed takeaway as well as its delivery scooters. The Design and Access Statement advises that bins would be wheeled into the yard to the rear of the building on refuse collection days and moved back indoors thereafter where they would be housed for the rest of the week. There is a secondary vehicular entrance towards the rear of the site leading to the rear yard, and this area would continue to be used only for two car parking spaces for employees, by service personnel and refuse contractors.
- 1.10 Councillor Mark Hobbs has requested in writing that the application be referred to the Council's Planning Committee, for the following reason: "*The application site is on a very busy corner where there is no parking*".
- 1.11 As a result of the request for the application to be presented to Planning Committee and as a result of the submission of amended plans and the subsequent requirement to re-notify neighbours and to allow them 14 days to submit comments, the Agent for this application agreed to extend the time period for determination to 2nd July 2014 under Article 29(2)(C) of The Town and Country Planning (Development Management Procedure) (England) Order 2010.

2.0 RELEVANT PLANNING HISTORY

- 2.1 17.06.1952 (P/146/52, Planning permission granted) – House
- 2.2 14.06.1978 (03/EDP/526/78, Planning permission granted) – Single storey extension at rear
- 2.3 Withdrawn on 23.12.2013 (13/01604/COU) – Change of use of ground floor shop (class A1) to estate agents office (class A2)

3.0 PLANNING POLICIES

- 3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The NPPF has been published and is also a material consideration.
- 3.2 For the purposes of making decisions, the National Planning Policy Framework (NPPF) (2012) sets out that policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the NPPF. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.
- 3.3 The policies within the 1983 Local Plan and existing County Structure Plan remain the statutory adopted policies for the City and policies within the 2002 Local Plan are a material consideration where they are consistent with the NPPF.
- 3.4 From the Second Stage Deposit Plan policies FRP.1a (Development and Flood Risk), FRP.6 (Surface Water Run Off), FRP.10 (Noise), FRP.11 (Pollution), BE.1 (Scale, Massing and Height), BE.21 (Safeguarding of Amenity), BE.22 (Alterations to and Development within the Curtilage of Listed Buildings), BE.29 (Development within Conservation Areas), TR.31 (Road Safety) and S.15 (Shopping Parades and Single Shops) are relevant.
- 3.5 In terms of the emerging local plan, the Council is preparing a Joint Core Strategy with Cheltenham and Tewkesbury Councils and has recently published for consultation a Draft Joint Core Strategy, October 2013. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.
- 3.6 On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to
- The stage of preparation of the emerging plan
 - The extent to which there are unresolved objections to relevant policies; and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

4.0 CONSULTATIONS

- 4.1 The Conservation Officer raises no objection subject to condition.
- 4.2 The Gloucester Civic Trust Planning Appraisal Group raises no objection to the proposed change of use, advising that the refurbishment of the two shop

frontages is welcomed in this up and coming area on a main entrance to the city.

- 4.3 The Environmental Health Officer raises no objection subject to conditions.
- 4.4 The Planning Policy Officer raises no objection.
- 4.5 The Local Highway Authority raises no objection

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The planning application and the listed building consent application have both been publicised through the posting of a site notice and a press notice, and 26 neighbouring properties were consulted by letter. No letters of representation have been received in the 21 day statutory consultation period or since. Neighbouring properties were also consulted by letter regarding the amended plans, and the expiry date for responses to this publicity is the 2nd July 2014. Any letters of representation received in the 14 day statutory consultation period will be reported to the Planning Committee within late material.
- 5.2 The full content of all correspondence on this application can be inspected at the Herbert Warehouse reception, The Docks, Gloucester, prior to the Committee meeting.

6.0 OFFICER OPINION

- 6.1 It is considered that the main issues with regards to this application are as follows:
- 6.2 The principle of the change of use:

The application site is not located in the Primary Shopping Area, nor a local or district centre. However, the existing use of the building is retail. Policy S.15 of the Second Deposit City of Gloucester Local Plan (2002), which relates to 'Shopping Parades and Single Shops', states that the change of use of shops outside designated centres will only be permitted where:

- 1. The property is vacant and the developer is able to demonstrate that the property has been marketed unsuccessfully for a reasonable period of time, or
- 2. The new development is a dwelling, or
- 3. The new development would enhance the role of a shopping parade.

