

Item No. 11

APPLICATION NUMBER	CB/14/01924/FULL
LOCATION	Former Norman King PH , Church Street, Dunstable, LU5 4HN
PROPOSAL	Demolition of remains of existing former Norman King PH and removal of plant equipment adjacent to the Old Palace Lodge, Erection of two storey building to accommodate 12 No. aparthotel rooms, thatched covered parking structure, alterations to hotel entrance, introduction of revised access, and associated works.
PARISH	Dunstable
WARD	Dunstable Icknield
WARD COUNCILLORS	Cllrs McVicar & Young
CASE OFFICER	Abel Bunu
DATE REGISTERED	19 May 2014
EXPIRY DATE	18 August 2014
APPLICANT	MGM Hotels Ltd
AGENT	David Lock Associates
REASON FOR COMMITTEE TO DETERMINE	Brought to Committee by the Interim Assistant Director for Planning due to the degree of public interest and member interest.
RECOMMENDED DECISION	Full Application - Recommended for Approval

Summary of Recommendation

The proposed development is acceptable in principle, having regard to the condition of the site following the destruction of the Norman King Public House by a fire which led to its de-listing by English Heritage. Furthermore, the development would deliver the following benefits :

- Enhancing the character and appearance of the Conservation Area and better revealing the significance of the heritage assets which comprise the Grade II Listed Kingsbury Old Court Palace Lodge Hotel to the west, the Grade II Listed Marshe Almshouses to the east, the Grade II Listed K6 Telephone Kiosk in front of the Almshouses, the Grade I Listed St Peter's Church and the scheduled site of Dunstable Priory to the south of the site.
- Potential to support the local economy through job creation and promotion of tourism.

Furthermore, the development would not be harmful to residential amenity and would not be prejudicial to highway safety thereby conforming to the development plan comprising Policies BE8, SD1, TSC1 and T10 of the South Bedfordshire Local Plan Review, Policies 27, 43, 45 and 59 of the emerging Development Strategy for Central Bedfordshire and national advice contained within the National Planning Policy Framework and the supplementary planning guidance, 'Design in Central Bedfordshire, A Guide for Development', 2010.

Site Location:

The application site is situated within the Dunstable Conservation Area and comprises the remains of the former Norman King Public House which lies at the junction of Church Street and Kingsway in Dunstable and the Old Palace Lodge to its immediate west beyond which are sheltered dwellings on Kingsbury Court. To the east of the site are the Marshe Almshouses (Ladies Lodge, 97-107 Church Street) which are Grade II Listed and to the south of the site is the Grade I Listed St Peter's Church. Next to the Almshouses is a Grade II Listed telephone kiosk.

The Application:

seeks planning permission to carry out the following development :

- demolition of the remains of the former Norman King Public House
- removal of plant equipment adjacent to the Old Palace Lodge,
- erection of a two storey building to accommodate 12 No. apart-hotel rooms
- erection of a thatched covered carport
- alterations to the hotel entrance comprising a revised access and associated works in accordance with the details shown on the plans submitted with the application.

RELEVANT POLICIES:

National Planning Policy Framework (27 March 2012)

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced most of the previous national planning policy documents PPS's and PPGs.

South Bedfordshire Local Plan Review Policies

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that the following policies are broadly consistent with the framework, with the exception of policy T10, and significant weight should be attached to them.

SD1 Sustainability Keynote
BE8 Design Considerations
TCS1 Sustaining Enhancing the District's Town Centres
T10 Parking in New Developments

Development Strategy for Central Bedfordshire

The draft Development Strategy was endorsed for Development Management purposes on the 27th May 2014 and is due to be submitted to the Secretary of State in October 2014. However, having regard to the level of consistency of individual policies with the National Planning Policy Framework, the ones listed below are given some weight in the determination of this application :

Policy 1 : Presumption in Favour of Sustainable Development
Policy 2 : Growth Strategy

Policy 24 : Accessibility and Connectivity
Policy 27 : Car Parking
Policy 43: High Quality Development
Policy 45: The Historic Environment
Policy 59 : Woodlands, Trees and Hedgerows

Supplementary Planning Guidance

The revised Central Bedfordshire Design Guide was adopted by the Executive on 18 March 2014 as technical guidance for Development Management purposes and hence is a material consideration.

1. Design Supplement 5 : The Historic Environment
2. Design Supplement 7 : Movement, Streets and Places

Local Transport Plan: Appendix F - Parking Standards

Planning History

Application: Planning **Number:** CB/14/02263/CA
Validated: 11/06/2014 **Type:** Conservation Area
Status: Pending Decision **Date:**

Summary:

Description: Conservation Area Consent: For Demolition of remains of former Norman King building and removal of associated hard standing prior to redevelopment of the site as set out in a further application.

Application: Planning **Number:** CB/14/01919/DEM
Validated: 19/05/2014 **Type:** Demolition Determination (PD)
Status: Withdrawn **Date:** 11/06/2014

Summary:

Description: Demolition Determination: Demolition of remains of former Norman King building and removal of associated hard standing prior to redevelopment of the site as set out in a further application.

Application: Planning **Number:** CB/14/01925/LB
Validated: 19/05/2014 **Type:** Listed Building
Status: Decided **Date:** 14/07/2014

Summary: Granted

Description: Demolition of remains of existing former Norman King PH and removal of plant equipment adjacent to the Old Palace Lodge, Erection of two storey building to accommodate 12 No. aparthotel rooms, thatched covered parking structure, alterations to hotel entrance, introduction of revised access, and associated works.

Application: Planning **Number:** CB/14/00069/FULL
Validated: 14/01/2014 **Type:** Full Application
Status: Decided **Date:** 11/03/2014

Summary:

Description: Erection of a semi detached pair of dwellings including associated works

