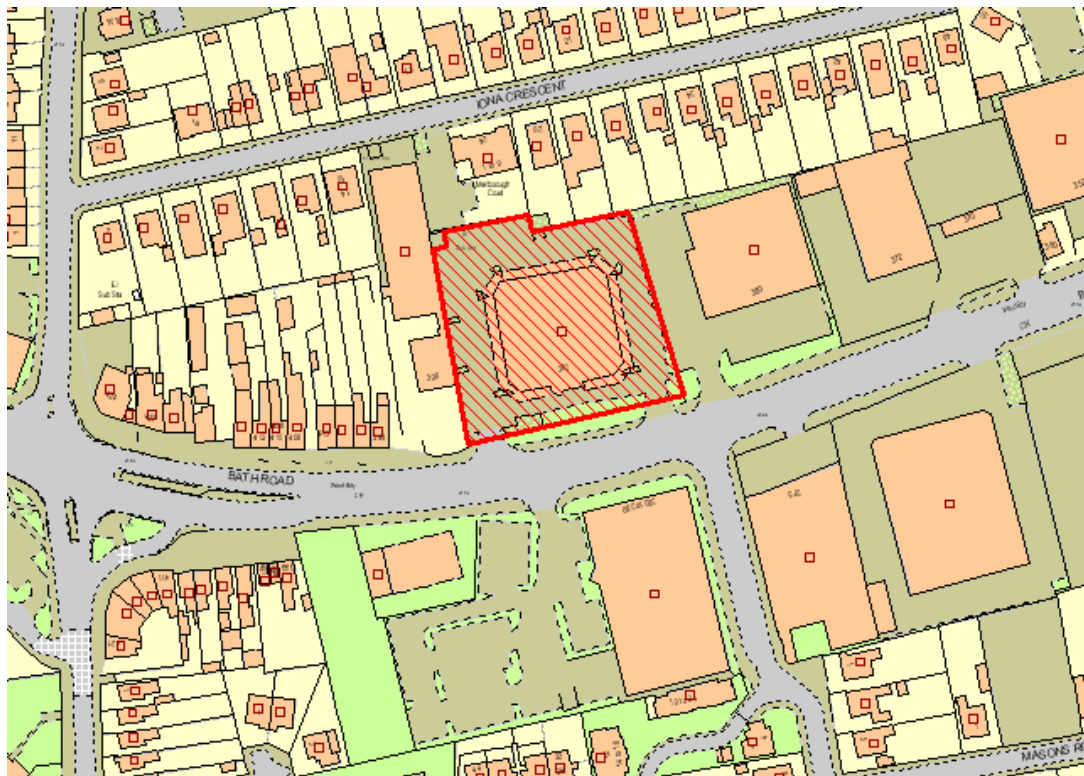


Registration Date:	31-May-2013	Applic. No:	P/00176/032
Officer:	Mr. J. Dymond	Ward:	Haymill
Applicant:	Mr. Nilesh Patel, Slough Hotels and Banqueting Ltd		
Agent:	Mr. Johnathan Whytehead, SCP Architects Argyle House, Joel Street, Northwood Hills, Middlesex, HA6 2HE		
Location:	392, Bath Road, Slough, SL1 6JA		
Proposal:	CHANGE OF USE FROM OFFICES (CLASS B1A) TO RESTURANT (CLASS A3), WITH SEATING AT GROUND FLOOR ONLY AND STORAGE/ FOOD PREPARATION AT FIRST FLOOR, INSTALLATION OF NEW SERVICE ENTRANCE, MINOR EXTERNAL WORKS TO PROVIDE CYCLE PARKING AND CHANGES TO PARKING LAYOUT.		

Recommendation: Delegate to Strategic Lead Planning Policy



1.0 SUMMARY OF RECOMMENDATION

- 1.1 This application has been referred to the Planning Committee for consideration at the request of Councillor Brooker on the following planning grounds:
- 1.2
- Concerns about traffic generated and parking;
 - Concerns regarding the future use of the site as a banqueting facility and wedding venue;
 - Concerned that use would be open late near residential properties.
- 1.3 Having considered the relevant policies set out below, the comments received and letters of objection received from residents living near the site, and all other relevant material considerations, it is recommended that the application be delegated to Strategic Lead Planning Policy for final determination following consideration of revisions to the travel plan, completion of a Section 106 Agreement and finalising of conditions.

PART A: BACKGROUND

2.0 Proposal

- 2.1 The proposal is for the change of use of the existing building from a Class B1(a) office to a Class A3 restaurant. The dining area would be situated at ground floor level, with associated storage/food preparation taking place at first floor level. The installation of a new service entrance, minor external works to provide cycle parking and changes to parking layout are also proposed.
- 2.2 The applicant has stated that the proposed Class A3 restaurant would provide a maximum of 350 covers.
- 2.3 It is important to note that this application is a separate application to planning application P/00176/031 which is for an 800 person capacity banqueting facility at first floor level and a Class A3 restaurant at ground floor level.

