

Item No. 12**SCHEDULE B**

APPLICATION NUMBER	CB/11/01612/FULL
LOCATION	The Winston Churchill, Church Street, Dunstable, LU5 4RP
PROPOSAL	Internal alteration to vacant pub to convert it into a restaurant with new glass facade on the front right corner
PARISH	Dunstable
WARD	Dunstable Icknield
WARD COUNCILLORS	Cllrs McVicar & Young
CASE OFFICER	Annabel Gammell
DATE REGISTERED	07 July 2011
EXPIRY DATE	01 September 2011
APPLICANT	Mr Miah
AGENT	Mr I Hussain
REASON FOR COMMITTEE TO DETERMINE	Councillor McVicar called the application in due to concern from neighbouring properties.
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site is The Winston Churchill Public House in Church Street, Dunstable. The site is flanked by the former Quadrant House (now converted into flats as Priory Heights) and the Quadrant Shopping Centre. To the rear of the site is the Quadrant Centre car park. The site lies within the Town Centre as defined in the Local Plan and is opposite the adjoining Conservation Area on the south side of Church Street. The building is a large two storey rectangular brick built flat roofed building, currently in a dilapidated condition and constructed in dark brick with blue wooden frontage and peach render panels.

The Application:

Internal alterations to the vacant pub to convert it into a restaurant with a new glass facade on the front right corner.

RELEVANT POLICIES:**National Policies (PPG & PPS)**

PPS1 - Delivering Sustainable Development

**Regional Spatial Strategy
East of England Plan (May 2008)**

ENV7 - Quality in the Built Environment

South Bedfordshire Local Plan Review Policies

TCS1 - District Town Centres
BE8 - Design Considerations
T10 - Parking - New Development

Supplementary Planning Guidance

Design in Central Bedfordshire, a Guide for Development

Planning History

SB/ADV/96/0041 - Consent for the display of various externally illuminated static advert signs.

SB/ADV/92/0060 - Consent for the display of externally illuminated signage.

Representations: (Parish & Neighbours)

Dunstable Town Council No comments received.

Neighbours 2 letters of objection from residents of Priory Heights, a petition of 50 signatures has also been received from the residents of Priory Heights.

The objections relate to issues concerning noise and odour, bin area, the glass atrium/privacy issues, times of business, music licence, smoking area, fire evacuation.

Consultations/Publicity responses

Archaeology No objection.

Highways No comments received.

Highways Agency No objections.

Public Protection No comments received.

Environment Agency No comments received.

Disability Discrimination Officer Commented that as there is no lift to 1st floor, this could impede accessibility to first floor. This is acceptable provided no unique facilities are provided on the 1st floor.

Public Transport Commented that the bus stop known as "The Winston Churchill" will remain, unaffected by this development.

Determining Issues

The main considerations of the application are:

1. **Principle**
2. **Impact upon character and appearance of the area**
3. **Impact upon residential amenity**
4. **Any other issues**

Considerations

1. Principle

The conversion of a public house (A4) has a permitted change of use to a restaurant (A3). There is no restriction on the type of pub or restaurant that can be converted. Therefore the building in its current condition could open and serve food without planning restriction. The mezzanine level does not require planning permission, as there is provision within the General Permitted Development Order for the creation of a mezzanine floor for a restaurant or public house.

The only development that requires planning permission are the external alterations, which include the large glass panel on the frontage.

2. Impact upon character and appearance of the area

The Winston Churchill holds a prominent position within the streetscene of Church Street. It is not within the Dunstable Conservation Area, but it is adjacent to it and opposite it. Also on the opposite side of the road are a number of attractive buildings including a Listed Building (26 Church Road). It is judged that subject to suitable materials being used the changes would improve the appearance of the building.

The building is currently in a very poor external condition. It is considered that the alterations would enhance the appearance of the building and the street scene and the setting of the adjoining Conservation Area. This is in accordance with the Central Bedfordshire Design Guidance document. The Dunstable Town Centre Masterplan supports the regeneration of vacant buildings for commercial use. It is considered that the alterations to the buildings frontage to facilitate the vacant pub to open as a restaurant would be also in accordance with this document.

3. Impact upon residential amenity

The application has been made for the external changes to the building, the desired result being the renovation of this dilapidated pub into a restaurant. Taking into consideration that the existing pub could serve food and there is a permitted change from Public House to restaurant, the alterations to the building would not significantly impact upon residential amenity. The only adjacent residential properties are within Priory Heights, the block of flats to the east of the application site.

Loss of light: The scale of the building would not be changed and therefore it is judged that there would not be any significant loss of light as a result of this development.