Application:	Planning	Number:	CB/13/02729/REN
Validated:	02/08/2013	Type:	Replacement PP sub to new time limit
Status:	Decided	Date:	27/09/2013
Summary:			
Description:	Erection of three storey rear extension to provide 18 no. double/twin en-suites bedrooms (Application for new planning permission to replace extant planning permission SB/TP/07/0709 and CB/10/03172/REN in order to extend the time limit for implementation.		
Application:	Planning	Number:	CB/13/00153/TD
Validated:	15/01/2013	Type:	Telecommunications Development
Status:	Decided	Date:	08/02/2013
Summary:	Telecom Prior Approval not required		
Description:	Telecommunications Development: Installation of Openreach Broadband electronic communications cabinet.		
Application:	Planning	Number:	CB/10/03163/REN
Validated:	31/08/2010	Type:	Replacement PP sub to new time limit
Status:	Decided	Date:	19/10/2010
Summary:			
Description:	Erection of single storey extension to provide staff accommodation. (Application for a new planning permission to replace extant planning permission SB/TP/07/0707 in order to extend the time limit for implementation		
Application:	Planning	Number:	CB/10/03172/REN
Validated:	31/08/2010	Type:	Replacement PP sub to new time limit
Status:	Decided	Date:	19/10/2010
Summary:			
Description:	Erection of three storey rear extension to provide 18 no. double/twin en-suites bedrooms (Application for new planning permission to replace extant planning permission SB/TP/07/0709 in order to extend the time limit for implementation.		
Application:	Planning	Number:	CB/10/03176/REN
Validated:	31/08/2010	Type:	Replacement PP sub to new time limit
Status:	Decided	Date:	19/10/2010
Summary:			
Description:	Erection of single storey extension to provide staff accommodation. (Application for replacement of associated Listed Building Consent in order to extend the time limit for SB/LB/07/0705		

Application:	Planning	Number:	CB/10/03177/REN
Validated:	31/08/2010	Type:	Replacement PP sub to new time limit
Status:	Decided	Date:	19/10/2010
Summary:			
Description:	Erection of three storey rear extension to provide 18 double/twin en-suite bedrooms (application for replacement of associated Listed Building Consent in order to extend the time limit of SB/LB/07/0708)		
Application:	Planning	Number:	CB/10/03374/LB
Validated:	22/07/2010	Type:	Listed Building
Status:	Decided	Date:	08/11/2010
Summary:			
Description:	Retention of storage container unit in car park		
Application:	Planning	Number:	SB/04/00057
Validated:	03/02/2004	Type:	Listed Building
Status:	Decided	Date:	22/03/2004
Summary:			
Description:	REPLACEMENT THATCH ROOF.		
Application:	Planning	Number:	SB/97/00013
Validated:	18/11/1997	Type:	Lawful Development Cert - Existing
Status:	Decided	Date:	19/12/1997
Summary:			
Description:	USE OF PREMISES AS A PUBLIC HOUSE INCORPORATING BEER GARDEN		
Application:	Planning	Number:	SB/97/00013
Validated:	18/11/1997	Type:	Lawful Development Cert - Existing
Status:	Decided	Date:	19/12/1997
Summary:			
Description:	USE OF PREMISES AS A PUBLIC HOUSE INCORPORATING BEER GARDEN		
Application:	Planning	Number:	SB/97/00013
Validated:	18/11/1997	Type:	Lawful Development Cert - Existing
Status:	Decided	Date:	19/12/1997
Summary:			
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Application:	Planning	Number:	SB/97/00013
Validated:	18/11/1997	Type:	Lawful Development Cert - Existing
Status:	Decided	Date:	19/12/1997
Summary:			
Description:	USE OF PREMISES AS A PUBLIC HOUSE INCORPORATING BEER GARDEN		

Application: Planning
Validated: 18/11/1997
Status: Decided
Summary:
Description: USE OF PREMISES AS A PUBLIC HOUSE
INCORPORATING BEER GARDEN

Number: SB/97/00013
Type: Lawful Development Cert - Existing
Date: 19/12/1997

Application: Planning
Validated: 18/11/1997
Status: Decided
Summary:
Description: USE OF PREMISES AS A PUBLIC HOUSE
INCORPORATING BEER GARDEN

Number: SB/97/00013
Type: Lawful Development Cert - Existing
Date: 19/12/1997

Application: Planning
Validated: 18/11/1997
Status: Decided
Summary:
Description: USE OF PREMISES AS A PUBLIC HOUSE
INCORPORATING BEER GARDEN

Number: SB/97/00013
Type: Lawful Development Cert - Existing
Date: 19/12/1997

Application: Planning
Validated: 07/02/1997
Status: Decided
Summary:
Description: CHANGE OF USE OF LAND FROM RESIDENTIAL TO
PUBLIC HOUSE BEER GARDEN

Number: SB/97/00099
Type: Full Application
Date: 20/03/1997

Application: Planning
Validated: 05/08/1996
Status: Decided
Summary:
Description: CONSTRUCTION OF NEW FIREPLACE

Number: SB/96/00022
Type: Listed Building
Date: 27/09/1996

Application: Planning
Validated: 05/08/1996
Status: Decided
Summary:
Description: CONSTRUCTION OF NEW FIREPLACE

Number: SB/96/00022
Type: Listed Building
Date: 27/09/1996

Application: Planning
Validated: 05/08/1996
Status: Decided
Summary:
Description: CONSTRUCTION OF NEW FIREPLACE

Number: SB/96/00022
Type: Listed Building
Date: 27/09/1996

Application: Planning **Number:** SB/96/00568
Validated: 25/07/1996 **Type:** Full Application
Status: Withdrawn **Date:** 16/09/1996
Summary:
Description: CHANGE OF USE OF LAND FROM RESIDENTIAL TO PUBLIC HOUSE BEER GARDEN

Application: Planning **Number:** SB/96/00003
Validated: 26/01/1996 **Type:** Listed Building
Status: Decided **Date:** 09/05/1996
Summary:
Description: INTERNAL ALTERATIONS AND REDECORATION

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Validated: 26/01/1996 **Type:** Listed Building
Status: Decided **Date:** 09/05/1996
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Application: Planning **Number:** SB/96/00003
Validated: 26/01/1996 **Type:** Listed Building
Status: Decided **Date:** 09/05/1996
Summary:
Description: INTERNAL ALTERATIONS AND REDECORATION

Application: Planning **Number:** SB/89/00004
Validated: 03/02/1989 **Type:** Listed Building
Status: Decided **Date:** 29/03/1989
Summary:
Description: INSTALLATION OF ILLUMINATED SIGNS

Application: Planning **Number:** SB/89/00004
Validated: 03/02/1989 **Type:** Listed Building
Status: Decided **Date:** 29/03/1989
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Application: Planning **Number:** SB/89/00004
Validated: 03/02/1989 **Type:** Listed Building
Status: Decided **Date:** 29/03/1989
Summary:
Description: INSTALLATION OF ILLUMINATED SIGNS

Application: Planning **Number:** SB/89/00005
Validated: 20/01/1989 **Type:** Advertisement
Status: Decided **Date:** 29/03/1989
Summary:
Description: DISPLAY OF ILLUMINATED BOARDS AND SIGNS