3.0 Application Site

- 3.1 The site is 0.4 of a hectare in area and is broadly square in shape. The existing building on the site has a floor area of 2,665 square metres and is two storeys in height. The building fronts Bath Road. The nature of the surrounding uses when viewed from Bath Road is generally commercial in nature. There are residential properties

beyond the rear boundary of the site.

- 3.2 Marlborough Court is situated beyond the north western corner of the site and the properties of Iona Crescent (nos. 26-30) are situated to the rear and to the north east. Iona Crescent is a cul-de-sac which is accessed off of Station Road to the west.
- 3.3 To the east of the site is 380 Bath Road. This building is currently occupied by Halfords, a retailer selling cycle and motoring products. To the west of the site is 396 Bath Road. This unit is used for the sale of carpets. On the opposite side of the road to the south is 383-389 Bath Road. This building is in use for retail purposes, and the unit adjacent to Bath Road is a bed superstore.
- 3.4 The site has two access points onto Bath Road. There are car parking spaces surrounding the building and abutting the northern, eastern and western boundaries.
- 3.5 The boundary treatment is timber fencing to the rear and sides. There is a wall along the front boundary.

4.0 Site History

- 4.1 P/00176/031 CHANGE OF USE OF EXISTING BUILDING FROM CLASS B1 (BUSINESS) TO PART SUI GENERIS (BANQUETING) AT FIRST FLOOR AND PART CLASS A3 (RESTAURANT) AT GROUND FLOOR. MINOR EXTERNAL ALTERATIONS TO IMPROVE STAIR ESCAPE WIDTHS FROM FIRST FLOOR

Under assessment, recommendation to approve in principle subject to Section 106 Agreement

- P/00176/030 VARIATION OF CONDITION 3 AND 4 OF PLANNING PERMISSION P/00176/021 TO ALLOW UNRESTRICTED USE WITHIN THE B1 USE CLASS

Approved with Conditions; Informatives 21-Feb-2007

- P/00176/029 ALTERATIONS TO ENTRANCE AND NEW WALLS AND GATES AND ERECTION OF FOUR 5M HIGH POSTS AND CCTV CAMERAS (AMENDED PLANS 28.06.95 AND 10/08/95)

Approved with Conditions 10-Aug-1995

- P/00176/028 ALTERATIONS TO PROVIDE NEW REAR ENTRANCE TO OFFICES

Approved with Conditions 16-Dec-1993

P/00176/027 ERECTION OF 5NO TWO BEDROOM TERRACE HOUSES WITH INTEGRAL GARAGES (AMENDED PLANS RECEIVED 05.02.90)

Approved with Conditions 12-Feb-1990

P/00176/026 CHANGE OF USE FOR MOTOR CAR SALES AND SERVICING AND EXTERNAL AND INTERNAL ALTERATIONS AND CAR LIFT TO FIRST FLOOR

Refused 22-Aug-1988

P/00176/025 SUBMISSION OF DETAILS OF MATERIALS IN COMPLIANCE WITH CONDITION NO.9 OF PLANNING CONSENT P/176/21 DATED 1ST OCTOBER 1985

Approved with Conditions 13-Mar-1987

P/00176/024 ERECTION OF HIGH TECHNOLOGY BUILDING AND CAR PARKING. (OUTLINE).

Withdrawn (Treated As) 08-Jul-1987

P/00176/023 DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF A HIGH TECHNOLOGY INDUSTRIAL BUILDING AND ASSOCIATED CAR PARKING AND EXECUTIVE FLAT AND DINING FACILITIES. (OUTLINE).

Withdrawn (Treated As) 08-Jul-1987

P/00176/022 DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A HIGH TECHNOLOGY INDUSTRIAL BUILDING. SUBMISSION OF DETAILS OF DESIGN EXTERNAL APPEARANCE AND LANDSCAPING IN ACCORDANCE WITH CONDITION 2 OF THE OUTLINE PLANNING PERMISSION P176/21 DATED 1/10/85

Approved with Conditions 06-Jun-1986

P/00176/021 DEMOLITION OF EXISTING BUILDING AND ERECTION OF A 28 853 SQ FT (GROSS) HIGH TECHNOLOGY BUILDING (OUTLINE)

Approved with Conditions 01-Oct-1985

P/00176/020 DEMOLITION OF EXISTING BUILDINGS AND

CONSTRUCTION OF A NEW HIGH TECHNOLOGY
INDUSTRIAL BUILDING

Refused 09-Sep-1985

P/00176/019 RELAXATION OF CONDITION NO 6 OF PLANNING
CONSENT DATED 21-6-82 FOR GROUND FLOOR
FROM TRADE SHOWROOM & WAREHOUSE TO
CLASS 1 RETAIL USE

