

Registration Date:	18-Feb-2013	Applic. No:	P/04195/004
Officer:	Ann Mead	Ward:	Haymill
		Applic type:	
		13 week date:	
Applicant:	Mr. Barbar Sheikh		
Agent:	Mr. Abdul Wajid, AwArchitecture 12, Waverly Road, Slough, Berkshire, SL1 4XN		
Location:	158, Burnham Lane, Slough, SL1 6LE		
Proposal:	CHANGE OF USE FROM A1 (RETAIL) TO A5 (HOT FOOD TAKEAWAY).		

Recommendation: Approve, subject to conditions.



1.0 **SUMMARY OF RECOMMENDATION**

1.1 Approve, subject to conditions.

1.2 This application is being reported to the Planning Committee at the request of Councillor Brooker on the following grounds:

- There are already 2 takeaways in the vicinity (fish and chips shop and Indian).
- Tesco's is another food shop that sells food that can be taken away.
- There will be severe parking problems as parking is already restricted.
- There will be an increase in the rubbish in the area and may encourage rats.
- There is a school close by the new takeaway increasing the risk of children's unhealthy eating habits and their road safety.
- There is a crossing and bus stops nearby and the new shop will increase the danger to people who use these facilities.

1.3 The application was also called to the Planning Committee at the request of Councillor Wright on the following grounds:

- Concentration issues: Proximity of other A5 outlets and Tesco's.
- Proximity of schools with 14 within a 1 mile radius.
- Loss of local amenity.
- Customer traffic generations/deliveries.
- Traffic congestion caused by Tesco and other A5 outlets generating highway safety issues.
- Limited parking space and lack of alternative parking.
- Increase in litter problems.
- Storage of waste products.
- Disturbance for local residents caused by opening hours, odours, discharge of fumes, noise level and general anti social behaviour.
- Attraction of unwanted youth gatherings in the evening hours.
- Public health side and Food Agency involvement.
- Increase in public and children's obesity with figures for Slough School Children over 50% (School Census 2011).

PART A: BACKGROUND

2.0 **Proposal**

2.1 This is a full planning application for the redevelopment of the application site to provide one unit measuring 128m² of A5 use and to retain one unit measuring 40 square metres of A1 use.

The application is accompanied by plans showing the site location, site layout, elevations and floor plans. The following is also submitted:

- Planning, Design and Access Statement including Ventilation and Extraction Statement.

2.2 The plans that have been submitted shows the A1 unit offered with no supporting facilities. The majority of the site is taken up by the proposed A5 unit, with the bin store provided next to the side delivery door and 3 cycle parking bays offered beneath the stairs leading to the first floor flat.

3.0 **Application Site**

3.1 The application site is situated on the northern side of Burnham Lane in a shopping parade as identified in the Local Plan for Slough 2004 under Policy S1. The existing use of the unit is A1 (Retail).

The application site borders the Tesco Express store to one side and the Wine Well to the other. To the rear of the site the boundary is tree lined with residential properties facing out into Haymill Road.

The application site has a parking bay to the front with a secure iron work gate to the side of the property measuring 2.8m in width. There is currently an estate agents sign advertising the property. The site has security shutters in place.

4.0 **Relevant Site History**

4.1 P/04195/000 – Erection of a concrete garage for storage. Approved with conditions on 23rd March 1976.

P/04195/001 – Erection of a single storey extension to existing warehouse/retail shop. Approved with conditions on 29th May 1984.

P/04915/002 – Sub division of existing A1 retail shop and workshop into one A1 retail shop and one A2 financial and professional services unit and alterations to flat to provide new staircase. (amended plans 24/05/1991). Approved with conditions on 25th June 1991.

P/04195/003 – Installation of new shop front. Approved with conditions on 18th March 1999.