Application: Planning **Number:** SB/89/00005
Validated: 20/01/1989 **Type:** Advertisement
Status: Decided **Date:** 29/03/1989
Summary:
Description: DISPLAY OF ILLUMINATED BOARDS AND SIGNS

Application: Planning **Number:** SB/89/00005
Validated: 20/01/1989 **Type:** Advertisement
Status: Decided **Date:** 29/03/1989
Summary:
Description: DISPLAY OF ILLUMINATED BOARDS AND SIGNS

Application: Planning **Number:** SB/89/00005
Validated: 20/01/1989 **Type:** Advertisement
Status: Decided **Date:** 29/03/1989
Summary:
Description: DISPLAY OF ILLUMINATED BOARDS AND SIGNS

Application: Planning **Number:** SB/89/00005
Validated: 20/01/1989 **Type:** Advertisement
Status: Decided **Date:** 29/03/1989
Summary:
Description: DISPLAY OF ILLUMINATED BOARDS AND SIGNS

Application: Planning **Number:** SB/89/00005
Validated: 20/01/1989 **Type:** Advertisement
Status: Decided **Date:** 29/03/1989
Summary:
Description: DISPLAY OF ILLUMINATED BOARDS AND SIGNS

Application: Planning **Number:** SB/88/00050
Validated: 21/12/1988 **Type:** Listed Building
Status: Decided **Date:** 14/02/1989
Summary:
Description: NEW EXTERNAL DOOR AND INTERNAL LOBBY

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Validated: 21/12/1988 **Type:** Listed Building
Status: Decided **Date:** 14/02/1989
Summary:
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Application: Planning **Number:** SB/88/00050
Validated: 21/12/1988 **Type:** Listed Building
Status: Decided **Date:** 14/02/1989
Summary:
Description: NEW EXTERNAL DOOR AND INTERNAL LOBBY

Application: Planning **Number:** SB/88/01649
Validated: 21/12/1988 **Type:** Full Application
Status: Decided **Date:** 14/02/1989
Summary:
Description: ERECTION OF NEW ENTRANCE LOBBY TO
KINGSWAY

Application: Planning **Number:** SB/84/00009
Validated: **Type:** Listed Building
Status: Received **Date:** 03/04/1984
Summary: Unknown
Description: REAR CONSERVATORY AND INTERNAL
ALTERATIONS

Application: Planning **Number:** CB/14/00412/ARCH
Validated: **Type:** Archaeology
Status: Received **Date:**
Summary: Unknown
Description: Erection of a semi detached pair of dwellings including
associated works.

This is in the car park area only, application for the pub
site expected.

Application: Planning **Number:** SB/84/00207
Validated: **Type:**
Status: Received **Date:** 03/04/1984
Summary: Unknown
Description: REAR CONSERVATORY

Application: Planning **Number:** SB/84/00009
Validated: **Type:** Listed Building
Status: Received **Date:** 03/04/1984
Summary: Unknown
Description: REAR CONSERVATORY AND INTERNAL
ALTERATIONS

Application: Planning **Number:** SB/84/00009
Validated: **Type:** Listed Building
Status: Received **Date:** 03/04/1984
Summary: Unknown
Description: REAR CONSERVATORY AND INTERNAL
ALTERATIONS

Application: Planning **Number:** SB/84/00009
Validated: **Type:** Listed Building
Status: Received **Date:** 03/04/1984
Summary: Unknown
Description: REAR CONSERVATORY AND INTERNAL
ALTERATIONS

**Representations:
(Parish & Neighbours)**

Town Council

No objection

Neighbours

16 Richard Street, 1, 42
Kingsway

- This is a historic site and a part of the history of the town. The Norman King needs to be restored to its former glory and not re-developed into an extension of an existing hotel that is not a requirement for the people and town. A fully restored Norman King would generate more interest in the town than a extension of an hotel that is in need of a refurbishment.
- Proposal to demolish the Norman King Public House to make way for a mini hotel is most distressing.
- This has financial benefits for the rich owners of the business at the expense of a lovely historic building.
- Options could have been explored to re-build the fire damaged building to its original standard as happens elsewhere.
- Objection on the grounds of the age and sensitivity of this ancient monument. It has always been held very dear to the town and pre-dates any other building in the area.
- This building was originally a timber framed building, mostly a barn with the old Norman wall facing Church Street. It stood in the yard opposite the farmhouse and was called Kingsbury Farm. It was used for stabling the livestock and mostly a livery for horses. This is known to be an ancient site, certainly the barn would have been medieval. The wall is Norman and is possibly part of the original Kingsbury Palace built 1109 by King Henry 1 (son of William the Conqueror)so it is over 900 years old and its walls are still standing. Hence the extreme sensitivity of this place, the Palace would have been demolished (old habits!) and probably the wall was left standing, they would have then incorporated it as part of a large barn. It was beautifully constructed.
- The Norman King stands as a unique site of special interest with many different era's and influences providing a wonderful gateway to the town. It has been the victim of a mindless arson attack. The fire took the roof and timber but the walls are still standing. I feel that we must retain the site for future generations, we can rebuild a barn. If it is done to the satisfaction of everyone concerned it will be an asset to the owner's business and surely an asset to this town.

The Norman King, Old
Palace Lodge Hotel,
Church Street

Fully support the application. (Note: Owners of site and applicant).

Petition submitted by
Ms Andrea
Tompkins (about 2016
petitioners)

Covering note to the petition states that :
This building was the victim of an arson attack 10/08/2011 at 1215am. The structure was listed with English Heritage as Grade 2 – a Medieval Thatched Barn – in 1975 by local historians, it has been cherished locally for many years, and provided a beautiful gateway to our town. Tragically the fire has taken away all the medieval barn structure leaving only it's walls standing. The wall facing Church Street is thought to be very old indeed. This building has been subject to many influences and alterations over hundreds of years that it is thought to have stood there. It is thought that it may be possible that it stands on or near the remains of KINGSBURY, a Royal Palace built by King Henry 1 (The Norman King) Circa 1109.

Our petition has seen an informed attempt to discredit it, from the Dunstable & District History Society Chairman Mr John Buckledee and the Dunstable Town Council. We respect and bow down to his superior knowledge in this matter, but he does refer to the documented evidence of it being Medieval. This building in parts could be much older than that, no one knows. We believe an archaeological survey has been included with the above application, but it will risk the resulting complete demolition of this site. It is far too important for that to happen and we must find another more sympathetic way forward.