Approved with Conditions 22-Sep-1984

P/00176/018 REDEVELOPMENT INVOLVING DEMOLITION
AND ERECTION OF WAREHOUSING AND
OFFICES

Approved with Conditions 21-Jun-1982

P/00176/017 ERECTION OF WAREHOUSING WITH ANCILLARY
OFFICES (OUTLINE)

Refused 08-Jun-1981

P/00176/016 REDEVELOPMENT OF WAREHOUSING &
ANCILLARY OFFICES WITH SHOWROOM AND
RETAIL FACILITY (OUTLINE)

Refused 23-Feb-1981

5.0 Neighbour Notification

- 5.1 15, Stowe Road, Slough, SL1 5QE, 16, Balmoral Close, Slough, SL1 6JP, Flat 9, Marlborough Court, Iona Crescent, Slough, SL1 6JH, Flat 6, Marlborough Court, Iona Crescent, Slough, SL1 6JH, 17, Jupiter Court, Slough, SL1 5QG, Flat 9, 24, Iona Crescent, Slough, SL1 6JH, Flat 8, 24, Iona Crescent, Slough, SL1 6JH, Flat 3, 24, Iona Crescent, Slough, SL1 6JH, Flat 2, 24, Iona Crescent, Slough, SL1 6JH, Flat 1, 24, Iona Crescent, Slough, SL1 6JH, Flat 7, 24, Iona Crescent, Slough, SL1 6JH, Flat 6, 24, Iona Crescent, Slough, SL1 6JH, Flat 5, 24, Iona Crescent, Slough, SL1 6JH, Flat 4, 24, Iona Crescent, Slough, SL1 6JH, 25, Iona Crescent, Slough, SL1 6JH, 26, Iona Crescent, Slough, SL1 6JH, 39, Stanhope Road, Slough, SL1 6JR, 16a, Stowe Road, Slough, SL1 5QF, 21, Suffolk Close, Slough, SL1 6JN, 34, Iona Crescent, Slough, SL1 6JH, 33, Iona Crescent, Slough, SL1 6JH, 17, Burnham Lane, Slough, SL1 6LH, 19, Iona Crescent, Slough, SL1 6JH, 42, Iona Crescent, Slough, SL1 6JH, 383-389, Bath Road, Slough, SL1 5QA, Jag Dev Autos, 398, Bath Road, Slough, SL1 6JA, 7, Iona Crescent, Slough, SL1 6JH, 24, Stowe Road, Slough, SL1 5QF, 30, Iona Crescent, Slough, SL1 6JH, 35, Iona Crescent, Slough, SL1 6JH, 22, Stowe

Road, Slough, SL1 5QF, Himiliya Carpet, 396, Bath Road, Slough, SL1 6JA, 4, Stowe Road, Slough, SL1 5QF, 14, Masons Road, Slough, SL1 5QJ, 29, Burnham Lane, Slough, SL1 6LH, 23, Iona Crescent, Slough, SL1 6JH, H S S Hire Group Plc, 375, Bath Road, Slough, SL1 5QA, 9, Stowe Road, Slough, SL1 5QE, 11, Masons Road, Slough, SL1 5QJ, Wyeth Research, 392, Bath Road, Slough, SL1 6JA, 25, Stanhope Road, Slough, SL1 6JR, Flat 3, Compton Court, Brook Crescent, Slough, SL1 6LL, Halfords Ltd, 380, Bath Road, Slough, SL1 6JA, 28, Iona Crescent, Slough, SL1 6JH, 23, Stanhope Road, Slough, SL1 6JR, 5, Iona Crescent, Slough, SL1 6JH, 43, Iona Crescent, Slough, SL1 6JH, 17, Stowe Road, Slough, SL1 5QE

- 5.2 43 objections have been received from residents living near the site, some of which make reference to the previous application (P/00176/031) for the proposed banqueting venue and the concerns raised in summary are as follows:
- 5.3
- Impact on traffic generation, highway safety and parking;
 - Overshadowing, overlooking and loss of privacy;
 - Noise disturbance;
 - Odour pollution;
 - Light pollution;
 - Effect on trees;
 - Inadequate landscaping/means of enclosure;
 - Relevant planning policies;
 - Existing eating and takeaway problems bring vermin, waste and rats;
 - Noise of late evening customers – noise associated with existing uses;
 - If restaurant was established, the function room could go ahead;
 - Concerns regarding proposed banqueting venue for weddings;
 - Issues with parking on surrounding roads;
 - Noise from guests, cars, music, lighting and deliveries which will cause disturbance;
 - Previous application was opposed by residents;
 - Proposal to accommodate up to 800 people will have disastrous affects on traffic and parking;
 - Security issues.

