

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	CIIs 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

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: The application site currently has a significant adverse impact on visual amenity and 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 (including a location plan showing the bin storage area) and disposal of solid trade waste emanating from the premises shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained in perpetuity.**

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 and shall be carried out in accordance with the approved details and maintained in perpetuity. 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.
4. Equipment shall be installed to effectively suppress and disperse fumes and/or odours produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the commercial food use continues. Full details of the method of odour abatement equipment to be used, including predicted noise levels of the equipment in operation, shall be submitted to and approved by the Local Planning Authority prior to the installation of the equipment. The approved equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the use hereby permitted commencing.”

Reason: In order to prevent the adverse impact of odours arising from cooking activities on the amenity of nearby residents.

5. The kitchen ventilation system approved in accordance with the condition above, together with any other external plant, machinery and equipment installed or operated in connection with this permission, shall be so enclosed, operated and or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997, at the boundary of any neighbouring residential dwelling. The applicant shall clearly demonstrate that noise from the installed plant achieves the required noise standard, prior to the use hereby permitted commencing.

Reason: To protect neighbouring residents from any adverse impact from noise arising from the kitchen extract ventilation system or other external plant on the premises.

6. Noise arising from any plant or machinery shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997, at the

boundary of any neighbouring residential dwelling. Should levels exceed this amount it may cause a nuisance to the adjacent residential properties.

NOTES

- (1) In advance of the consideration of the application the Committee were advised of consultation received from the Quadrant Shopping Centre, Dunstable Town Council and Environmental Health Officer. Details of which are set out in the Late Sheet appended to these Minutes. As a result two additional conditions were approved and Conditions one and five were amended. An additional note to the applicant was approved.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.