

Item No. 12**SCHEDULE B**

APPLICATION NUMBER	CB/11/04175/FULL
LOCATION	The Winston Churchill, Church Street, Dunstable, LU5 4RP
PROPOSAL	Construction of a conservatory on the existing flat roof of the building, part restaurant seating and part storage.
PARISH	Dunstable
WARD	Dunstable Icknield
WARD COUNCILLORS	Cllrs McVicar & Young
CASE OFFICER	Annabel Gammell
DATE REGISTERED	09 January 2012
EXPIRY DATE	05 March 2012
APPLICANT	Mr Tata Miah
AGENT	Mr I Hussain
REASON FOR COMMITTEE TO DETERMINE	Cllr McVicar called the application to the committee on grounds of an overbearing impact

RECOMMENDED DECISION **Full Application - Granted**

Reason for committee - Cllr McVicar called the application to the committee on grounds of an overbearing impact

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:

The construction of a conservatory on the existing flat roof, part restaurant seating and part storage.

The height of the conservatory would be some 3 metres, though 2.2 metres above the existing parapet wall, it would be set off the side elevations of the building by some 2 metres. The extension would measure some 14 metres in width by some 10.6 metres in depth. There would be a glazed front projecting cube to enclose the stair case.

The site has consent for the alterations to the frontage including the large glazed wall, this has not been implemented and therefore consideration of the continued acceptability of this element of the proposal will also be considered.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development

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

CB/11/1612/FULL Internal alterations to the vacant pub to convert it into a restaurant with a new glass facade on the front right corner. - granted

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 Object: Development incongruous be way of its size and bulk and in relation to the rest of the street scene. Development should be of high quality design in town centre to enhance the street scene not be detrimental to it.

Neighbours 4 letters of objection from residents of Priory Heights:

The objections relate to issues concerning possible noise from air conditioning units, lighting, loss of light, bin storage, noise from bins, opening hours, extraction of cooking fumes, possibility of a fire escape, impact upon privacy.

Consultations/Publicity responses

Archaeology No objection.

Highways No objection.

Public Protection Has not objected but raised concerns over noise and odours from the building, possible concern over means of ventilation for the extension.

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.

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. The only development that requires planning permission are the external alterations, the extension to the roof, which is of large flat roof conservatory design. The alterations to the building which include the previously consented 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 Master plan 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.

The extension would be an additional 3 metres in height, to create the additional floor, this would be some 2.2 metres additional over the existing parapet wall that surrounds the Winston Churchill. Although a relatively unorthodox design it is considered that it would be appropriate for the building, as the building already has a flat roof. The extension would be subservient by nature of being set in some 2 metres from the sides of the existing building. The materials proposed are predominantly glass from the frontage, and it is considered that this would be an appropriate use of glass to modernize and update the existing building.

The Winston Churchill would remain lower in height than The Quadrant Shopping Centre and Priory Heights, it is considered in this commercial centre the 2nd floor would not appear out of character.

3. Impact upon residential amenity

The application has been made for the external changes to the building, including a second floor extension, the desired result being the renovation of this

dilapidated pub into a restaurant, with an increased floor space. The second floor would be used for storage and a seating area. The only adjacent residential properties are within Priory Heights, the block of flats to the east of the application site.

Loss of light: The increase in height over the existing parapet wall would be some 2.2 metres, the proposed extension would be approximately 3.9 metres from the side elevation of Priory Heights. It is considered that 3.9 metres is sufficient spacing to ensure there would not be a significant impact upon the light into any other residential property.

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. The additional 2.2 metres in height would when viewed from the properties within Priory Heights, be at a distance of some 3.9 metres, the wall would be a light coloured render finish. The roof would remain flat which would help to reduce the impact of the extension on the windows of these properties.

Loss of privacy: To ensure no significant impact to the privacy of the residents of Priory Heights, a wall is proposed within the eastern facing elevation, opposed to glazing. It is considered that with appropriate conditions there would not be a significant impact upon the privacy to any residential properties.

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:

Loss of light - It is considered that with the extension being significantly set off the boundary of the existing building, that it would not lead to a significant reduction in the light provision for the flats.

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. The noise to the flats would be reduced by the storage area being on the eastern side of the building, this would provide a level of sound insulation between the restaurant area and the flats.

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.

Privacy concerns - This issue has been covered in detail above, a condition requiring some of the glazing to be obscured to protect the privacy of the flats is recommended.

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.

Fire Evacuation - There are no plans showing a fire escape, 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. Should the applicant wish to install a permanent means of fire escape from the building this would require planning permission and a further application would be required.

It is considered that the 2nd floor extension of the building and additional glazed sections to the frontage 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.

Public Protection:

Concern was raised by the Councils Public Protection Officer that the development of the Winston Churchill site could lead to increased noise and odour generated from the building. The site previously achieved planning permission for the conversion of the building from pub to restaurant and external works including a large area of glazed walling. It is appropriate to attach the same conditions to control extraction of fumes and smells as the previous application. In addition to these conditions a further condition is recommended which would require the use of the storage area to remain for storage, this would help attenuate against noise from the new level of the restaurant.

Parking implications:

The Highways Section are satisfied that due to the sustainable location of the restaurant that there would not be any significant impact on highway safety.

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 frameless double height windows within the eastern (side facing) elevation of the development as shown edged in green on plan number SE/WC/11F-OBSCURE attached to this permission 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 glazed window of the storage area within the 2nd floor within the northern (rear facing) elevation of the development as shown edged in green on plan number SE/WC/11F-OBSCURE attached to this permission 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.

- 7 The eastern facing window of the glazed stair case enclosure on the 2nd floor as shown edged in green on plan number SE/WC/11F-OBSCURE attached to this permission 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.

- 8 The area marked on plan SE/WC/10A as storage shall be maintained as a storage facility and not used for any other purpose.

Reason: To protect the residential amenity of adjacent properties.

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

Reason: For the avoidance of doubt.

Reasons for Granting

The proposal would have a positive impact on the character of the area and no significant 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; 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

DECISION

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