These concerns are noted and the assessment of the material planning considerations relevant to this application are assessed below.

6.0 Consultation

6.1 Transport and Highways

- Transport Statement and Travel Plan has been provided;

- The proposal would generate a higher number of trips, but these will not impact on the AM peak hour. The development will generate trips in the evening peak hour and these are predicted to be slightly less than if the site was operating as an office;
- A commitment that the ground floor will be used for public dining use should be secured within the Section 106 Agreement;
- The Slough Local Plan Parking Standards require 1 car parking space per 5m² of public area to be provided. Based on a dining area of 475m², 95 spaces are required, which is what is proposed. The proposed development complies with the Local Plan parking standards so long as the dining area remains at 475m²;
- It has been recommended that the developer should reduce the number of spaces on-site by a small number in order to improve the layout of the site and they have achieved a much better layout and now provide 85 spaces. However, on busy events it would still be possible to provide a few additional spaces. Satisfied that the level of parking is sufficient for the proposed development;
- Subject to securing Section 106 obligations as identified and making the changes to the Travel Plan prior to the signing of the Section 106 Agreement, no highway objections.

A revised Travel Plan has been received and this is under consideration. Further comments will be reported on the Committee Amendments Sheet.

6.2 Environmental Protection

- Details of the extraction system are required including anticipated noise levels and any noise attenuation measures they are suggesting. Further information is also needed regarding what filters etc will be used to limit any cooking odours. The premises backs on to Iona Crescent and Marlborough Court which are residential areas, so amenity needs to be protected;
- Noise from deliveries needs to be managed;
- Query regarding entertainment and sound insulation.

PART B: PLANNING APPRAISAL

7.0 Policy Background

7.1 The following policies are considered most relevant to the assessment of this application:

The National Planning Policy Framework and the Technical Guidance to The National Planning Policy Framework

The Slough Local Development Framework, Core Strategy 2006 –

2026, Development Plan Document
Core Policy 1 – Spatial Strategy
Core Policy 5 – Employment
Core Policy 7 – Transport
Core Policy 8 – Sustainability and the Environment
Core Policy 12 – Community Safety

The Local Plan for Slough, Adopted March 2004
Policy EN1 – Standard of Design
Policy EN5 – Design and Crime Prevention
Policy T2 – Parking Restraint
Policy T8 – Cycling Network and Facilities
Policy EMP2 – Criteria for Business Developments
Policy EMP12 – Remaining Existing Business Areas

Slough Local Development Framework Site Allocations
Development Plan Document
Selected Location for Comprehensive Regeneration – SKL1

Composite Local Plan – Slough Local Development Plan and the
NPPF - PAS Self Assessment Checklist

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Local Planning Authority has published a self assessment of the Consistency of the Slough Local Development Plan with the National Planning Policy Framework using the PAS NPPF Checklist.

The detailed Self Assessment undertaken identifies that the above policies are generally in conformity with the National Planning Policy Framework. The policies that form the Slough Local Development Plan are to be applied in conjunction with a statement of intent with regard to the presumption in favour of sustainable development.

It was agreed at Planning Committee in October 2012 that it was not necessary to carry out a full scale review of Slough's Development Plan at present, and that instead the parts of the current adopted Development Plan for Slough should all be republished in a single 'Composite Development Plan' for Slough. The Planning Committee endorsed the use of this Composite

Local Plan for Slough in July 2013.

7.2 The main planning issues relevant to the assessment of this application are considered to be as follows:

- 1) Principle of development;
- 2) Design and Impact on the street scene;
- 3) Potential impact on neighbouring properties;
- 4) Parking and highway safety;
- 5) Heads of terms;
- 6) Other issues.

8.0 Principle of Development

- 8.1 The building fronts Bath Road and the nature of the surrounding uses when viewed from Bath Road is generally commercial in nature. There are residential properties beyond the rear boundary of the site.
- 8.2 The building was formerly in use for B1(a) office purposes however it is understood to be currently vacant.
- 8.3 The site is located within an existing business area as illustrated on the Core Strategy Key Diagram.
- 8.4 The site is identified as an Area of Major Change in the Core Strategy. The western end of the A4 Bath Road is identified in paragraph 7.98 as having the potential to accommodate some alternative uses or mixed use developments.
- 8.5 The site therefore forms part of site allocation SKL1 in the Site Allocations Development Plan Document. The allocation allows for the loss of the existing business area and seeks to achieve the comprehensive regeneration of the Trade Sales site which is to the east of the application site, and surrounding sites. Residential uses would also be permitted despite the land being zoned as an existing business area.
- 8.6 Given the above, there is considered to be no objection to the loss of the office use. It is understood that this building has been vacant for some time. It should be also noted that the Council's Local Development Framework Annual Monitoring Report for the period 2011/2012 showed that Slough office take up in 2011 totalled 116,000 sqft, a reduction of over 51% compared to last year and that there was a vacancy rate of 24.7%.
- 8.7 The principle of the proposed use is considered to be acceptable as the proposed use of the building as a Class A3 restaurant would contribute to an overall mix of uses in the locality. The proposal would bring a vacant building back into use. The submitted

application form states that the proposal would provide 50 full time jobs and 15 part time jobs and the proposal would therefore provide employment opportunities and would accord with Core Policy 5 of the Core Strategy.

- 8.8 The proposal would be consistent with its location and would comply with Core Policies 1, 5 and 6 of the Core Strategy and Policy EN1 of the Adopted Local Plan for Slough.

9.0 Design and Impact on the Street Scene

- 9.1 The thrust of Policy EN1 of The Adopted Local Plan for Slough and Core Policy 8 of the Core Strategy is that the design of proposed development should be of a high standard of design and should reflect the character and appearance of the surrounding area.
- 9.2 The alterations to the exterior of the building would comprise the installation of a new service entrance, minor external works to provide cycle parking and changes to the parking layout.
- 9.3 The proposed external changes are not considered to have a detrimental impact on the appearance of the building and the proposal would not have an adverse impact on the street scene.
- 9.4 It is considered that the other alterations to the building would be acceptable in design terms and compliant with Core Policy 8 of the Core Strategy and Policy EN1 of The Adopted Local Plan for Slough.

10.0 Potential Impact on Neighbouring Properties

- 10.1 Concerns have been raised in representations received regarding the potential impact of the proposal on the amenity of nearby neighbouring residents. There are neighbouring properties beyond the northern boundary of the site and rear gardens back onto the rear of the existing car park.
- 10.2 Core Policy 8 of the Core Strategy states that development will respect its location and surroundings, and respect the amenities of adjoining occupiers.
- 10.3 Policy EMP2 of the Adopted Local Plan states that proposals for business developments will only be permitted if there is no significant loss of amenities for the neighbouring land uses as a result of noise, the level of activity, and overlooking.
- 10.4 The main areas of concern in relation to potential impact on neighbour amenity are considered to be as follows:
- Noise as a result of the operation of the restaurant and

associated plant and extraction system, members of the public and customers using the car park and noise from vehicles;

- Smells resulting from the restaurant and smells from bins;
- Loss of privacy;
- Hours of operation.

- 10.5 With regard to hours of opening for customers, the applicant has stated that would be 10am to 11pm/midnight on Monday to Friday, 10am to midnight on Saturday and 10am to 11pm on Sundays and Bank Holidays. It is considered that subject to the restaurant closing at 23:00 of a weeknight (Monday-Thursday), these hours of opening would be generally acceptable given that night hours are normally taken to be the period beginning with 11pm and ending with the following 7am. As such, it is not considered that the proposal would have the potential to give rise to unacceptable undue impacts to the surrounding area or neighbouring properties. On Friday and Saturday night, it is proposed that the restaurant shall close at midnight and this is considered to be acceptable and strike an appropriate balance between the operation of the proposed restaurant and protecting the amenity of neighbouring occupiers.
- 10.6 Of relevance to this assessment of the acceptability of hours of opening is the situation with respect to other similar uses in the vicinity of the site. For example, Tummies Restaurant at 3-9 Station Road is understood to be open until midnight on Mondays-Saturdays. Approval has recently been granted for the proposed change of use of use of 408-410 Bath Road from Class A1 retail to mixed Class A3/A5 restaurant/café and hot food takeaway. This use was permitted to be open to customers until 23:00.
- 10.7 Whilst the proposal under consideration is for a larger operation than these permitted uses and this application must be assessed on its own merits, the hours of opening for these uses demonstrates that the proposal would be generally commensurate in terms of opening hours with similar existing commercial activity in the vicinity of the site.
- 10.8 Turning to other neighbour impact issues, the Council's Environmental Health section has been consulted. It has been commented that details of the extraction system are required, along with information regarding noise levels, measures to limit odours, noise from deliveries and sound insulation.
- 10.9 It is considered that these matters can be satisfactorily controlled by condition. Full details of the proposed extraction system can be submitted for approval along with measures to limit odours and cooking smells. The submitted plans show the extract duct facing 380 Bath Road, the neighbouring retail unit.

- 10.10 The submission of a robust noise management plan to mitigate any potential impact arising from evening/night time operations will also be required. It is considered that this should take into account measures to control potential noise impacts arising from the use of the car park and customer activity within the car park, as well as deliveries to the site.
- 10.11 With regard to hours of deliveries, it is proposed to limit the hours within which deliveries can be received to between 09:00 and 18:00 hours on Mondays-Thursdays, 09:00 hours to 17:00 hours on Fridays and Saturdays, and at no times on Sundays and Bank/Public Holidays.
- 10.12 Details have been requested regarding sound insulation and it is considered that fire exits should also be kept shut to prevent noise breakout, unless otherwise required in an emergency and details will be required of proposed smoking shelters to ensure that these are sited away from residential properties.
- 10.13 On this basis and subject to appropriate planning conditions, it is considered that the proposed development would not give rise to unacceptable neighbour impact and would be acceptable in planning terms.
- 10.14 Turning to the matter of entertainment, the Use Classes Order defines a Class A3 use as being for the sale of food and drink for consumption on the premises, and this is the key characteristic in terms of defining this use. The proposed restaurant should operate in this way. Whilst it may be possible for a form of occasional entertainment to be provided on an ancillary basis to this main use, entertainment should not form a main feature of a proposed restaurant use and were this to be the case, then it is likely that this could be considered to constitute either a mixed use, or alternatively, a material change of use. Planning permission would be required for this.
- 10.15 It is considered that appropriate conditions can be recommended regarding noise and possible neighbour impact issues and it is considered, having regard to the nature of the use and the character of the surrounding area that the proposal would be acceptable in terms of amenity and compliant with Core Policy 8 of the Core Strategy and Policy EMP2 of the Adopted Local Plan for Slough.

11.0 Parking and Highway Safety

- 11.1 Core Policy 7 of the Core Strategy sets out the Planning Authority's approach to the consideration of transport matters. The thrust of this policy is to ensure that new development is sustainable and is

located in the most accessible locations, thereby reducing the need to travel.

- 11.2 Policy T2 of The Adopted Local Plan for Slough seeks to restrain levels of parking in order to reduce the reliance on the private car through the imposition of parking standards.
- 11.3 The Council's Transport consultant has been consulted. An objection was raised initially on the grounds that the application did not provide sufficient information for the Local Highway Authority to determine the impacts of the development on the safety and operation of the public highway and wider transportation network. Accordingly, further information was submitted. This information comprises a Transport Statement, a Travel Plan and an amended parking layout. Further comments have been received from Transport and based on the additional information; it is considered that the proposal would be acceptable subject to conditions and a Section 106 Agreement. Revisions to the Travel Plan have been requested and a revised Travel Plan has been submitted. This is currently under consideration and an update on the measures proposed will be provided on the Committee Amendment Sheet.
- 11.4 Trip Generation
- 11.5 The submitted Transport Statement sets out that the existing use of the site would have the potential generate 326 two-way vehicle movements across the day, with the peak arrivals and departures at the site coinciding with the local highway network peak hours. The proposed development would generate a higher number of trips, but these will not impact on the AM peak hour. The development will generate trips in the evening peak hour and these are predicted to be slightly less than if the site was operating as an office. It has been requested that the use of the ground floor only for dining is secured through a Section 106 Agreement, as this could have the potential to impact on trip generation and would lead to overspill parking.
- 11.6 Car Parking
- 11.7 The proposed restaurant would have a public floor area of 475 square metres. On this basis, it has been commented that 95 no. car parking spaces would be required having regard to relevant standards. Provided that the dining area remains at 475 square meters as proposed, the development would comply with the Adopted Local Plan for Slough parking standards.
- 11.8 The amended parking layout shows that 85 no. spaces would be provided and there would therefore be a shortfall of 10 no. spaces when considered against relevant standards. The Council's Transport consultant has not raised an objection to this however as

the revised parking layout would ensure that the spaces that are available are usable (the layout initially submitted for consideration included spaces which were not considered practical). It is therefore considered that the level of parking is sufficient for the proposed development and would accord with Policy T2 of the Adopted Local Plan for Slough.

11.9 Cycle Parking

11.20 Visitor cycle parking has been relocated adjacent to the main entrance and would be in the form of an undercover facility. This is considered acceptable and compliant with Policy T8 of the Adopted Local Plan for Slough.

11.21 Servicing

11.22 All servicing of the development will need to be undertaken from within the development and a condition is recommended in relation to this. This will ensure that the free flow of traffic on the A4 is not impacted, and pedestrian safety is not adversely affected.

11.23 It is therefore considered that the proposal would comply with Core Policy 7 of the Core Strategy and policies T2 and T8 of the Adopted Local Plan for Slough.

12.0 Heads of Terms

12.1 The Council's Transport consultant has requested that obligations are included in a Section 106 Agreement and these are considered both reasonable and necessary. These obligations are as follows:

- No public use of the first floor, if public use is found to be occurring then development shall cease;
- Implementation of Travel Plan;
- Payment of a Travel Plan monitoring contribution of £4,500.