5.0 **Neighbour Notification**

5.1 111, Burnham Lane, Slough, SL1 6LA, 121, Blumfield Crescent, Slough, SL1 6NN, 7, Haymill Road, Slough, SL1 6NB, 3, Haymill Road, Slough, SL1 6NB, 168, Burnham Lane, Slough, SL1 6LE, 113a, Burnham Lane, Slough, SL1 6LA, 1, Haymill Road, Slough, SL1 6NB, 108, Bowyer Drive, Slough, SL1 5EQ, 5, Haymill Road, Slough, SL1 6NB, 164, Burnham Lane, Slough, SL1 6LE, 97, Burnham Lane, Slough, SL1 6JY, 160, Burnham Lane, Slough, SL1 6LE, 132, Burnham Lane, Slough, SL1 6LY, 168, Derwent Drive, Slough, SL1 6HP, 109, Burnham Lane, Slough, SL1 6LA, 170, Burnham Lane, Slough, SL1 6LE, 172, Burnham Lane, Slough,

Berkshire, SL1 6LA, 160a, Burnham Lane, Slough, SL1 6LE, 168a, Burnham Lane, Slough, SL1 6LE, 162a, Burnham Lane, Slough, SL1 6LE, Pippin Grove JCK Ltd, 628 London Road, Slough, SL3 8QH were consulted on 28th February 2013.

5.2 Identical letters of objection have been received from nos: 164, 160, 162A, 172, 170, 168A, 160A, 168, stating their objections to the proposal on the following grounds:

- The lease expires on 26th March 2013 and they are not displaying the paperwork showing the intention of change of use so that locals are aware.
- The property has been painted with fixtures and fittings having started to be installed.
- With the property being split into two, the worry is that the other half will become a fast food takeaway at a later date, so a restriction as to what is allowed to be traded is needed.
- Traffic is a huge problem on the busy road with this parade of shops, as a school, Tesco's and train station are in close vicinity, so additional delivery vans, cars and mopeds would add to the situation.
- Highway safety should be a priority, with young families in the area. The shop is located on a blind corner when coming from the Tesco direction, as children tend to run ahead of their parents.
- Parking is a problem for the current shops, the existing lay by does not currently serve the shops and the residential flats and customers, with only 8 spaces at any one time.
- The existing trade for all the shops is suffering from the bollards and yellow lines in place. There are already 2 takeaways serving the local community, with the use of the unit allocated to A1 used for a trade with less frequent use.
- They propose sufficient parking for staff and customers and supplier delivery which they intend to use the side entrance. The shop as a small driveway which cannot facilitate the activities proposed. Cycle parking is proposed and 4 units use of the narrow driveway is not feasible.
- With it being a residential area, there is concern about smell and disturbance levels, with opening hours not in alliance with other units in the parade.

A further 5 letters and 3 e-mails have been received highlighting problems with expected deliveries, exaggerated parking problems, a potential litter problem, possible pollution, the risk of antisocial behaviour, the late closing time in a residential area, the unit listed as A1, what will it become eventually and affect the sleep of neighbouring residents through noise and disturbance.

6.0 **Consultation**

6.1 **Transport and Highways**

Transport and Highways were consulted on the 28th February 2013 and responded on the 27th March 2013 with the following comments:

This is a proposal to convert 125 square metres of 170 square metres of A1 shop unit into an A5 takeaway. The site is located on Burnham Lane in a small terrace of shop units. Parking spaces for customers are provided in the form of limited waiting (1 hour restriction) parking bays in a layby providing a facility for the terrace of shops. Staff parking is provided to the side, albeit that it obstructs the service access and fire exit, however the site can be considered to have a notional parking demand already for A1 use. Furthermore as the site is located in a shopping area there is no requirement to providing parking for A1 or A5 use.

The traffic generation of an A1 use compared to A5 use is likely to be relatively similar and therefore I do not see any significant increase in trips to the site.

The cycle parking proposed does not look up to standard and long secure long stay parking should be provided for staff use preferably in the form of a locker noting the limited natural surveillance of the proposed location.

Recommendation:

Subject to condition, I would raise no highway objection.

6.2 Thames Water

Recommend the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in leaflet 'Best Management Practices for Catering Establishments.'

Recommendation:

On the basis of the information provided we would not have any objection to the above planning application.

6.3 Neighbourhood Enforcement Team

Neighbourhood Enforcement Team were consulted on the 13th March 2013 and responded on the 10th April 2013 with the following comments:

Extractor System – The plans indicate that this system will terminate at first floor height approximately 5 metres from one of the windows to the domestic property above. No details have been provided regarding the specification for the extraction system. Please can you request the specification for the extraction system from the applicant? I am specifically interested in details as to any noise attention and also what

filters etc will be used to control the odour.