A marketing report has been submitted to support this planning application, which has been commissioned by 'ASH & Co. Chartered Surveyors' and was received by the Local Planning Authority on 29th March 2014. This advises that the property was vacated in January 2013 by a furniture retailer, after approximately 5 years in occupation. The Marketing Report states that the former occupier of 5-7 Stroud Road subsequently moved to a unit further along Bristol Road, but have since vacated that property. The Report further advises

that another furniture retailer took occupation of 5-7 Stroud Road in February 2013, but vacated after circa 2 months, citing a lack of business as the main reason for their decision. The property has remained vacant since that point and has been marketed for approximately 12 months. The Report further notes that terms were agreed with a residential letting agent who proposed a change of use to Class A2. However, they withdrew from the transaction before it could be completed.

The Marketing Report advises that the property has been marketed at a rent lower than the level paid by both previous occupiers and the marketing literature states that the landlord is willing to accept flexible lease terms. In terms of advertising methods, the Report states that a board had been erected in the window of the premises and that the property had been advertised on 'ASH & Co's' website and with 'Punchline', 'EGI Propertylink' and 'Move Hut'.

The Report suggests that 5-7 Stroud Road may not be appropriate for a small to medium sized business seeking retail accommodation in the area by virtue of its large size and by virtue of the main retail area being split over two levels.

The unit is vacant and it has been effectively demonstrated that the property has been marketed unsuccessfully for a reasonable period of time, in accordance with policy S.15 of the Second Deposit City of Gloucester Local Plan (2002). It is judged that the proposed hot food takeaway within this existing vacant building would encourage more people to visit this prominent location on Stroud Road, at this busy junction of Bristol Road, Stroud Road, Trier Way and St. Anne's Way, thereby improving the vitality and viability of this shopping parade. In this instance, it is considered that, on balance, having regard to all of the above factors, the principle of the change of use is acceptable.

6.3 Impact on character and appearance of Conservation Area and street scene, and impact on quality and setting of Listed Building:

The property is a designated heritage asset Grade II listed building and located within the Southgate Conservation Area. The conservation area was reviewed in 2013 and the Appraisal and Management Recommendations were adopted in January 2014 as interim planning guidance and additional restrictions were placed on certain properties with an Article 4 directive.

Throughout the application process, there have been numerous discussions regarding the proposed flue. Amended plans were received by the Local Planning Authority on 19th May 2014 proposing that the flue would be erected on the rear elevation of the building and would be clad in brick work. The cladding of the flue in matching brick would assist in minimising the negative impact of the flue in this prominent location.

Overall, I am satisfied that the design of the proposed extract flue would be sympathetic in scale, form and materials to the building, would sit comfortably with the height of existing adjacent buildings and the surrounding built

environment, and would preserve the character and appearance of the conservation area and the quality and character of the listed building.

The existing shopfront is in a poor condition and it is consequently proposed to fully refurbish this, on a like for like basis using new timber frames. No other external alterations are proposed to the building. It is judged that the proposed change of use would preserve the quality and character of the Listed Building subject to the works being undertaken in a sensitive manner. Any internal and external works should ensure that any historic features which are revealed as a result of the works are preserved, and any upgrading required as a result of building regulations should be sensitively undertaken and a detailed repair and method statement will be required via condition. The Conservation Officer has been consulted and raises no objection to the proposed development, subject to a condition requiring the submission and subsequent approval in writing by the Local Planning Authority of the following details: (a) Samples of external materials; (b) Detailed repair specification and methodology for works both internal and external; (c) Detailed proposals of any upgrading in regards to building regulations/fire/sound compliancy; and (d) Scaled drawing detailing insertion of ramp access.

6.4 Impact on residential amenity:

The character of the local area is predominantly commercial, with a mixture of uses surrounding 5-7 Stroud Road. There are no residential properties adjacent to the site. The nearest residential premises, no. 23 Stroud Road, lies some 45 metres to the south-east of the application site.