We would urge the planning committee to consider the sensitivity of this ancient site and we would like to see the barn rebuilt using the existing walls where possible, in its original timber and thatched style. Please listen to the people who have responded very passionately regarding this issue.

CBC facebook postings
(Snapshot taken 20:42
Sunday 3rd August from
Facebook Post)

Discussion on the heritage significance of the former Norman King building including its historic origin.

Consultations/Publicity responses

English Heritage

No objection. Supportive of the development for the following reasons :

- The existing Norman King Public House has suffered fire damage and is beyond repair, hence was de-listed so we would not object to its demolition.
- The proposed aparthotel rooms would be appropriate in scale and proportion to the surrounding buildings and would not detract from the setting of the Grade II Listed Marshe Almhouses.
- They would preserve the elements that made positive

contribution to the significance of the Dunstable Conservation Area and would comply with paragraphs 132 and 137 of the National Planning Policy Framework.

Conservation and
Design Officer

English Heritage has been involved in pre-application discussions for the proposed re-development of the site.

Should the application be granted, the Local Planning Authority may wish to condition samples of materials and landscaping.

The submitted scheme accords with pre-application discussion and final agreements, confirmed from the Local Authority Conservation Officer's point of view.

I am therefore happy for **Permission to be granted** with the following Conditions and Informatives applied:

...notwithstanding the details submitted with the application and prior to the commencement of the approved development on site...

- external material samples – wall brick, chimney brick, stone detailing, roof tile, carport framing and weatherboard cladding, RWG (gutter, down pipe and hopperhead) proposed to be used in the development hereby approved shall be submitted to and approved in writing by the LPA and the approved development shall thereafter be undertaken strictly in accordance with the approved details

- external materials and finishes schedule – a written schedule of external materials and finishes proposed to be used in the development hereby approved, including colour schemes expressed as RAL Nos. or demonstrated by clearly labelled swatches, shall be submitted to and approved in writing by the LPA and the approved development shall thereafter be undertaken strictly in accordance with the approved details

- the face brickwork of the development hereby approved shall be constructed in English Bond in a lime-based mortar, written details of the mix constituents and proportions of which shall be submitted to and approved in writing by the LPA and the approved development shall thereafter be undertaken strictly in accordance with the approved details

- a sample panel of face brickwork, demonstrating brick type, brick bond, mortar mix and mortar jointwork finish shall be constructed and retained on site for the inspection and agreement in writing by the LPA and the approved development shall thereafter be undertaken strictly in accordance with the approved details

- drawn details in elevation and section, 'as existing' and 'as proposed', and at an appropriate scale between 1:10 and 1:20, as appropriate, which show in detail the proposed integration *in situ* of existing clunch stone walling in the front elevation of the development hereby approved, shall be submitted to and approved in writing

by the LPA and the approved development shall thereafter be undertaken strictly in accordance with the approved details

- the thatched roof cover proposed to be installed as part of the development hereby approved shall be constructed using long straw and shall be given a plain flush ridge and hips in accordance with conservation good practice and as set out in the specifications of The East Anglian Master Thatchers Association, June 2009, and the roof cover so formed shall be maintained as such thereafter in perpetuity.

- the windows proposed to be installed in the development hereby approved shall be of painted timber and expressly exclude trickle venting, unless otherwise agreed in writing by the LPA and shall incorporate structural glazing bar elements and not applied or planted 'decorative' glazing bar elements, and shall be maintained as such thereafter in perpetuity.

- details in elevation and section of the external doors and windows proposed to be installed in the development hereby approved, drawn at an appropriate scale between 1:10 and 1:20, as appropriate and including glazing bar profiles at a scale of 1:1, shall be submitted to and approved in writing by the LPA and the approved development shall thereafter be undertaken strictly in accordance with the approved details.

- rainwater goods (including gutter sections, downpipes and hopperheads) to be installed as part of the development hereby approved shall be of black-painted cast aluminium 'heritage range' type, samples and details of which shall be submitted to and approved in writing by the LPA, and shall be maintained on the property as such thereafter in perpetuity.

Informative:

(Weatherboarding) - To assist in the appropriate selection of key constructional materials and finishes, the applicant should be advised of the standard dimensions of traditional ('feather-edged') weatherboard - commonly 175mm (7") board width with sectional thicknesses of 25mm (1") at the lower, exposed edge, tapering down to 6mm (1/4") at the top edge. The use of black stain or black tar paint is an acceptable finish for traditionally profiled weatherboarding installed in traditional building contexts.

Background information based on English Heritage evaluation

Building de-listing

During the Spring and Summer of 2012, English Heritage evaluated the suitability of the fire-damaged building to

remain on the national (Statutory) list of buildings of special architectural or historic interest. As part of this, English Heritage visited the site and inspected the remains of the building.

English Heritage concluded that the fire damage was “comprehensive” and had “irrecoverably diminished the architectural interest of the building”, noting also that much of the building, including the roof structure, had been “completely destroyed” and concluding that “there is now insufficient historic fabric surviving to justify the building’s retention on the Statutory List”.

The building assessment report accompanying the decision acknowledges Local Authority comment that the building’s roof of thatch was locally significant as one of only two surviving thatched roof coverings in the Town, and thus had ‘landmark’ quality as a result [This roof cover was renewed in 2004].

The building assessment noted the extensive alterations and modern interventions that had occurred following the building’s conversion to a public house in the late-1950’s, and the consequent loss of historic features. In respect of the building’s post-fire condition, English Heritage concluded that the surviving proportion of historic fabric had been “significantly” reduced as a result of the recent fire.

The report noted, correctly, broad Local Authority agreement with the English Heritage assessment of the building, both pre- and post-fire.

The Local Authority was formally informed of the decision to de-list the building, by letter, in September 2012.

Archaeologist

The proposed development site lies within the core of the Roman and medieval towns of Dunstable (HER’s 135, 11270 and 16986). The site is also close to the suggested location of a Royal residence (HER 148) built by Henry I in the early part of the 12th century AD, following his foundation of the medieval town. Under the terms of the *National Planning Policy Framework* (NPPF) these are all heritage assets with archaeological interest.

The application area includes the Old Palace Lodge (HER 4355, LB 724/2/13) which is a Grade II Listed Building, and prior to its devastation by fire in 2011, the Norman King Public House (HER 4353), which is the subject of this application, was also a Grade II Listed Building. To the east of the site lie the Marshe

Almshouses (HER 6253, LB 724/2/14) and a K6 Telephone Kiosk (HER 15172, LB 724/2/133) which are also Grade II Listed Buildings. Under the terms of the NPPF the Listed Buildings are designated heritage assets.

