Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

Pegasus Planning Group
Pegasus House
Querns Business Centre
Whitworth Road
Cirencester
GL7 1RT

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H16-0002-16 **Date of Decision:** 24th March 2016

Applicant: The Trustees of the Frances Blane Settlement
C/O Martin Slowe Property Services Ltd
Unit 3 Delta Court
Manor Way
Borehamwood
WD6 1FJ

Location: 37a New Road Spalding

Description: Proposed change of use of ground floor from Class A1 (Retail) to Class A5 (takeaway)

South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):

1 The proposed change of use to a hot food take-away outlet (A5) from an existing retail use (A1)would result in an excessive concentration of these types of premises within the immediate vicinity of New Road, Red Lion Street and Westlode Street. This is considered to be harmful to the retail function within this part of Spalding's defined retail centre. The proposal therefore conflicts with Policy EC5 of the South Holland Local Plan 2006, which considers the impact of non-retail uses on the vitality and viability of town centres. It is also contrary to Policies EC9 and EC10 of the Local Plan, which protect against an over accumulation of cafes, restaurants and takeaways that may affect residential amenity, and which may cause demonstrable harm to other businesses by reducing the choice of retail shopping due to reducing the proportion of A1 retail shop units in favour of food based outlets. The application also conflicts with Section 2 of the National Planning Policy Framework 2012, which seeks to promote competitive town centres that provide a diverse retail customer choice and protect the vitality and viability of town centres.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. Furthermore, matters of concern with the application have been identified and discussed 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 reason for the refusal, approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

The determined plans are:
1:1250 Location Plan, kitchen extraction details and dwg. no's. M.0382_01 sheet no. 1, M.0382_01 sheet no.03, M.0382_02 sheet no.01 rev:A and M.0382_02 sheet no.3 rev:A.



Paul Jackson
Place Manager
South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal

The Secretary of State can allow a longer period for giving notice of an appeal but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the

provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authroity based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

http://www.planningportal.gov.uk/planning/appeals/planningappeals

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.