Deliveries – Times and days will need to be restricted so as to prevent noise disturbance to neighbours.

Operating Hours – I note that the applicants wish to remain open until midnight, this could have a detrimental impact on the residents above, from noise etc.

Waste Storage/Collection and Disposal – Can an informative be added regarding ensuring waste is correctly stored and regularly disposed of via appropriate means e.g. a commercial contract. Also can we add an informative regarding concern about litter from customers and ensuring adequate bins are provided for customers to use.

PART B: PLANNING APPRAISAL

7.0 Policy Background

7.1 The application is considered alongside the following policies:

National Policy Guidance:
The National Planning Policy Framework

Adopted Local Plan for Slough 2004. Relevant Policies are S1 (Retail Hierarchy) EMP2 (Criteria for Business Developments) and T2 (Parking Restraint), EN1 (Standard of Design) and T8 (Cycling Network and Facilities).

Slough Local Development Framework, Core Strategy 2006 – 2026 Development Plan Document, December 2008. Relevant Policies are the overarching Core Policy 7 (Transport) and Core Policy 8 (Sustainability and the Environment).

7.2 Policy EMP2 (Criteria for Business Developments) states:
“Proposals for business developments will only be permitted if they comply with all of the following criteria:
a) the proposed building is of a high quality design and is of a use and scale that is appropriate to its location;
b) it does not significantly harm the physical or visual character of the surrounding area and there is no significant loss of amenities for the neighbouring land uses as a result of noise, the level of activity, overlooking, or overbearing appearance of the new building;
c) the proposed development can be accommodated upon the existing highway network without causing additional congestion or creating a road safety problem;
d) appropriate servicing and lorry parking is provided within the site;
e) appropriate contributions are made to the implementation of any off-site highway works that are required and towards other transport

improvements such as pedestrian and cycle facilities, that are needed in order to maintain accessibility to the development without increasing traffic congestion in the vicinity or in the transport corridors serving the site;

f) the proposal incorporates an appropriate landscaping scheme;

g) the proposal would not significantly reduce the variety and range of business premises;”

- 7.3 The main planning considerations are therefore considered to be:
- Impact of the proposal on the vitality and viability of the local shops
 - Impact on local amenity
 - Servicing and parking implications
 - Design and Appearance

8.0 **Impact of the Proposal on the Vitality and Viability of the Local Shops**

8.1 The applicant has stated that the flat, both shop units and the garage previously operating as ‘Wave’ are all empty since the applicant took over the lease. The preferred use of the other empty A1 shop is as a barber, but there is no interest to date.

8.2 The Local Plan for Slough identifies this row of shops along Burnham Lane as a local shopping parade providing essential day to day services to local communities in which they are located. The parade consists of 9 shops and to permit this use would have 3 shops in the A5 use class. There would be 5 units in A1 (Retail) use and the betting shop providing essential day to day services to local communities in which they are located.

8.3 The proposal provides an active use to the ground floor as opposed to unused at present, creating development that can grow and develop in its own right. The proposal will consist of 4 employees.

8.4 The other A1 use at ground floor level on the proposed plans would be left as a vacant unit with no facilities provided. However an internal fit out could be undertaken without the need for planning permission to meet the needs of a future occupier.

9.0 **Impact on Local Amenity**

9.1 The row of shops is surrounded by mainly residential dwellings. The impact of the proposal on local residents (particularly associated noise and odour implications) must be taken into consideration. Core Policy 8 of the Core Strategy requires that, all development in the Borough should:

- a) Be of high quality design that is practical, attractive, safe, accessible and adaptable;

- b) Respect its location and surroundings;
and should not:
- a) Give rise to unacceptable levels of pollution including air pollution, dust, odour, artificial lighting and noise;

Letters of objection have been received highlighting the potential for litter problems and possible pollution. The hours of operation for the proposed A5 unit were stated as 11am – midnight from Monday – Sunday and including Bank Holidays. The hours of operation will be conditioned as the Fish and Chip shop at No: 164 and Monihar Tandoori at No: 168 both have opening hours to 11pm with 10pm on Sundays and Bank Holidays. The application should be restricted to the same opening times to enable the existing uses to remain viable.