In addition, the application area lies within the Dunstable Conservation Area (HER DBD6475) and within the setting of the Priory Church of St Peter (HER 132, LB 2/1: Grade I Listed), the Priory Gateway (HER 6329, LB 724/2/61: Grade I Listed) and the remains of the Augustinian Priory of St Peter Scheduled Monument (HER 131 and SM 3). The Church, Gateway and remains of the Priory are all designated heritage assets of the highest significance.

In summary, the historic environment within this part of Dunstable is extremely important to the identity of the town and to Central Bedfordshire as a whole. This report represents a summary of the Central Bedfordshire Council Archaeologist's comments on the development proposals. The full comments can be obtained by contacting Hannah Firth (archaeology@centralbedfordshire.gov.uk).

The Roman town at Dunstable (HER 135, HER 11270 and HER 11284) recorded as *Durocibrivae* or *Durocibrivis*, appears to have developed around the crossroads between the prehistoric routeway known as the Icknield Way (HER 353) and Watling Street (HER 5508), one of the major arterial roads in Roman Britain; Church Street, on which the application site lies (also formerly East Street), may lie over part of the Icknield Way.

Durocibrivae may have been one of a series of mansios (stopping points/staging posts) along Watling Street. Numerous small archaeological investigations have demonstrated the survival of a range of archaeological deposits dating to the Roman period and features including ditches, pits and wells have been found to the west and north-west of the Norman King site (HER 11270, HAT 2000 and OA 2006) and more ephemeral remains have been found adjacent, at the Old Palace Lodge/Kingsbury (HER's 15008 and 14965, Manshead Archaeological Society 1988 and 1989 and Heritage Network 2007 and forthcoming).

The decline of *Durocibrivae* is likely to have taken place some time during the 5th century AD following the official withdrawal of Roman rule from Britain. At present there does not appear to have been any continuity between the Roman and Saxon settlements.

In approximately 1119 AD Henry I founded the medieval town (HER 16986) in Dunstable and in similarity to the Roman settlement this was focussed upon the Icknield Way/Watling Street crossroads. The town had a planned market place and was laid out in burgage plots, some of which may be preserved in the surviving property boundaries today, particularly along High Street South. Medieval features dating to this period have been recorded at a number of locations within the modern town (Albion Archaeology 2003). Documentary sources, now supported by archaeological evidence, suggest that Henry I also had a Royal residence within the town (HER 148) located on the northern side of Church Street (see below).

Around 1131/32 AD Henry I established the Augustinian Priory of St Peter (HER 131, SM 3). Located on the opposite side of Church Street to his residence, the Priory was endowed with significant lands and properties within the town and surrounding area. The upstanding remains of the Priory buildings include the nave of the Church of St Peter (HER 132, LB 2/1), part of the Gatehouse (HER 6329, LB 724/2/61) and the undercroft at Priory House (HER 6311, LB 1/17). Sub-surface remains relating to the Priory have been recorded in a number of locations within Dunstable (Mathews 1984, ASC 2005 and 2007, Archaeological Solutions 2012 and KDK Archaeology 2014). The majority of the Priory site lies within Priory Gardens (between Church Street and High Street South) and part of it is protected as a Scheduled Monument, in planning terms: a nationally designated heritage asset of the highest significance.

Historical documentation indicates that Henry I had a Royal residence (HER 148) in Dunstable (presumably constructed around the time that the town was founded) and it was located on the northern side of Church Street. The residence is often referred to as a "palace" and this is even reflected in the name of the hotel (the Old Palace Lodge), which may now occupy the "palace" site. However; it is as likely that building was more simply an opulent house, and probably a combination of masonry and timber framing. Henry I spent Christmas in 1122 in Dunstable and the Pipe Rolls of 1129-30 show that there was a housekeeper for the residence, who was paid the rate of one penny a day.

When the Augustinian Priory was created in 1131/32 the lands associated with this residence were granted to the Priors, a Royal Charter specified that the King retained the house and gardens. King Stephen stayed there in 1137 and it was reserved for the use of Henry II and

Richard I. In 1204 King John gifted the residence to the Augustinian Priory, although there is little within the annals of the Priory to explain what the Priors did with it. By 1277 the Priors were engaged in building a “great chamber” within the precinct of the Priory for the King to stay in, so it would seem that the Royal residence was by then not considered appropriate for Royalty.

By the time of the Dissolution of the Priory in the late 1530's, the Royal residence or at least its site had become farm known as “Kingsbury”. The early post medieval history of the site is sketchy; however, there are a number of 17th century references that mention the conversion of the King's residence to a farmhouse. The earliest known cartographic source for Kingsbury farm dates to 1762 relating to the Bedford Estate (held in BLARS). It depicts a fairly substantial farmstead with barns/outbuildings projecting back from the main house and the Church Street frontage. An early 19th century engraving (sketched 1812, dated 1815) shows the Church Street elevations of the property and elements of what was to become Kingsbury House/Court, the Old Palace Lodge and the Norman King are easily recognisable. The south wall of the Norman King is shown as a rubble wall, and the accompanying note refers to the use of Totternhoe stone.

In 1987 and 1988 prior to the erection of Kingsbury Court accommodation for the elderly, a number of features associated with the post medieval and Georgian Kingsbury property; including latrines, foundation trenches and cobbled yard surfaces were discovered and investigated by the Manshead Archaeological Society. At least three phases of remodelling were noted but no evidence on the western half of the site was found for the medieval Royal residence (Warren, 1988 & 1989).

Ordnance survey mapping (the earliest dates to 1880) shows Kingsbury House (to the west), as the main residence with associated gardens. The farm is depicted arranged in a courtyard fashion to the east. Kingsbury continued as a farm until the early 20th century and there are a number of photographs which show the whole site, including the thatched barn (later to become the Norman King). Between the end of the First World War and the 1924, extensive remodelling of Kingsbury took place, including the erection of the eastern extension (now part of the Old Palace Lodge).

It is reported that in 1927, the barn (later to become the Norman King public house) was converted for use as the town museum and a branch of the Bedfordshire County Library. Between 1934 and 1937 the whole property was

divided up into the Old Palace Lodge (which was acquired by Creasey Hotels in 1959 and became a hotel in 1960), Kingsbury Stables (the Norman King) and Kingsbury Court/House (a private residence).

