DH/LHU/CIR.M.0382

23rd December 2015

South Holland District Council
Planning Department
Council Offices
Priory Road
Spalding
PE11 2XE

Planning Portal Reference: PP-04604880

Dear Sirs,

Town and Country Planning Act 1990
Planning Application for the Proposed Change of Use from Class A1 (Retail) to Class A5 (takeaway) at 37A New Road, Spalding, Lincolnshire

Please find enclosed a planning application which I hereby submit on behalf of our Client The Trustees of the Frances Blane Settlement.

This application seeks planning permission to change the use of the ground floor from Class A1 (Retail) to a Class A5 (takeaway) at 37A New Road, Spalding, Lincolnshire.

Forming part of the planning application submission, please find enclosed the following documentation:-

1. A copy of the planning application pro forma duly completed and signed along with the relevant Certificates of Ownership.

2. A copy of a Site Location Plan at 1:1250 which identifies the location and extent of the application site as outlined in red (M.0382_03 Sheet No.1 Rev 1).

3. A copy of the Proposed and Existing Floor Plans and Elevations:

- M.0382_01 Sheet No.1 Ground Floor Plan as existing;
- M.0382_01 Sheet No.3 Elevations as Existing;
- M.0382_02 Sheet No.1 Ground Floor Plan as Proposed;
- M.0382_02 Sheet No.3 Elevations as proposed

4. A copy of example extract ion scheme details,

5. The fee of £385 made payable to South Holland District Council to cover the relevant planning application fee will be provided under separate cover.

Purpose of this Planning Application

This planning application has been submitted simply to establish whether the principle of the proposed change of use to a Class A5 (Hot food takeaway) is acceptable in this location.

Any alterations to the shop front or installation of signage will be the subject of separate planning permission and advertisement applications, where necessary.

The application has been accompanied by an example kitchen extraction scheme to demonstrate the principles of extraction which could be conditioned for the final details to be provided once a specific end user has been identified.

The application relates only to the use of the building and does not involve operational development. In accordance with The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015, no Design and/or Access Statement is therefore required.

The Site:

The application site is 37A New Road in Spalding which is currently occupied by Welec (a camera shop) an A1 Use Class on the ground floor with ancillary storage and office space on the upper floor. The site falls within the Defined Retail Centre of the South Holland Local Plan (2006) however the site is located outside of the Primary Shopping Frontage Area as defined on the proposals map.

For the avoidance of doubt, the planning application relates to the proposed change of use of the ground floor only.

Planning Policy: South Holland Local Plan (2006)

The most up-to-date Local Plan covering the site area is the South Holland Local Plan 2006 (SHLP) which was adopted by the Council on 18th July 2006 and is used to guide and control development in the District until 2021.

Following a Direction by the Secretary of State (18/07/2009) a number of policies contained in the SHLP have been saved until such time as the policies are replaced by the emerging South East Lincolnshire Plan which will be drafted in 2016.

From the adopted Proposals Map of the adopted Local Plan the site falls within the defined retail centre in Spalding but is located outside of the Primary Shopping Frontage area. Accordingly, the proposal will be assessed against the relevant saved policies of the SHLP;

- Policy EC5 – Development within Retail Town, District And Local Centres
- Policy EC9 – Town Centre Evening Economy
- Policy EC10 – Hot Food Take- Aways

Policy EC5 – Development within Retail Town, District and Local Centres

This policy identifies that the development of "town centre" uses are a priority and seeks to permit proposals which support the viability and vitality of the town centre. The policy states:

> **"Defined retail centres will be the focus for new retail, employment, leisure and other key town centre uses. Retail (and other) proposals which help to sustain and enhance the economic role of the defined retail centres, and which are otherwise in accordance with the policies of this plan, will be permitted." (Pegasus emphasis)**

This policy and supporting text acknowledges the need for a wide range of uses within the defined retail centres whilst balancing the potential impact of non-retail uses on vitality and viability. Policy EC5 sets out the overarching objectives for delivering the long term

viability and vitality of the defined town centres and require the assessment of proposals against the specific policies of the Plan.

Policy EC9 – Town Centre Evening Economy

The Local Plan acknowledges the role of a range of uses in the town centre to support the vitality of the centre and that this is made up from a range of uses. Paragraph 5.50 of the Local Plan highlights the role of the range of uses stating that:

> ***"Town centres act as a focus for community leisure activity and the night time economy make a valuable contribution to their overall vitality and viability."***

The Local Plan states that proposals to help develop the evening and night-time economy will be supported, where any negative impacts on amenity are addressed.

Policy EC10 -Hot food take-aways

The Local Plan acknowledges the role of hot food take-away outlets in the town centre and how their impact upon the local environment can vary widely. Policy EC10 forms the main policy against which this proposal will be assessed.