9.2 The application has been referred to a Neighbourhood Enforcement Officer who recommended that the delivery hours will need to be conditioned to prevent noise disturbance to neighbours and likewise for the hours of operation. The Neighbourhood Enforcement Officer was concerned that the plans indicate that the extractor system will terminate at first floor level approximately 5 metres from one of the windows to the domestic property above. I have requested a copy of the specification for the extract system and have forwarded it to the Neighbourhood Enforcement Officer who recommended that a noise assessment be carried out in accordance with BS4142. The assessment is necessary to provide details as to the current background levels and likelihood of complaints should this system be installed given the extremely close proximity of residents.

The Neighbourhood Enforcement Officer would like any waste produced to be stored and regularly disposed of via a commercial contract, to ensure that customer litter bins and waste do not attract vermin, or result in the immediate area engulfed in litter, complying with criteria contained in Core Policy 8 of the Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document.

10.0 **Servicing and Parking Implications**

Core Policy 7 (Transport) of the Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document requires that: *“All new development should reinforce the principles of the transport strategy as set out in the Council’s Local Transport Plan and Spatial Strategy, which seek to ensure that new development is sustainable and is located in the most accessible locations, thereby reducing the need to travel.*

Development proposals will, either individually or collectively, have to make appropriate provisions for:

- *Reducing the need to travel;*
- *Widening travel choices and making travel by sustainable means of transport more attractive than the private car;*
- *Improving road safety; and*
- *Improving air quality and reducing the impact of travel upon the environment, in particular climate change.*

Parking spaces for customers are provided in the form of limited waiting (1 hour restriction) parking bays in a layby providing a facility for the terrace of shops. Staff parking is provided to the side but this obstructs the service access and fire exit for the flat above. The site is considered to have notional parking demand already for A1 use, as with the site being situated within a shopping area there is no requirement to provide parking for the use. The Highway Engineer stated that the cycle parking proposed was inadequate in meeting the objectives of the Slough Integrated Transport Strategy, therefore a revised plan is expected shortly.

11.0 **Design and Appearance**

11.1 Policy EN1 of the adopted Local Plan states that development proposals are required to reflect a high standard of design and must be compatible with and/ or improve their surroundings in terms of scale, height, massing/ bulk, layout, siting, building form and design, architectural style, materials, access points and servicing, visual impact, relationship to nearby properties, relationship to mature trees; and relationship to watercourses. On the plans submitted the design of the take away is functional with the reception ordering area at the front of the premises, with the counter as a divide with food preparation behind the counter area and the kitchen, toilets and staff room across the rear of the premises. The delivery door is located on the flank wall, with the waste bins proposed next to it. The extractor fan is proposed on the flank wall elevation and will be set back 14.3m from the front elevation, therefore the impact on design and appearance of the premises will be minimal, and is considered acceptable for this application.

11.2 The fascia is completely blank at present therefore any signage associated with the takeaway business may need to apply for advertisement consent approval before installation takes place.

12.0 **Summary**

12.1 On the basis of the information provided it is considered that the proposals would not have a detrimental impact upon the character of the area or neighbouring amenity and the application should be approved subject to conditions.

PART C: RECOMMENDATION

13.0 **Recommendation**

Approve subject to conditions.

14.0 **PART D: LIST OF CONDITIONS AND INFORMATIVES**

14.1 **CONDITIONS**

1 Time limit

The development hereby permitted shall be commenced within three years from the date of this permission.

REASON To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 Approved Plan

The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority:

- (a) Drawing No 1305/PL/02 Dated 04/02/2013 Recd On 13/02/2013
- (b) Drawing No 1305/PL/03 Dated 04/02/2013 Recd On 13/02/2013

REASON To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area and to comply with the policies in The Local Plan for Slough 2004.

3 Hours of Opening

The use hereby permitted shall not be open to members of the public / customers outside the hours of 1100 hours to 2300 hours on Mondays to Fridays, 1100 hours to 2300 hours on Saturdays, and 1100 hours to 2200 hours on Sundays and Bank/Public Holidays.