The Extraction and Ventilation Report which has been submitted to support this application, received by the Local Planning Authority on 29th March 2014, states that the proposed take-away would be restricted to the preparation and cooking of pizza and other sundry foods (e.g. chicken wings and potato wedges) and, of all these products, only the pizzas would be prepared on site. The remaining elements come pre-packaged and would be stored on site before being cooked. All products are designed to be oven-cooked and, consequently, the only cooking equipment employed in this take-away would be a conveyor oven. It is proposed to run an extraction system from this oven internally through the building, which would come out of the flat roof on the existing rear extension, and the extract flue (500mm diameter ductwork) would continue to rise externally on the rear elevation of the property, terminating 1 metre above the eaves level of the building. No other external plant equipment is proposed for installation.

The Environmental Health Officer has been consulted and raises no objection to the proposed development, subject to conditions. By virtue of the predominantly commercial character of the local area, and the specification of the proposed extraction and ventilation system, it is judged that the proposed development would not unreasonably affect the amenity of existing residents or adjoining occupiers, in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002)

6.5 Impact on road safety:

The application site is located to the south-east of the busy junction of Bristol Road, Stroud Road, Trier Way and St. Anne's Way. Bristol Road forms a main southerly link between the city centre and the M5 at junction 12.

There is an existing brick wall along the northern boundary of the application site, adjacent to Trier Way, which is set back from the road behind a pavement and grassed lawn. Vehicular access is provided from Trier Way to a service yard at the rear of the application site through a gap in this brick wall and this has historically provided employee and service access into the property. This vehicular access would not be altered by the proposed change of use. It is proposed that the rear yard would be used for parking for two staff vehicles, parking for delivery vehicles, refuse collection and deliveries associated with the proposed takeaway. The Design and Access Statement submitted with this application advises that it is envisaged that there would be three deliveries per week to the premises and the unloading of deliveries would take no longer than 20 minutes during each visit. The Local Highway Authority have advised that this vehicular access presents visibility splays in both directions commensurate with the deemed to satisfy standards for the speed of the highway at that point.

Pedestrian access is from Stroud Road across a wide paved area that extends around the north of the site. A bus-stop with pull-in is positioned to the front of the site on Stroud Road. Close to the site are a variety of retail units including hot food outlets, in a retail park with associated off-street parking. On-street parking in the area is controlled by way of traffic regulation orders.

The Design & Access statement provided with this application gives an indication of the highway safety implications of the proposal and its likely impact on the local highway network. It is anticipated that, on average, the majority (63%) of orders would be delivered by vehicles using the service yard to the rear onto Trier Way. The operators would encourage staff to deliver two orders within every journey, thus reducing vehicle trips.

Collections of orders by customers make up the remainder of trips relating to the proposal. No parking provision for customers is proposed. However, the majority of these trips would occur outside peak hours and there is an implication that these customers would utilise the parking facility within the retail park on the northern side of Bristol Road. It should be noted that parking within the retail park is restricted by retail park patrons, and as such, non-patron parking should not be encouraged.

The Local Highway Authority have assessed the proposal, and consider that the proposal would result in an intensification of traffic on the local highway network, but that this increase can be accommodated and will not be detrimental to highway safety. As such, the Local Highway Authority raises no objection to the proposed development.

6.6 Flood risk:

The application site lies within flood zones 2 and 3. In terms of the flood risk vulnerability classification within the NPPF Technical Guidance (2012), the proposed hot food take-away use and the existing retail use are both classed as 'less vulnerable'. The NPPF Technical Guidance (2012) states that all development proposals in flood zones 2 and 3 should be accompanied by a flood risk assessment (FRA). As such, an FRA commissioned by 'Sanderson Weatherall' was received by the Local Planning Authority on 29th March 2014, detailing flood evacuation plans and flood proofing techniques for the proposed development.

The FRA advises that, because the application proposes no extensions to the building and because the proposed use of the building would remain as 'less vulnerable' in terms of the flood risk vulnerability classification within the NPPF Technical Guidance (2012), involving only minor internal and external alterations to the building, there would consequently be no impact on surface water run-off rates and no displacement of flood water.

The FRA provides a list of mitigation measures to manage the residual risk of fluvial flooding. This states that all electrical wall sockets will be raised above floor level, where feasible, that no existing floor levels would be lowered, and that the rear access door would double up as a staff and service access and emergency exit, if evacuation is necessary. The FRA also provides a flood evacuation plan.

