

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO** Council

**DATE:** 30 January 2018

**CONTACT OFFICER:** Stuart Aislabie, Principal Asset Manager  
(01753) 477226

**WARD(S):** Chalvey

### **PART I** **FOR DECISION**

#### **Consent for Alterations - Kashmiri Karahi Restaurant, Salt Hill Park, Slough**

##### **1 Purpose of Report**

The purpose of this report is to request Slough Borough Council acting in its capacity as a corporate trustee of the Salt Hill Playing Fields Trust to agree to enter into a Licence for Alterations consenting to external alterations proposed by the tenant of the Kashmiri Karahi Restaurant (“KKR”), Salt Hill Park, Bath Road, consisting of the construction of a conservatory.

##### **2 Recommendation/Proposed Actions**

The Council is requested to agree to enter into a Licence for Alterations with KKR for the construction of a conservatory at KKR, Salt Hill Park.

##### **3 Slough Joint Wellbeing Strategy, The JNA and the Five Year Plan**

Although the following strategies and objectives of the Council would be served by the actions requested of the Council in this Report, it must be borne in mind that in this instance the Council is acting in its capacity as the corporate trustee of the Salt Hill Playing Fields Trust and its considerations must therefore be governed by the interests of the Trust and not by the strategies and objectives of the Council in its capacity as the local authority.

##### **3a Joint Wellbeing Strategy Priorities**

The proposal meets the following priorities of the Joint Wellbeing Strategy

##### **Priority 2: Increasing life expectancy**

The proposal will allow for investment in an existing park premises. This may have the wider benefit of attracting more local residents into the Salt Hill Park and make use of open space and facilities to improve and maintain health.

##### **3b Five Year Plan Outcomes**

The proposal also has the potential to make the following contributions to corporate objectives:

**Outcome 3: Slough will be an attractive place where people choose to live, work and visit**

The proposal will mean investment and improvement into Salt Hill Park facility improving its appearance and operation.

#### 4. **Other Implications**

##### (a) Financial

There are no immediate financial revenue/capital spend implications as a direct consequence of this report.

##### (b) Risk Management

<b>Risk</b>	<b>Mitigating action</b>	<b>Opportunities</b>
<b>Community</b>	None	
<b>Property</b>	None	
<b>Financial</b>	None	
<b>Legal</b>	None	
<b>Human Rights</b>	None	
<b>Employment</b>	None	
<b>Planning</b>	None	
<b>Public Consultation</b>	None	

##### (c) Human Rights Act and Other Legal Implications

As the subject matter of this Report relates to a lease of Property there is potential for the right to the protection of property in the first protocol to the Convention for the protection of Human Rights and Fundamental Freedoms to be engaged. This right is however subject to the qualification that it shall not in any way impair the right of a state to enforce such laws as it deems necessary to control the use of property in the general interest. It is not considered, therefore, that any challenge on such grounds is likely.

The lease of KKR is a protected tenancy under the Landlord and Tenant Act 1954 giving the tenant a statutory right to renewal of the lease subject to the provisions of that Act. The current lease is for a term of 15 years from 1 April 2015 with five yearly rent reviews. Under the lease the Tenant may not make any additions, alterations or improvements to the premises without the Landlord's consent which the Landlord cannot unreasonably refuse.

Under the Trust Deed of the Salt Hill Playing Fields (Appendix B) the site and buildings of the KKR is identified as "The Barn" and illustrations of the original building appear at page 13. There is a provision in the Trust Deed relating to "The Barn" on page 7 in the following terms:

*"The Council will maintain and manage the Barn in a manner conformable to the comfort and requirements for the purposes of rest and retreat of persons who do not play games and of females and of males engaged in games played by males and females together commonly known as mixed games and the refreshments supplied in the Barn shall be of a simple nature only and that refreshments will not be supplied in and from the Barn to persons other than the above mentioned as the persons for whose benefit the Barn is to be maintained and managed by the Council"*

It is not considered that the grant of the licence to make the alterations requested would cause the Council to be in breach of this provision as in itself it does not prohibit any alterations to the buildings.

It is also likely that in all the circumstances a refusal of consent could be considered as unreasonable and subject to challenge by the tenant.

(d) Equalities Impact Assessment

There is no identified need to carry out an EIA.

(e) Land and Property Implications

There are no further land and property implications beyond entering into a Licence for Alterations.

**5. Supporting Information**

**Background**

- 5.1 The restaurant building in Salt Hill Park is located towards the centre of the park, to the east of the former bowling alley and to the west of the outdoor tennis courts.
- 5.2 The restaurant is currently known as the Kashmir Karahi. KKR has been in occupation since 2008 and in 2015 undertook a statutory renewal of its lease for a further 15 year term commencing on 30 June 2015.
- 5.3 On the 7<sup>th</sup> August 2017, KKR was granted Planning Permission under ref P/07370/006 for the construction of a conservatory at KKR.
- 5.4 The proposed conservatory consists of the erection of glazing on the lower ground level enclosing the area beneath the balcony that over looks the former bowling green.
- 5.5 As per the terms of the renewal lease, KKR is entitled to make alterations upon seeking Landlord's consent. The Trust cannot unreasonably withhold consent to the proposed alterations. In this instance, I do not see any ground on which the Trust could withhold consent to the proposed alterations.
- 5.6 There is no consideration that can be requested from KKR on this occasion as charging a premium for consent would be deemed unlawful as such alterations are permitted under the terms of its lease. However, KKR will be responsible for covering the surveyor and legal costs in dealing with this matter.
- 5.7 The long term governance issues with regards the Trust are in the process of being resolved but this item needs to be resolved whilst the long term governance issues are being prepared to be brought to Council. The Trust is exposed to a legal challenge from the KKR with regards the withholding of consent should this issue not be resolved.

**6. Conclusion**

- 6.1 There is no reasonable ground for refusing consent for these works, particularly in light of the approved Planning Application. The consent will afford continued investment and improvement of a park asset.

**7. Appendices Attached**

**Appendix A:** Planning Consent P/07370/006 and drawings

**Appendix B:** Trust Deed of Salt Hill Playing Fields

**8. Background Papers**

Lease of KKR

Appendix A: Planning Consent P/07370/006 and drawings



Taking pride in our communities and town

Mr. Kashif Bashir,  
K Designs  
1, Henry Road  
Slough  
SL1 2QN

Town and Country Planning Act 1990 (as amended)  
Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO)  
(as amended)

IN pursuance of their powers under the above-mentioned Acts and Orders, the Council of the Borough of Slough as the Local Planning Authority, **HEREBY GRANTS PLANNING PERMISSION**, in accordance with your application, **P/07370/006**, dated 09 March 2017 and the accompanying plans and particulars, for:

Proposal:	<b>Construction of a conservatory for additional seating area</b>
Location:	<b>KASHMIRI KARAH, SALT HILL PARK, BATH ROAD, SL1 3SR</b>

**Dated this 07 August 2017**

SUBJECT TO THE FOLLOWING CONDITION(S):

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. 1/SHP/04, Dated 02/03/2017, Recd On 10/03/2017
  - (b) Drawing No. 1/SHP/05, Dated 02/03/2017, Recd On 10/03/2017
  - (c) Drawing No. 1/SHP/06, Dated 02/03/2017, Recd On 10/03/2017
  - (d) Drawing No.1/SHP/01, Dated 02/03/2017, Recd On 10/03/2017
  - (e) Drawing No.1/SHP/02, Dated 02/03/2017, Recd On 10/03/2017
  - (f) Drawing No.1/SHP/03, Dated 02/03/2017, Recd On 10/03/2017
  - (g) Drawing No. 1/SHP/07, Dated 02/03/2017, Recd On 10/03/2017
  - (h) Drawing No. Site Location Plan, Dated 2014, Recd On 10/03/2017
  - (i) Drawing No. Block Plan, Dated undated, Recd On 10/03/2017

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. 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.

5. No development shall commence on site until details of the proposed boundary treatment including position, external appearance, height and materials have been submitted to and approved by the Local Planning Authority. Before the development hereby permitted is occupied, a suitable means of his boundary treatment shall be implemented on site prior to the first occupation of the development and retained at all time on the future.

REASON: In the interests of the visual amenity of the area and accordance with Policy EN3 of The Adopted Local Plan for Slough 2004.

**INFORMATIVE(S):**

1. 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
2. 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.

**Informatives**

The applicant is hereby informed that commencing development without first having complied with any pre-commencement conditions as set out in this decision notice may mean that the decision notice will expire and render the development to be unlawful.

This notice DOES NOT convey any consent that you may require for Building Regulations. If you are unsure whether you need Building Regulations approval and before you start any work please contact Building Control Services independently on (01753) 875810 to check whether they require an application.

Your attention is drawn to the attached notes.

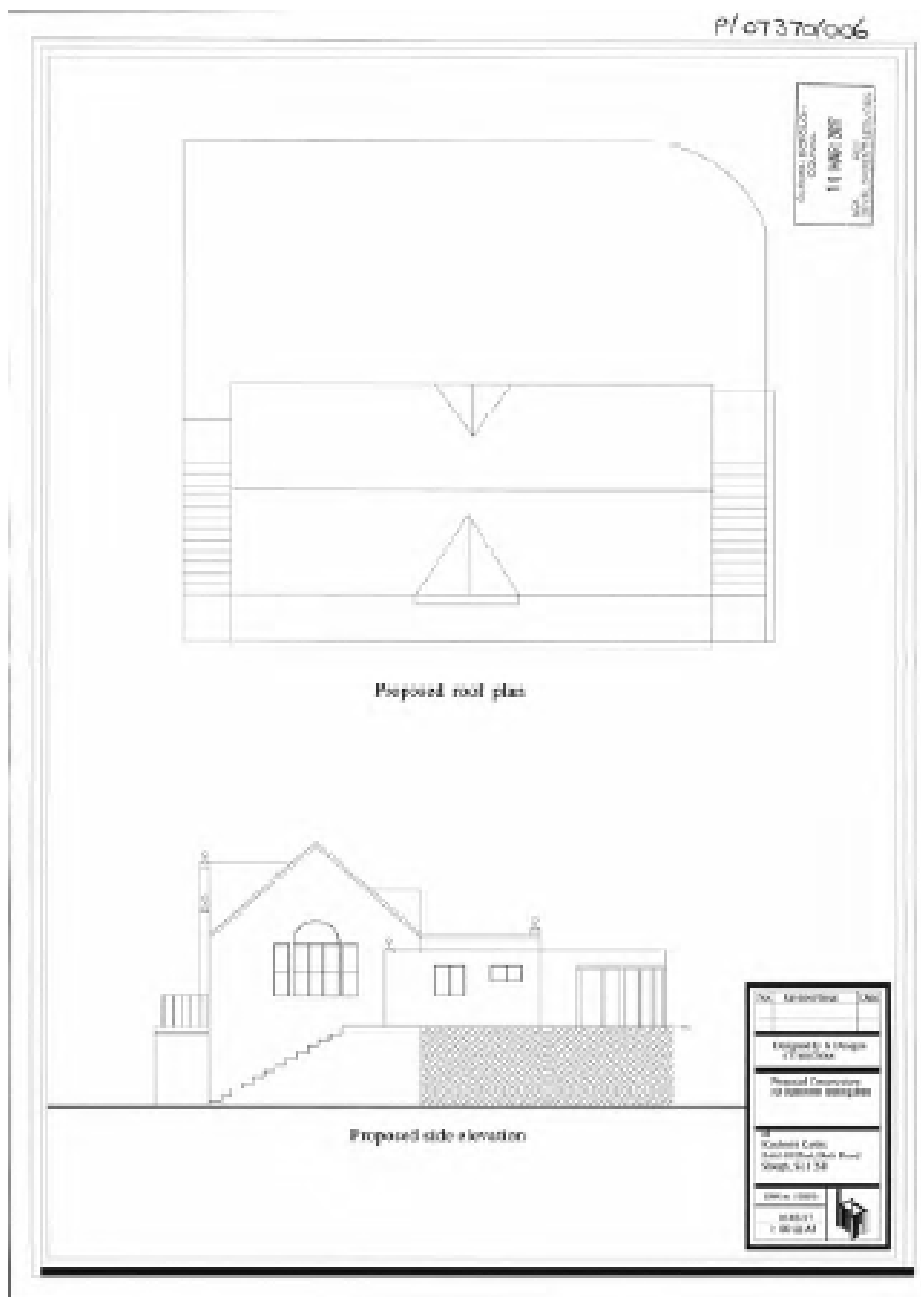
This approval does not convey any approval or consent under the Building Regulations or any enactment other than the Town and Country Planning Act 1990.