Loss of outlook/causing an overbearing impact: It is considered that the appearance of the building would be improved by the development and therefore there would not be any significant loss of outlook or the causing of an

overbearing impact.

Loss of privacy: The residents of Priory Heights have raised concern that the new side facing glass facade would impact upon the residential amenity of flats which have side facing first floor windows. It is important to ensure residential privacy is maintained. It is considered appropriate to condition that the lower part of the first floor (3rd bank of windows from bottom) on the side facing (eastern) elevation be obscure glazed. This is to protect the residential amenity of the adjacent occupiers. The mezzanine floor would be set some 1.5 metres off the curtain wall, therefore there would not be diners close to this wall at first floor level. It is considered that providing these windows were obscured the residential amenity in terms of privacy would be maintained.

No other residential properties would be affected by this development.

A number of concerns have been raised by the residents of Priory Heights, these include concerns relating to:

Noise and odour - The change of use is permitted and any undue noise or odour would have to be controlled by Public Protection legislation. A condition is recommended to be imposed to control the provision of any new extract system.

Bin Area - The refuse arrangements would be similar to those of the functioning public house, at the rear of the building. The location of the bin area can be controlled by the imposition of a suitable planning condition.

The Glass Atrium/privacy issues - This issue has been covered in detail above.

Times of Business - Looking at the history of the site, it does not appear that this has been controlled in the past. It is considered unreasonable to condition the times on business as part of this application in this town centre location adjoining the main A505, Church Street.

Music Licence - This would be controlled by legislation beyond the remit of planning control.

Smoking Area - It is considered that people may wish to smoke outside this building, as they would if it was a public house, it is judged that a designated smoking area could not be enforced.

Fire Evacuation - There is both a front and rear door which is considered suitable means of escape for the building. The building would need to comply with the relevant Building Control legislation.

It is considered that the changes to the frontage and design of the building would be acceptable in terms of residential amenity.

4. Any other issues

Time of consent:

Due to the poor condition of the current building, the very negative impact upon the streetscene and adjacent Conservation Area, it is judged appropriate to grant consent for works to commence within 1 year from the date of decision. The intention of reducing the amount of time in which the permission can be

implemented is considered in the interest of the local area, as the works to the building would significantly improve the visual appearance of a prominent building.

Parking implications:

The building is within a sustainable location, there is a car park to the rear. It is considered that parking for a restaurant would not be significantly more than that of a functioning pub, and it would be unreasonable to attach conditions which relate to parking. Any comments from the Highways Officer will be expressed on the Late Sheet.

Recommendation

That Planning Permission be granted subject to the following conditions:

- 1 The development hereby approved shall be commenced within one year of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 **Prior to commencement a scheme shall be submitted for written approval by the Local Planning Authority setting out the details of the materials to be used for the external walls, windows, doors and roof. The development shall be carried out in accordance with the approved scheme.**

Reason: To protect the visual amenities of the building and of the area generally.

- 3 **Details of the means of extraction of fumes and smells from the premises shall be submitted to and approved by the Local Planning Authority in writing and any equipment or arrangements made thereby approved shall be installed in the premises and be available for use before the use to which permission relates is commenced.**

Reason: To safeguard the amenities of neighbouring properties.

- 4 **Before development begins, details of the arrangements to be made for the collection, storage and disposal of solid trade waste emanating from the premises shall be submitted to and approved in writing by the Local Planning Authority.**

**Reason: To ensure control over the development in the interests of amenity and public safety.
(Policy BE8 S.B.L.P.R).**

- 5 **The 3rd bank of windows from the bottom in the eastern (side facing) elevation of the development hereby permitted shall be of fixed type and fitted with obscured glass of a type to substantially restrict vision through it at all times, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the**

commencement of development. No further windows or other openings shall be formed in the elevation.

Reason: To safeguard the amenities of occupiers of adjoining properties

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers SE/WC/001, SE/WC/002, SE/WC/10, SE/WC/11A.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposal would have a positive impact on the character of the area and no adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its site, design and location, is in conformity with Policies BE8, TSC1 and T10 of the South Bedfordshire Local Plan Review 2004; Policy ENV7 of East of England Plan (May 2008); and Planning Policy Statement 1 (2005). It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development, 2010.

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

Regional Spatial Strategy
East of England Plan (May 2008)
ENV7 - Quality in the Built Environment

South Bedfordshire Local Plan Review Policies
TCS1 - District Town Centres
BE8 - Design Considerations
T10 - Parking - New Development

2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other

enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

DECISION

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