It is considered that the FRA effectively demonstrates that, in terms of flooding, the risk to human life and the property is acceptable, the development would not be at an unacceptable risk of flooding, and the development would not increase the risk of flooding to third parties within the flood plain or in adjoining areas. Consequently the proposal complies with policies FRP.1a and FRP.6 of the Second Deposit City of Gloucester Local Plan (2002) and the objectives of the NPPF.

6.7 Taking into account all of the above, it is concluded that the proposed development would comply with policies BE.1, BE.21, BE.22, BE.29, FRP.1a, FRP.6, FRP.10, FRP.11, S.15 and TR.31 of the Second Deposit Gloucester Local Plan (2002) and the principles of the NPPF, and it is therefore recommended that planning permission and listed building consent are granted subject to conditions.

6.8 In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 of adjacent occupiers. On assessing the issues raised by the application no particular matters, other

than those referred to in this report, warrant any different action to that recommended.

7.0 CONCLUSION/REASON FOR APPROVAL

For 14/00381/FUL:

- 7.1 The impact of the proposal has been carefully assessed and it is considered that it would not have any detrimental effect on the street scene and would preserve the character and appearance of the conservation area and the quality and character of the listed building. The proposed change of use and associated alterations to the building would not have any significant adverse impact on the amenities of the occupiers of the neighbouring properties and would not be detrimental to highway safety. It is judged that the proposed change of use would improve the vitality and viability of this shopping parade. Nevertheless, it has been effectively demonstrated that the property is vacant and has been marketed unsuccessfully for a reasonable period of time. Flood risk issues have been adequately addressed. For these reasons the proposal is considered to be in accordance with Policies BE.1, BE.21, BE.22, BE.29, FRP.1a, FRP.6, FRP.10, FRP.11, S.15 and TR.31 of the Second Deposit Gloucester Local Plan (2002) and the principles of the National Planning Policy Framework (2012).
- 7.2 In accordance with the requirements of the National Planning Policy Framework (2012) the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating to improve the design of the proposed development and to ensure it would respect the character and appearance of the Conservation Area and the quality and character of the Listed Building.

For 14/00382/LBC:

- 7.3 The impact of the proposal has been carefully assessed and it is considered that it would preserve the quality and character of the listed building. For this reason, the proposal is considered to be in accordance with Policy BE.22 of the Second Deposit Gloucester Local Plan (2002) and the principles of the National Planning Policy Framework (2012).
- 7.4 In accordance with the requirements of the National Planning Policy Framework (2012) the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating to improve the design of the proposed development and to ensure it would respect the character and appearance of the Conservation Area and the quality and character of the Listed Building.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

For 14/00381/FUL:

8.1 That, subject to no substantive objections being received as a result of the publicity by the 2nd July 2014, planning permission is granted subject to the following conditions.

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 requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with details within the site location plan, the block plan, and the Flood Risk Assessment received by the local planning authority on 29th March 2014, the approved drawing numbers '002013343-02 Revision G', '002013343-03 Revision D' and '002013343-04 Revision D' received by the local planning authority on 19th May 2014, and any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Second Deposit City of Gloucester Local Plan (2002).

3. The ventilation system, as detailed in the 'Extraction and Ventilation Report' received by the Local Planning Authority on 29th March 2014, shall be implemented prior to the first use of the development to which it relates and shall be retained for the duration of the use.

Reason: To ensure that unsatisfactory cooking odours outside the premises are minimized in the interests of the amenity of occupiers of nearby properties in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

4. The extraction equipment hereby permitted shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority.

Reason: To ensure that the use does not result in excessive cooking odours outside the premises and that the amenity of occupiers of nearby properties is protected in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

5. To ensure adequate diffusion of any remaining odours that have not been scrubbed by the carbon filtration unit, the extraction flue shall terminate at

a minimum of 1 metre above the roof eaves of the application site or adjacent building whichever is the higher.

Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002). Activated Charcoal is required as a minimum standard for the filtration of fumes.

6. Noise generated from items of plant and equipment associated with this application shall be controlled such that the rating level, in accordance with BS 4142: 1997, measured or calculated at 1m from the facade of the nearest noise sensitive premises shall not exceed a level of 5dB below the existing LA90 background level with no tonal element to the plant.