In 1960, the Flowers Breweries obtained the former Kingsbury Stables and converted it into a public house, opened as the Norman King in 1961. In order to convert the building extensive remodelling apparently took place. This is said to have included the re-building of the south wall. Several sources including the English Heritage List entry suggest that re-used stone was imported from Cambridgeshire to do this. However, this seems a little spurious, given that Totternhoe quarries were still in operation at that time and the site in Cambridgeshire which is said to have been “quarried” for the clunch was in fact built from timber. This information should therefore be considered anecdotal unless proven.

There has been some speculation (also noted within the Heritage Statement that accompanies application CB/14/01924/FULL) regarding the true location of Henry I's Royal residence. The historic records do not give an exact position either for the location of the residence or for the Priory itself. The residence is generally believed to have been north of the Church, but it should be noted that the Church as it stands today has been modified and re-built significantly since it served the Priory. There is now, however, a growing body of archaeological evidence from the Kingsbury/Old Palace Lodge/Norman King site, which suggests the presence of a high status medieval building within the application area.

In 1981, before the construction of an extension to the Old Palace Lodge Hotel, the Manshead Archaeological Society recovered medieval and Roman pottery from the new foundations, as well as observing the presence of a large robbed-out buttress (Manshead Archaeological Society 1981). In 2007, an archaeological field evaluation was undertaken prior to the determination of a planning application for an additional extension to the Old Palace Lodge Hotel. The results of the evaluation demonstrated the presence of archaeological deposits dating to the Roman, medieval and post medieval periods. Of particular interest was the recovery of worked medieval Totternhoe stone. The stone has a series of floral motifs carved into it and probably dates to the 12th/13th century (Heritage Network 2007). It is the type of decorated stone, one would expect to find on a high status building. In 2012, follow up excavation produced further evidence for Roman and medieval activity. More worked Totternhoe stone was recovered, along with a quantity of medieval window lead and evidence for small scale metal working. A large medieval boundary ditch, running

parallel with Church Street was also recorded (Heritage Network, forthcoming). The buttress, carved Totternhoe stone and the window lead, which would not have been used in standard domestic buildings, strongly suggest the Kingsbury/Old Palace Lodge Norman King site overlies a significant medieval building, possibly Henry I's Royal residence.

The fire at the Norman King in 2011 was so devastating that when the case was reviewed by English Heritage in 2012 they reported that *"much of the building, including the upper storey and the roof structure have been completely destroyed by fire..."*. This led to the conclusion that *"the special architectural interest of the building has been irrecoverably diminished as a result of comprehensive fire damage"* (English Heritage, Advice Report 22nd August 2012), and as a consequence the building was de-listed. Nevertheless, even the remains of the building hold significance and it is positive that this significance is acknowledged with the design of the proposed new building retaining part of the surviving clunch wall and the parking area at the rear being covered by a thatched roof.

The commitment to retain part of the surviving fabric of the building should be applauded, but is also vital that if this proposal is to gain consent, a full record of the surviving fabric of the building takes place. Pre-application discussions with the agents for these proposals have indicated that the applicant is able to commission a laser survey of the remains of the Norman King. The inclusion of the *Topon Ltd* letter (dated 14th March 2014) in the supporting documents entitled *"The Former Norman King Public House, Dunstable: Redevelopment of the Site, Phase 2 – The Main Site"* (David Lock Associates, May 2012), which refers to the purchase of a GLS-2000 scanner demonstrates that applicant shall be undertaking the laser survey. This commitment recording the remains of the former designated heritage asset is in line with requirements of paragraph 141 of the NPPF and it is very welcome.

The *Heritage Statement* (Rev C, Ward-Booth with contributions by Collins, undated) provides a useful summary of the known historic environment data for the site and the surrounding area. There are however a few minor errors; for example the reference to the *"Central Bedfordshire Heritage and Environment Record"* (it is the Historic Environment Record) and the fact that on page 26 the Archaeology section states that *"The proposed development site is just outside the presumed boundary of the NE Quadrant of the Roman Town..."* – it is within the boundary. There is also an updated photograph on page 20 which is accompanied by the label *"Photograph*

showing the appeal site during the period of its use as stabling". As this is the first application for the re-development of the site, I am not sure why the term "appeal" has been used and the fact that the date of the photograph has not been included does not actually provide any assistance in understanding the historic use and development of the site.

I am also rather disappointed that in the Justification and Weighing Up section on page 27 it is concluded that "... *the impact of the proposed development of identified heritage assets within the locality will be essentially neutral*". The re-development of this site will have a negative and irreversible impact on the remains of the Norman King and the surviving archaeological resource, neither of which can be justifiably called "neutral impacts". I do not however disagree with the conclusion that the proposals will not harm the setting of the Scheduled Monument, which after all is intrinsically linked with the application site.

My concerns notwithstanding, I am generally content that the applicant and his agents have demonstrated a commitment to the historic environment associated with the proposed development site within application CB/14/01924/FULL, which is the partner application to this one.

The Norman King was a Grade II Listed Building and formed a group with the Old Palace Lodge, which may have overlain the site of Henry I's Royal residence in Dunstable. Under the terms of the NPPF, like the Old Palace Lodge, before it was devastated by fire, the Norman King was a designated heritage asset. The de-listing of the site means the building is no longer a designated heritage asset. Nevertheless, it is still a non-designated heritage asset and consequently the requirements of paragraph 141 of the NPPF to record and advance understanding of the significance of the heritage asset before it is lost still apply to the remains of the building, even more so given that it will substantially be demolished.

The application site lies within the core of the Roman and medieval towns of Dunstable (HER's 135, 11270 and 16986) and may overlie the site of Henry I's Royal residence (HER 148). A number of archaeological investigations in the surrounding area have shown that archaeological deposits relating to both the Roman and medieval periods, including human burials, survive well in this part of the town. These are heritage assets with archaeological interest as defined by the NPPF. Consequently, the proposed development site is

considered to have the potential to contain archaeological deposits relating to the Roman, medieval and post medieval development of Dunstable. Research into the origins and development of small towns, their inter-relationships with their hinterlands and early town planning from the Saxon through to the early Post medieval periods are local and regional archaeological research objectives (Ayers 2000, 27-32, Going and Plouviez, 21, Oake et al 2007, 11 and 14 and Medlycott 2011, 47-48, 58, 70 & 79). In addition, it is acknowledged that little is known about the character of the medieval town at Dunstable and further research into this area is a local priority, including whether it is possible to confirm of the location of the Royal residence on Church Street (Oake et al 2007, 15).