REASON To protect the amenity of residents within the vicinity of the site in accordance with Core Policy 8 of the Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

4 Deliveries

No vehicles for delivery purposes may arrive, depart, be loaded or unloaded within the general site except between the hours of 08:00 and 18:00 Mondays to Fridays and 08:00 and 13:00 hours on Saturdays and at no time on Sundays or bank holidays, without the prior agreement in writing of the Local Planning Authority.

REASON To protect local residents from excessive noise disturbance.

5 Odour

The ventilation system should include a filtration system capable of neutralising odours. The filtration system should be installed, and at all

times, maintained and operated so as to prevent nuisance to neighbouring residents caused by cooking odours. Details of the ventilation and odour mitigation systems should be submitted to the local planning authority prior to any development taking place.

REASON To protect local residents from nuisance caused by odours.

6 Hours of Construction

No construction work shall take place outside the hours of 08:00 - 18:00 hours Monday - Friday, 08:00 - 13:00 hours on a Saturday and at no time at all on Sundays or public holidays.

REASON In the interests of the amenities of the area.

7 Noise During Operation

The noise from the extraction and ventilation system shall be so attenuated that noise generated by the operation of the equipment shall not increase the background noise levels during day time hours (07:00 - 23:00 hours) and night time hours (23:00 - 07:00 hours) at any nearby premises above that prevailing when the equipment is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:1997. Details of the BS 4142 report shall be submitted to and approved by the Local Planning Authority in writing prior to commencement of the development. Equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.

REASON To protect the occupants of the neighbouring properties from noise disturbance.

8 Filtration Equipment

Suitable ventilation and filtration equipment shall be installed to suppress and disperse fumes and odours created from cooking operations on the premises. The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues. Details of the equipment shall be submitted to and approved by the Local Planning Authority in writing prior to commencement of the development. Equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.

REASON To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties.

9 Storage and Collection of Waste

An adequate number of commercial waste storage receptacles must be provided to store all waste generated by the premises. These waste storage receptacles must remain situated within the boundary of 158 Burnham Lane, Slough. A commercial waste collection contractor must

be engaged to remove waste at regular intervals. A copy of the commercial waste collection contract must be supplied to the Neighbourhood Enforcement Team.

REASON To protect the amenities of occupiers of neighbouring residential properties and to prevent the uncontrolled storage and disposal of commercial waste.

10 Cycle Parking

No development shall be begun until details of the cycle parking provision (including location, housing and cycle stand details) have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with these details prior to the occupation of the development and shall be retained at all times in the future for this purpose.

REASON To ensure that there is adequate cycle parking available at the site in accordance with Policy T8 of the Local Plan for Slough 2004, and to meet the objectives of the Slough Integrated Transport Strategy.

INFORMATIVES

- 1.** Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. In line with best practice for the disposal of Fats, oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewerage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 0203 577 9963.
- 2.** Application forms to register a food business, as well as advice on assisting food business proprietors in meeting legal requirements can be obtained by contacting the Food and Safety Team on 01753 875255.
- 3.** The current approval does not confer planning permission for the modification, erection or display of advertising signage, which would be subject to a separate advertisement application.
- 4.** The development must be so designed and constructed to ensure that surface water from the development does not drain onto the highway or into the highway drainage system.
- 5.** The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the Environment Agency will be necessary.
- 6.** The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding, skip

or any other device or apparatus for which a licence must be sought from the Highway Authority.

7. The applicant will need to take the appropriate protective measures to ensure the highway and statutory undertakers apparatus are not damaged during the construction of the new unit/s.

8. The decision to grant planning permission has been taken having regard to the policies and proposals in the Local Plan for Slough 2004, as set out below, (to Supplementary Planning Guidance) and to all relevant material considerations.

Policies:

National Policy Guidance:

The National Planning Policy Framework

Slough Local Development Framework, Core Strategy 2006 – 2026 Development Plan Document, December 2007. Relevant Policies are the overarching Core Policy 7 (Transport) and Core Policy 8 (Sustainability and the Environment).

Adopted Local Plan for Slough 2004. Relevant Policies are EMP2 (Criteria for Business Developments), EN1 (Standard of Design), T2 (Parking Restraint) and S1 (Retail Hierarchy).

This informative is only intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report by contacting the Development Control Section on 01753 875837.