SOUTH HOLLAND DISTRICT COUNCIL

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FILE COPY

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H04-0379-15 **Received:** 6th May 2015 **Type:** FULL

Name: Mr Cavit Cagdas
39a High Street
Doington
Spalding
Lincs
PE11 4AT

Agent: Advance Planning Licensing
Unit 17
Ashley House
Ashley Road
Tottenham
London
N17 9LZ

Description: Change of use to hot food takeaway (A5) including extraction flue

Location : 18A MARKET PLACE DONINGTON
SPALDING

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the development for the following reason(s):

1 The proposed development does not include adequate on-site provision for staff or customer parking on a permanent basis or have adequate facilities for servicing. Notwithstanding the Traffic Regulation Order restricting parking on the adjacent highway, it is considered likely that staff, customers' and service vehicles associated with the proposed use may at times stop or wait on the highway at the frontage of the site where, because of the width and horizontal alignment of the highway close to a bend, they would obstruct the free passage and cause an unacceptable hazard to other road users, contrary to the interests of highway safety. The proposal is therefore contrary to the objectives of Policy SG16 of the South Holland Local Plan, 2006 and Section 7 of the National Planning Policy Framework.

2 The application site lies within the designated Donington Conservation Area where the Council must give special attention to the desirability of preserving or enhancing the character or appearance of that area, and within the setting of listed buildings . The proposed use would result in serious detriment to the residential amenities of nearby and adjacent occupiers as a consequence of increased levels of noise, odours and disturbance from people calling at the premises, particularly in the evenings and at weekends. Furthermore, customers leaving the proposed use (Use Class A5) might unlawfully deposit litter away from the application site which would harm that character and appearance of the Conservation Area and the setting of listed buildings adjacent the site. The proposal is therefore contrary to the objectives of Policies SG17

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and EC10 of the South Holland Local Plan, 2006 and Section 12 of the National Planning Policy Framework 2012.

The Local Planning Authority has acted positively and proactively in determining this application in as timely a manner as possible and by identifying matters of concern with the application and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory solution and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

Copies of all documentation submitted in connection with this application can be viewed online at www.sholland.gov.uk/doitonline/plandev/plansearch.aspx

Note:

The determined plans are:
The determined plans are:
1:1250 Site Location Plan, 1:200 Block Plan and dwg. nos. 15.027.01, 15.027.02, 153.027.03, 15.027.04 and 15.027.12.

Paul Jackson
Planning Manager

2nd July 2015 **H04-0379-15**

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation.