DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0064-25**	**Applicant:**	**Mr T Satgunanathan**
Proposal:	Details of design, appearance & location of extract ventilation equipment including external flues and full details of arrangement for private refuse/recycling collection (Conditions 3 & 4 of H16-0952-23)		
Location:	1 Hawthorn Bank Spalding		
Terminal Date:	24th March 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

30 Pollution

National Guidance

National Planning Policy Framework December 2024

Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application that provides details of the design, appearance & location of extract ventilation equipment including external flues and full details of arrangement for private refuse/recycling collection (Conditions 3 & 4 of H16-0952-23)

Site Description

The application site has permission to function as a takeaway, it was previously is part of an existing convenience store. The building subject to the application is attached to the main building of the convenience store. It is of single storey construction with a gable being presented to Hawthorn Bank. A drop kerb exists with a small apron for parking to the front of the building, on street parking restrictions are also in place along this part of Hawthorn Bank.

There is other local convenience stores located very close to the application site on Bourne Road. The area however is mainly residential.

History

H16-0952-23 - Change of use from Class E to Hot Food Takeaway (Sui Generis). Approved 12-01-24

Consultation Responses

Environmental Protection

The ventilation and extraction arrangements are satisfactory and should not cause noise nuisance if installed as proposed.

Planning Considerations

Condition 3 - Extraction and Ventilation Equipment

The condition requires:

Prior to the commencement of the use hereby permitted full details of the design, appearance and location of any extract ventilation equipment including any external flues shall be submitted to and approved in writing by the Local Planning Authority. No other equipment other than that so approved shall be installed without the prior written consent of the Local Planning Authority.

The applicant has submitted:

-Site Location and Block Plan
-RS Anti vibration Mounts
-Centrifugal Fan Information - Manufacturer: VEM
-Extractor Fan positions (ref:A103)
-Flue & Extraction Details by Napier Catering Engineering
-Acoustica Silencers Details

Environmental protection have reviewed this submission and are satisfied that the details are sufficient to discharge the said condition.

Condition 4 - private refuse/recycling

The condition requires:

Prior to the first use, full details of the arrangement for private refuse/recycling collection shall be submitted to and approved in writing by the Local Planning Authority. The approved management arrangements shall be implemented upon first use of the takeaway and thereafter retained for the lifetime of the development.
The applicant has submitted:

-Site Location and Block Plan
-Controlled Waste Transfer & Service Agreement

The information shows that a contract has been entered into by the applicant that would remove the waste from site. The private collection is considered an acceptable approach to control the waste generated by the takeaway. On this basis then the proposal is considered acceptable.

Conclusion

Conditions 3 & 4 of H16-0952-23 are hereby discharged.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED)

under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.