

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-1152-18 **Applicant:** Mr T Satgunanathan

Proposal: Change of Use from A1-A5 - approved under H16-0860-17. Modification of Condition 3 to allow changes to opening hours

Location: 1 Hawthorn Bank Spalding Spalding

Terminal Date: 11th January 2019

Planning Policies

Local Plan July 2016:

SG17 Protection of Residential Amenity
EC10 Hot Food Take-Aways

National Guidance

National Planning Policy Framework 2018

Paragraph 180

Representations:

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

CASE OFFICER ASSESSMENT

This is a Section 73 planning application to vary Condition 3 of H16-0860-17 to allow changes to opening hours. Planning permission was granted for change of use from A1 to A5 use (hot food takeaway) at 1 Hawthorn Bank, Spalding.

Whilst the opening hours firstly approved were between the hours of 11.00 to 14.00 and 16.00 to 20.00 from Monday to Saturday, the proposal consist in opening the business to the public between the hours of 11.00 to 23.00 on the same days.

Para 180 of the National Planning Policy 2018 lays down the determination of planning policies and decisions to "ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could

arise from the development".

South Holland Local Plan regulates specifically A5 use given the proliferation of this type of development across the district. Policy EC10 states that "the use" of hot food take-aways "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".

The immediacy of the takeaway shop is predominantly residential with some local businesses around Winsover Road and Bourne Road. The grant of planning permission was also conditioned with the subsequent submission of details about flue extraction and ventilation unit as well as noise level limit. In view of that, the proposed opening hours would not represent an increase of detrimental impact upon the residential amenity by the reason of noise and disturbance from the ventilation system. With regards to the latest opening hour, 22.00h is still considered to be acceptable and reasonable for the site location and context.

The extension of opening hours would not lead to such a significant increase of the number of customers that would exacerbate car parking problems in the immediacy.

The SHDC Environmental Protection Officer has no comment with respect to this proposal. No representation has been received from neighbours and general public.

In light of considerations above, the proposal is in accordance with Policy SG17 and EC10 of South Holland Local Plan 2006 as well as Para 180 of the National Planning Policy 2018.

It is therefore recommended to approve this planning application via delegated decision.

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