Reason: To safeguard the amenity of the area in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002)

7. Prior to the commencement of the development hereby permitted, a waste management plan, including waste oil, shall be submitted to and approved in writing by the local planning authority. The approved plan will be implemented before the first use of the development to which it relates commences and shall be retained for the duration of the use

Reason: To safeguard residential amenity and prevent pollution in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

8. The use hereby permitted shall not be open to customers outside the hours of 11:00 and 23:00 Sundays to Thursdays, 11:00 and 23:59 Fridays and Saturdays, and 0:00 and 01:00 Saturdays and Sundays.

Reason: To safeguard the amenities of the locality in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

9. Notwithstanding the approved drawings, details of the following shall be submitted to and approved in writing by the local planning authority prior to the commencement of any works. The development shall be carried out in accordance with the approved details:

- (a) Samples of external materials;
- (b) Detailed repair specification and methodology for works both internal and external;
- (c) Detailed proposals of any upgrading in regards to building regulations/fire/sound compliancy; and
- (d) Scaled drawing detailing insertion of ramp access.

Reason: To safeguard the character and appearance of this building of architectural or historical interest in accordance with policy BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

8.2 Notes:

1. Adjoining property rights:

This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.

2. Party Wall Act 1996:

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.

3. Building Regulations:

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 Gloucester City Council Building Control Team on 01452 396771 for further information.

4. Activated Charcoal for the Filtration of Fumes:

Activated Charcoal is required as a minimum standard for the filtration of fumes.

5. Alterations to submitted/approved plans:

Any alterations to the submitted and approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the local planning authority before commencement of work.

6. Advertisements:

This permission does not authorise the display of any advertisements on the site (including any shown on the plans accompanying the application). Separate application should be made to Gloucester City Council in accordance with the Town and Country Planning (Control of Advertisements) Regulations 1992. A further application for Listed Building Consent may be required for the display of any advertisements on the site.

7. Shopfront security:
The applicant is advised that a further application for planning permission and/or Listed Building Consent may be required for shopfront security measures, should they be needed.
8. Discharging Conditions:
A fee is payable where written confirmation is required that one or more conditions imposed on this permission have been complied with. The fee is £97 per request. The fee must be paid when the request is made.

For 14/00382/LBC:

8.3 That, subject to no substantive objections being received as a result of the publicity by the 2nd July 2014, Listed Building Consent is granted subject to the following conditions.

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with details within the site location plan and the block plan received by the local planning authority on 29th March 2014, the approved drawing numbers '002013343-02 Revision G', '002013343-03 Revision D' and '002013343-04 Revision D' received by the local planning authority on 19th May 2014, and any other conditions attached to this permission

Reason: To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Second Deposit City of Gloucester Local Plan (2002).

3. Notwithstanding the approved drawings, details of the following shall be submitted to and approved by the local planning authority prior to the commencement of any works. The development shall be carried out in accordance with the approved details:

- (a) Samples of external materials;
- (b) Detailed repair specification and methodology for works both internal and external;
- (c) Detailed proposals of any upgrading in regards to building regulations/fire/sound compliancy; and
- (d) Scaled drawing detailing insertion of ramp access.

Reason: To safeguard the character and appearance of this building of architectural or historical interest in accordance with policy BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

8.4 Notes:

1. Adjoining property rights:

This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.

2. Party Wall Act 1996:

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.

3. Building Regulations:

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 Gloucester City Council Building Control Team on 01452 396771 for further information.

4. Alterations to submitted/approved plans:

Any alterations to the submitted and approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the local planning authority before commencement of work.

5. Advertisements:

This permission does not authorise the display of any advertisements on the site (including any shown on the plans accompanying the application). Separate application should be made to Gloucester City Council in accordance with the Town and Country Planning (Control of Advertisements) Regulations 1992. A further application for Listed Building Consent may be required for the display of any advertisements on the site.

6. Shopfront security:

The applicant is advised that a further application for planning permission and/or Listed Building Consent may be required for shopfront security measures, should they be needed.

Decision:

Notes:

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Person to contact: Emma Blackwood
(Tel: 396732)

14/00381/FUL & 14/00382/LBC

DLK Furnishings
5 - 7 Stroud Road
Gloucester
GL1 5AA

Planning Committee 01.07.2014