12.2 It is also considered necessary to control the use and limit the size of the public accessible dining area. This area should not exceed 475m² and if this is found to be occurring then it is considered that the operation of the development should cease. It is also considered necessary to limit the number of covers.

12.3 These obligations are considered to comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 in that the matters which will be covered are:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the

development.

13.0 Other Issues

- 13.1 It is important to note that this application is for the proposed change of use of the building to a Class A3 restaurant to provide a public dining area at ground floor level and to use the first floor for storage and preparation associated with the proposed restaurant. This proposal therefore differs from planning application P/00176/031 which was for a banqueting facility at first floor level and a Class A3 restaurant at ground floor level.
- 13.2 Whilst the concerns raised regarding the future use of the site as a banqueting venue are noted, the application submitted for that use (P/00176/031) is under consideration. Many of the objections received in connection with this application make reference to the previous application. A recommendation has been made to approve that application in principle; however a Section 106 Agreement will be required which would impose obligations relating to the use. That Agreement has not been finalised. The requirements are detailed and it is understood that the applicant is looking at alternative options for the site, hence the application under consideration being made.
- 13.3 In any event, this application falls to be determined on its own merits. Were an unauthorised change of use to take place in the future, planning enforcement action could be taken if it were considered expedient to do so. It is also recommended that cease clauses are contained within the Section 106 Agreement to provide powers for any breaches to be resolved. It is considered that appropriate conditions could be imposed to define and control the proposed use.

14.0 Process

- 14.1 In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner. The development is considered to be sustainable and in accordance with the requirements of the National Planning Policy Framework.

15.0 Summary

- 15.1 The proposal has been considered against relevant development plan policies, and regard has been had to the comments received and letters of objection received from residents living near the site, and all other relevant material considerations.
- 15.2 It is recommended that the application be delegated to Strategic Lead Planning Policy for formal determination following consideration of revisions to the travel plan, completion of a Section

106 Agreement and finalising of conditions.

PART C: RECOMMENDATION

16.0 Recommendation

- 16.1 Delegate to Strategic Lead Planning Policy for formal determination following consideration of revisions to the travel plan, completion of a Section 106 Agreement and finalising of conditions.

PART D: CONDITIONS

CONDITIONS:

1. 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. 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. SK 014 Revision A, Dated May 2013, Recd On 25/09/2013

(b) Drawing No. SK 015, Dated May 2013, Recd On 22/05/2013

(c) Drawing No. SK 016, Dated May 2013, Recd On 22/05/2013

(d) Drawing No. SK 017 Revision A, Dated May 2013, Recd On 25/09/2013

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 Development Plan.

3. All new external work shall be carried out in materials that match as closely as possible the colour, texture and design of the existing building at the date of this permission.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenities of the locality in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

4. Notwithstanding the provisions of Schedule 2, Part 3 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended), the ground floor of the building shall only be used as a restaurant or café falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (and in any provision equivalent to the Class in any statutory instrument revoking or re-enacting that order) and for no other purpose and the publically accessible ground floor Class A3 restaurant dining area shall not exceed 475m². The first floor shall only be used for ancillary staff and back of house purposes in association with the ground floor restaurant only and the first floor shall not be accessed by members of the public/customers.

REASON To safeguard the viability and vitality of Slough town centre and the surrounding district centres in accordance with Core Policy 6 The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and to ensure the provision of adequate parking spaces within the site in the interests of road safety and the free flow of traffic along the neighbouring highway in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

5. The capacity of the Class A3 restaurant hereby approved shall not exceed 350 covers.

REASON In the interests of parking and highway safety and to safeguard the amenities of nearby residential occupiers by ensuring that the scale of the development is related to the site's current and proposed accessibility, character and surroundings in accordance with Core Policies 1, 7 and 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

6. The use hereby permitted shall not be open to members of the public / customers outside the hours of 10:00 hours to 23:00 hours on Mondays-Thursdays, 10:00 hours to midnight on Fridays and Saturdays, and 10:00 hours to 20:00 hours on Sundays and Bank/Public Holidays.

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

7. There shall be no commercial deliveries visiting the site outside the hours of 09:00 hours to 18:00 hours on Mondays-Thursdays, 09:00 hours to 17:00 hours on Fridays and Saturdays, and at no

times on Sundays and Bank/Public Holidays.

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

8. The servicing of the Class A3 restaurant hereby approved shall only take place via the service entrance as shown on Drawing No. SK 014 Revision A, Dated May 2013, Recd On 25/09/2013. The door to the service entrance shall remain closed at all times whilst the use is operational unless access is required for the purposes of servicing and deliveries or in the event of an emergency. The service entrance shall not be used to provide access for members of the public/customers.

REASON In the interests of minimising noise breakout and to safeguard the amenity of nearby occupiers in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

9. All deliveries and servicing to be undertaken from within the site; no servicing shall be undertaken from the public highway.

