

# Memo

To: Planning Services  
From: Transport Development Management  
Date: 06/03/2024

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**Application Number: S/24/0144**

**Proposal: Change of use of shop to restaurant (Class E(b)), installation of a flue and creation of a waste storage area.**

**Location: Ground Floor, 13 Manchester Road, Swindon**

Hi Nick

Thank you for the consultation regarding the above planning application proposals. For clarity, I refer to the current submitted documents received on the 06/02/24 listed below: -

- Application Form;
- Planning, Design and Access Statement [PD&AS], ref. C12515 Version 1;
- Existing Drawings, drwg no. C12515.PL.001, and
- Proposed Drawings and Details, drwg no. C12515.PL.010.

The primary matter of interest to the Highway Authority in this case traffic generation and equipment overhanging the public highway. After reviewing the submitted documents, I must advise you that the Highway Authority are currently unable to support these proposals, so please accept the following considerations prior to granting any approval to this development: -

- **Traffic Generation** – the site is located in the Town Centre area [part of Sector 1 as described by the SBC Parking Standards 2021] which is considered as highly sustainable in transport terms with good access to multiple transport options including vehicular, pedestrian, cycling and public transport [buses]. The existing site use as a retail unit establishes the use of the site for commercial activity, and assumes suitable provision for customer & staff parking as well as servicing facilities. The proposed use as a restaurant is considered by Class of Use regulations to have similar commercial characteristics to the existing use, and overall, the site is not considered to generate additional traffic beyond that which already exists. Consequently, the principle of the proposed Change of Use can be accepted in highway terms [subject to the elements raised below].
- **Cycle Storage** – no specific cycle storage facilities are currently proposed or shown as existing, however, the SBC Parking Standards require that a retail unit should provide for 4no. secure on-site cycle spaces [e.g. 2no. hoop-style stands]. However, it is accepted that there is sufficient space within the property to provide the necessary facilities, so this element could be satisfied by a suitable cycle store condition applied to any permission that may be granted to these proposals; please advise me if such condition is required.
- **Overhanging Flue** – it is necessary to highlight that the proposed flue appears to overhang the public highway of Alfred Street and would therefore require an Overhang Licence to be granted by SBC/LHA.

However, the minimum clearance height for any element overhanging a public footway is 2.6m, and the flue is proposed with a vertical clearance of only 2.485m [as shown on the Proposed Side Elevation], resulting in the Overhang Licence application likely being refused. This vertical clearance is a safety issue in highway terms [particularly for cyclists] and must therefore be resolved before Highways would be able to support these proposals. It is acknowledged that the PD&AS identifies other sites in the area that have flues [page 11, section 5.12], but the point of difference is that those flues do not overhang the public highway and remain wholly within their site boundaries. Consequently, it is necessary to recommend that these proposals be **Refused** until adequate revisions are submitted.

As a consequence of the above considerations, the Highway Authority must recommend that these proposals be **Refused** for the reason listed below. However, should the applicant provide the necessary information that would resolve the concerns raised above, Highways may be able to reconsider these proposals more favourably: -

- Inadequate vertical clearance is provided between the flue and the footway posing a risk to public safety, contrary to the requirements of Policy TR2 of Swindon Borough Council's Local Plan 2026.

**Please note that the comments made here represent Officer opinion and cannot be seen to prejudice Swindon Borough Council's formal determination in relation to any application or planning matter.**

**Steve Thompson**  
**TDM Technician**

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