Given the high profile nature of this site and its location within the heart of historic Dunstable, if this proposal is consented it is also necessary for the re-development of this site to directly benefit the local community. This will be achieved by the promotion of the historic environment and the creation of a heritage focussed public engagement programme.

Paragraph 141 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets before they are lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (CLG 2012). Policy 45 of the *Development Strategy for Central Bedfordshire* (pre-submission version, June 2014) echoes this and also requires all developments that affect heritage assets with archaeological interest to give due consideration to the significance of those assets and ensure that any impact on the archaeological resource which takes place as a result of the development is appropriately mitigated.

The proposed development will have a negative and irreversible impact upon the remains of the Norman King and any surviving archaeological deposits present on the site. Consequently, there will be an impact upon the significance of the surviving heritage assets within the application area. This does not present an over-riding constraint on the development providing that the applicant takes measures to record and advance understanding of the heritage assets affected by the development. This shall be achieved by the completion of a laser survey of the remains of the building before it is demolished; the investigation and recording of any archaeological deposits present at the site and the preservation *in situ* of any significant archaeological deposits. The laser survey shall also generate a report

and the archaeological investigation shall include post-excavation analysis of any archive material generated, the publication of a report on the works and the completion of a programme of community engagement. In order to secure this, please attach the following conditions to any permission granted in respect of this application:

Buildings Survey

"No demolition or development shall take place until a method statement for a laser buildings survey has been submitted to and approved in writing by the Local Planning Authority. The results of the laser building survey shall also be submitted to and approved in writing by the Local Planning Authority before any demolition or development takes place."

Reason: In accordance paragraph 141 of the NPPF; to record and advance the understanding of the significance of the former designated heritage asset before it is lost.

Archaeology

"No demolition or development shall take place until a written scheme of archaeological investigation, which reflects the final foundation design, has been submitted to and approved in writing by the Local Planning Authority.

The written scheme shall include details of the following components:

- **A method statement for the investigation of any archaeological remains present at the site;**
- **A method statement for the preservation in situ of any significant archaeological remains present at the site;**
- **A outline strategy for post-excavation assessment, analysis and publication;**
- **A programme of community engagement**

The said development shall only be implemented in full accordance with the approved archaeological scheme and this condition shall only be fully discharged when the following components have been completed to the satisfaction of the Local Planning Authority:

- **The completion of the archaeological investigation, which shall be monitored by the Local Planning Authority;**

- **The implementation of a programme of preservation in situ of any significant archaeological remains present at the site.**
- **The submission within six months of the completion of the archaeological investigation (unless otherwise agreed in advance in writing by the Local Planning Authority) of a Post Excavation Assessment and an Updated Project Design, which shall be approved in writing by the Local Planning Authority.**
- **The completion within two years of the conclusion of the archaeological investigation (unless otherwise agreed in advance in writing by the Planning Authority) of the post-excavation analysis as specified in the approved Updated Project Design; preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of a publication report;**
- **The implementation within one year of the approval of the publication report (unless otherwise agreed in writing by the Local Planning Authority) of the programme of community engagement.”**

Reason: In accordance with paragraph 141 of the NPPF; to record and advance the understanding of the significance of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to make the record of this work publicly available. In accordance with Policy 45 of the emerging *Development Strategy for Central Bedfordshire* (pre-submission version, June 2014); to give due consideration to the significance of the heritage assets with archaeological interest and ensure that any impact on the archaeological resource which takes place as a result of the development is appropriately mitigated.

Highways Officer

Recommends conditions and informatives as follows :

Development shall not begin until details of the junction of the proposed vehicular access with Kingsway have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.

Reason

In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

Development shall not begin until the improvements to

the junction of the vehicular access with Church Street have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.

Reason

In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

Visibility splays shall be provided at all private means of access from individual properties within the site onto the estate roads. This vision splay shall be provided on each side of the access drive and shall be 2.8m measured along the back edge of the new highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the footway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the dwelling occupier's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason

To provide adequate visibility between the new estate road and the new individual accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.

Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

Reason

To provide adequate visibility between the existing highway and the proposed access(es), and to make the access(es) safe and convenient for the traffic which is likely to use it (them).

The maximum gradient of the vehicular access shall be 10% (1 in 10).

Reason

In the interests of the safety of persons using the access and users of the highway.

Any gates provided shall open away from the highway and be set back a distance of at least 5.0m from the nearside edge of the carriageway of the adjoining highway.

Reason

To enable vehicles to draw off the highway before the gates are opened.

Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason

In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

Development shall not begin until details of refuse storage area and collection point have been approved by the Local Planning Authority and no building shall be occupied until the said storage and collection points have been constructed in accordance with the approved details.

Reason

To ensure the refuse collection bins do not cause a hazard or obstruction to the highway or parking area.

Development shall not begin until details of secure cycle storage for residents and cycle parking for visitors have been approved by the Local Planning Authority and no building shall be occupied until the said storage and parking have been constructed in accordance with the approved details.

Reason

In order to promote sustainable modes of transport.

Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

Reason

In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

No development shall commence until a details of the method statement of preventing site debris from being deposited on the public highway have been submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be implemented throughout the construction period and until the completion of the development.

Reason

In the interests of highway safety and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason

To ensure adequate off street parking during construction in the interests of road safety.

Furthermore, I should be grateful if you would arrange for the following Notes to the applicant to be appended to any Consent issued :-

The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Bedfordshire Highways, Streetworks Co-ordination Unit, County Hall, Cauldwell Street, Bedford MK42 9AP.

The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

Tree and Landscape Officer

I refer to my previous comments and the amended Method Statement received from RGS Tree Consultants, following our agreement to allow the removal of T5.

I therefore recommend the following condition :

Tree Protection Measures

All tree protection measures for all trees marked for retention shall be implemented in strict accordance with the Arboricultural Method Statement, produced by RGS Arboricultural Consultants (Ref CB/14/01924/FULL) dated July 2014 and any subsequent amendments.

REASON

To ensure satisfactory tree protection measures so as to secure the health and anchorage of all retained trees in order to maintain visual amenity.

Public Protection

No comment

Ecology

No objection

Contaminated Land Officer

Due to the fire at the site, the following conditions are recommended :

Condition 1

No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- A Phase 1 **Desk Study** incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.
- Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 **Site Investigation** report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.

Condition 2

No occupation of any permitted building shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- Where shown to be necessary by any Phase 2 Desk Study found to be necessary by Condition 1, a Phase 3 detailed **remediation scheme** and measures to be taken to mitigate any risks to human health, groundwater and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any **permitted building** is occupied.
- The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a **validation report** (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

There is a duty to assess for Asbestos Containing Materials (ACM) during development and measures undertaken during removal and disposal should protect site workers and future users, while meeting the requirements of the HSE.