*Janet Ferguson*

Janet Ferguson  
 On behalf of  
 Head of Planning & Building Control

*JF*

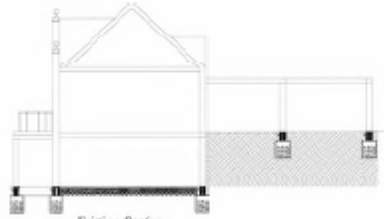
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P/07370/006



Existing Section



Existing Section  
proposed section

PLANNING  
10 MAR 2007  
FOR DEVELOPMENT SERVICES

No.	Revision	Date
Approved for of Public Works		
Approved for of Department of Planning		
Project Name: Suffolk Park, South Side North, N.Y. 1100		
Scale: 1/8" = 1'-0"		
Drawing No.: 07370-006		

P/07370/006



proposed front elevation in context

Proposed side elevation



proposed front elevation

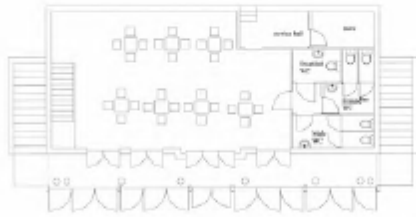
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Project Name: Suffolk Park, South Side North, N.Y. 1100		
Scale: 1/8" = 1'-0"		
Drawing No.: 07370-006		





proposed ground floor plan



Proposed lower ground floor plan



No.	Revised	Date
Prepared by: J. Grogan 20/08/2018		
Original prepared for: [illegible]		
Scale: 1:100		
Drawing No: P1370/006		
Project Name: [illegible]		
Client: [illegible]		
Date: 20/08/2018		
Drawing No: P1370/006		



existing front elevation



Existing side elevation

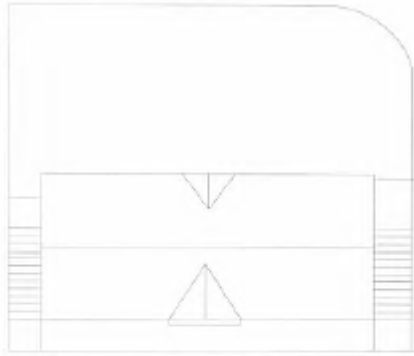


Existing rear elevation



No.	Revised	Date
Prepared by: J. Grogan 20/08/2018		
Original prepared for: [illegible]		
Scale: 1:100		
Drawing No: P1370/006		
Project Name: [illegible]		
Client: [illegible]		
Date: 20/08/2018		
Drawing No: P1370/006		

P107370/006



Existing roof plan



Existing side elevation

15 MAR 2020

No.	Description	Date
1	Prepared by & Design 07/10/2019	
Prepared Construction for additional settings		
Customer Name 245 Hill Park, Hill Road Dunelm 101 10P		
Project Name 107370		
1:100 (A1)		

P107370/006



existing ground floor plan



Existing lower ground floor plan

15 MAR 2020

No.	Description	Date
1	Prepared by & Design 07/10/2019	
Prepared Construction for additional settings		
Customer Name 245 Hill Park, Hill Road Dunelm 101 10P		
Project Name 107370		
1:100 (A1)		