REASON To minimise danger, obstruction and inconvenience to users of the adjoining highway in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

10. The gates shall be secured in an open position during any hours in which the development is in operation.

REASON In order to minimise danger, obstruction and inconvenience to users of the highway and of the development in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

11. All windows shall be fixed shut at all times whilst the use is operational. Windows shall only be opened in accordance with details which shall first be submitted to the Local Planning Authority and approved in writing. Once approved, the windows shall only be opened in accordance with the approved details and retained in that form thereafter.

REASON In the interests of minimising noise breakout and to safeguard the amenity of nearby occupiers in accordance with Core Policy 8 of The Slough Local Development Framework,

Core Strategy 2006 – 2026, Development Plan Document, December 2008.

12. There shall be no access to the fire escape staircases for staff and customers other than in the event of an emergency or for maintenance purposes and the fire doors shall remain closed at all times whilst the venue is operational unless access is required in the event of an emergency.

REASON In the interests of minimising noise breakout and to safeguard the amenity of nearby occupiers in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

13. No development shall commence until a scheme to control/reduce noise emanating from the development (including details of existing noise levels) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented on site prior to the first occupation of the development and retained at all times in the future to mitigate noise to the levels agreed in the approved scheme.

REASON To protect the amenity of nearby occupiers in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

14. No development shall commence until details of the ventilation and fume extraction equipment to be installed at the site have been submitted to and approved in writing by The Local Planning Authority. This equipment shall be installed prior to commencement of the use and retained in a working condition at all times in the future.

REASON To prevent air pollution of the protect the amenities of the local residents in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

15. All air conditioning or other ventilation plant shall be designed to ensure that external noise generated by the plant or equipment shall not at any time exceed the ambient sound level as measured at the site boundary when the equipment is not in operation. This shall be implemented prior to first occupation of the development and retained at all times in the future.

REASON To minimise the impact of the noise generated by the equipment on the amenities of the local residents in accordance with Core Policy 8 of The Slough Local Development

Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

16. The existing noise climate of the surrounding area must be protected so that the equivalent continuous noise level (leq) in dB (A) as measured outside the nearest noise sensitive building over a 5 minute period with the use taking place does not exceed the equivalent continuous noise level (leq) in dB (A) measured over a comparable period from the same position with no such use taking place and the building unoccupied.

REASON To limit the impact of the development on nearby noise sensitive uses and buildings to accord with Core Policy 8 of the Slough Local Development Framework Core Strategy (2006 - 2026) Development Plan Document December 2008 and the National Planning Policy Framework.

17. There shall be no outdoor amplified public address systems, sound systems or loudspeakers used at the site at any time.

REASON In the interests of safeguarding the amenities of neighbouring properties in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, and the National Planning Policy Framework.

18. There shall be no outdoor pyrotechnic/firework displays or lighting/laser shows at the site at any time.

REASON In the interests of safeguarding the amenities of neighbouring properties in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, and the National Planning Policy Framework.

19. No development shall commence until details have been submitted to the Local Planning Authority and approved in writing for the proposed facilities for smokers (to include siting, design and external materials of any structure or enclosure required for this purpose). The approved facilities shall be completed prior to the first occupation of the development and retained at all times in the future for this purpose.

REASON In the interests of visual amenity and to safeguard the amenity of nearby occupiers in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and Policy EN1 of The Adopted Local Plan for Slough 2004.

20. No development shall commence until details of the proposed

bin store (to include siting, design and external materials) have been submitted to and approved in writing by the Local Planning Authority. The approved stores shall be completed prior to first occupation of the development and retained at all times in the future for this purpose.

REASON In the interests of visual amenity of the site in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

21. 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 Adopted Local Plan for Slough 2004, and to meet the objectives of the Slough Integrated Transport Strategy.

22. No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority for the management and operation of the car park. The approved scheme shall be implemented at all times while the venue is in operation and shall not be subsequently altered without the written approval of the Local Planning Authority.

REASON In the interests of safeguarding the amenities of neighbouring properties in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, and the National Planning Policy Framework.

23. Unless otherwise agreed in writing, the western access shall only be utilised as an entrance to the site from Bath Road, and the eastern access shall only be utilised as an exit from the site onto Bath Road. The gate to the western access shall remain open at all times whilst the use is in operation and shall be kept free from obstruction.

REASON In the interests of the free flow of traffic and to prevent instances in queuing on Bath Road in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

24. No development shall commence until a scheme has been

submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.

REASON In the interests of safeguarding the amenities of neighbouring properties in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, and the National Planning Policy Framework.

INFORMATIVES:

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through working with the applicant to address matters relating to the impact of proposed development. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.
2. The applicant is reminded that an Agreement under Section 106 of the Town and Country Planning Act 1990 has been entered into with regards to the application hereby approved.