Class A5 establishments with attractive frontages are able to contribute to the vitality of a shopping area, however there is a need to balance circumstances as they can create an increase in vehicular/pedestrian traffic, litter, noise, smells and fumes. The cumulative effect of a number of these establishments in an area can intensify these problems and reduce the choice of local convenience shops which serve the local residents.

Policy EC10 states that proposals for hot food take-away outlets will be permitted where:

1.) **"The use would not harm the amenity of local residents by reason of smell and noise nuisance or be likely to lead to harm to their amenity by reason of anti-social behaviour associated with customers and vehicles;**

2.) **The proposal would not lead to a concentration of such uses within a particular area which would cumulatively harm the amenity of local residents by reason of noise and general disturbance, or anti-social behaviour, or be likely cumulatively to harm the character of the shopping function of the area; and**

3.) **Satisfactory extract ventilation can be achieved without the need for externally mounted equipment which would harm the character and appearance of the host building and of the area in which it is set.**

Planning conditions will be imposed to restrict hours of use in appropriate circumstances and an acoustic report may be required to demonstrate that there will be no noise nuisance to any adjoining residential property."

The terms of the policy detailed above which must be complied with are now addressed in turn:

Residential Amenity

The site is located within the Town Centre and not within an established residential area with the first floor of the site being used as ancillary storage and office space.

The applicant is aware that appropriate ventilation may need to be installed in order to mitigate against cooking odours and an example of a kitchen extract system has been provided. The full specification can be controlled by a suitably worded planning condition once the final occupier is identified and a specific system can be identified.

With regards to noise and anti-social behaviour, there are a range of other uses within the centre which are open into the evening in particular other takeaways and public houses. Therefore the proposal will not introduce new activity into an area which is otherwise dormant in the evening. However, there is not a concentration of uses which would give rise a significant cumulative impact on amenities.

Cumulative impact

A requirement of this policy is that the proposal should not result in a concentration of A5 uses within the area and not harm the amenity of local residents by reason of noise or anti-social behaviour and not harm the shopping function and character of the area.

Saved Policy **EC5** of the Local Plan confirms that key town centre uses (which will include Class A5 uses) will be acceptable within defined retail centre. In this regard, the proposal is entirely in accordance with the saved policies of the adopted local plan for the area. Furthermore, there are no saved policies in the local plan which seek to safeguard the existing use (A1 Retail) for a site outside of the Primary Shopping Area and therefore there is no policy conflict.

The applicant has considered the number and distribution of existing A5 use class establishments within the area. There are approximately 6 A5 Use Class establishments located within a 0.5km radius of the site which are evenly distributed along the length of New Road and neighbouring roads with a variety of A1, A2 & A3 Use Class establishments' located in-between. Therefore the proposal would not give rise to any undue concentration of A5 uses which would be detrimental to the character and shopping function of the area.

Premises along the length of New Road and the surrounding area are occupied by a mixture of different Use Class establishments, predominately A1, A2 and A3 comprising retail shops, cafes, restaurants, hairdressers and letting agencies. Therefore the proposal would not result in the concentration of A5 uses which would give rise to anti-social behaviour and associated noise.

Ventilation

The requirement of this policy is that satisfactory extract ventilation can be achieved without the need for externally mounted equipment which would harm the character and appearance of the host building and of the area in which it is set.

Example kitchen extract system has been provided which highlights how satisfactory ventilation could be achieved without externally mounted equipment. At this stage a final occupier is not yet identified and the final ventilation system will need to be designed at that stage. The full specification can be controlled by a suitably worded planning condition.

Conclusion:

In view of the above, it is considered that the application proposals represent an appropriate and acceptable form of development in this location.

In summary it is considered that the application proposals are fully compliant with the planning policy and can be supported for the following reasons:

1. There is no policy objection to the change of use from A1,

2. The proposals continue to sustain and enhance the role of the town centre by providing a range of facilities within the defined retail centre and are in accordance with Policy EC5 of the South Holland Local Plan (2006)

3. The proposal would not give rise to an unacceptable harm to the amenities of local residents either individually or cumulatively through smell, noise or nuisance and suitable ventilation can be secured. The proposals are in accordance with Policy EC10 of the South Holland Local Plan (2006)

4. The proposed development would not result in the undue concentration of A5 Use Class establishments within the area and the town centre continues to provide a range of uses contributing to the overall vitality and viability of the centre.

5. Conditions can be imposed to ensure that the proposal does not impact unacceptably upon the amenities of the surrounding area.

I trust that the above and enclosed provides you with sufficient information for this application to be registered and progressed towards determination. In the event you should have any queries or need to discuss any matter in further detail, please do not hesitate to contact me at the above address.

Yours faithfully,

Laura Humphries
Principal Planner
Email: laura.humphries@pegasuspg.co.uk