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination before, during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

Reason: To protect human health and the environment

Private Sector Housing

No objection

Determining Issues

1. Whether or not the proposed development is acceptable in principle
2. Impact on the character and appearance of the Historic Environment
3. Impact on residential amenity
4. Impact on off-street parking provision and highway safety
5. Other considerations

Considerations

1. Principle of the development

The application site is situated to the east of the Dunstable Town Centre boundary but within the Conservation Area and in an archaeologically sensitive area. The Old Palace Lodge, a Grade II Listed Building forms the immediate setting of the application site to its west and the proposal constitutes the re-development of a previously developed site (brownfield site) on which the Norman King Public House stood before its destruction by a fire. The principle of the development is therefore defined by the setting of the site and its characteristic features together with the nature of the proposed development.

Historic significance of the site

National advice within the NPPF accords a high level of protection to heritage assets given that they are irreplaceable. As such, any harm or loss should require clear and convincing justification and should be wholly exceptional, (paragraph 132). It is clear therefore that national advice does not preclude the loss of heritage assets where appropriate justification is established and in fact, at paragraph 141 requires developers to record and advance understanding of the significance of the heritage asset before it is lost.

In this particular case, the Norman King Public House has suffered fire damage and is beyond repair which resulted in its de-listing. Nevertheless, as confirmed by the CBC Archaeologist, it is still considered a non-designated heritage asset with an archaeological interest and as such is subject to policies that govern designated heritage assets, (NPPF paragraph 139). In this respect, national advice makes it quite clear that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. With regards archaeological remains, the Archaeological Officer states that the application site is in an archaeologically sensitive area and within the setting of a designated heritage asset and as such the impact of the proposal on the setting of the designated asset would be significant. It is however considered that this harm to the significance of the designated heritage asset is not an overriding objection to the application having regard to the mitigation measures that could be secured by appropriate planning conditions. It is therefore considered with respect to safeguarding the historic significance of the site, these circumstances provide adequate justification required by national advice for the in principle demolition of the remains of the Public House and the re-development of the site as proposed.

Design and impact on the historic environment

Policy BE8 of the South Bedfordshire Local Plan Review (SBLPR) requires,

among other things, all development to complement and harmonise with surrounding development and carefully consider setting. This requirement is repeated in Policy 43 of the DSCB and national advice within the NPPF. Policy 45 of the DSCB specifically addresses impact on the historic environment. National advice is also quite clear that good design is a key element of sustainable development and should seek to make places better for people. (paragraph 56). Further advice at paragraph 137 requires Local Planning Authorities to look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements should be treated favourably. The main building would be two storeys in height, built in traditional style and incorporating the remains of the front wall adjacent Church Street. The carport to the rear of the building would be under thatch reflecting the roof style of the destroyed Public House. The design was agreed at the pre-application stage to ensure that the development would be sympathetic to the surrounding developments and in particular, to ensure that it would enhance the character and appearance of the historic environment. English Heritage confirmed that the success of the building would depend on the detailing and quality of construction and materials used. To this end, it is considered justifiable to attach appropriate conditions to control the external details as suggested by the Conservation Officer in order to achieve these design objectives.

Re-development of a previously developed site (brownfield site)

Policy SD1 of the South Bedfordshire Local Plan Review is the overarching policy which is underpinned by sustainability principles. In considering new development, the policy gives first preference to previously developed sites. These requirements are echoed in Policy 43 of the emerging Development Strategy for Central Bedfordshire (DSCB) which requires, among other things, that proposals for new development should use land efficiently, taking into account quality of life. National advice within the NPPF however encourages the effective use of land by re-using land that has been previously developed only if it is not of high environmental value. Notwithstanding the destruction by a fire of the Norman King Public House, the site is situated within the Conservation Area, in the setting of a Grade II Listed Building and an archaeologically sensitive area and hence is considered of high environmental value. Given the background of the site as detailed above and the fact that an appropriate design has been negotiated, an exception to the NPPF guidelines regarding re-development of sites of high environmental value can be applied. In this respect, the re-development of the site as proposed is considered acceptable and would represent efficient use of an otherwise derelict site.

Employment

Policy 4 of the DSCB identifies Dunstable as a Major Service Centre and therefore a sequentially preferred location for new commercial development. Paragraph 6.46 of the DSCB states that the Council values existing businesses within Central Bedfordshire and supports proposals for expansion which will contribute positively to the local economy and provide new jobs within the area. Paragraph 6.47 goes on to say that in some instances, existing businesses may wish to expand either within their existing curtilage or onto land adjacent to their current site rather than relocate to a new location. In order to retain existing businesses, the Council has therefore adopted a flexible approach to business expansion within CBC.

Tourism

Paragraph 6.7 of the DSCB is quite clear that tourism is an important and rapidly growing sector in CBC. The contribution of hotels to the delivery of new jobs is specifically acknowledged in Paragraph 6.16. The tourism Growth Strategy for Bedfordshire and Luton document referred to in Paragraph 6.53 notes specific weaknesses in the number of hotels, their quality and the fact that longer term stays are not currently being catered for and the business tourism market is also poorly represented. It is considered that the proposed aparthotel development would help to fill this gap in the market.

On the basis of the above appraisal, it is considered that the benefits to be had from the proposed development would far outweigh any perceived harm resulting from the loss of the remains of a non-designated heritage asset. The principle of the development on the site as proposed is therefore considered acceptable.

2. Impact on the character and appearance of the historic environment

On the basis of the above appraisal, it is considered that the proposed development offers an appropriate design solution to a site which otherwise lies derelict. The design responds well to its context and as such, would enhance the character and appearance of the Conservation Area in this prominent location. The proposed development would thereby conform with Policies BE8 of the SBLPR and 43 and 45 of the DSCB and the Central Bedfordshire Design Guide.

3. Impact on residential amenity

The proposed development would have a satisfactory relationship with the adjoining residential properties and as such, no harm would be caused to residential amenity through loss of light, outlook and overlooking and loss of privacy. Furthermore, the proposed development would provide acceptable living conditions for the future occupiers in line with the Council's policies and design standards.

4. Impact on off-street parking provision and highway safety

The existing hotel has 59 car parking spaces and an additional 6 are proposed to bring the total to 65 spaces. The provision of these spaces would be secured by an appropriate condition requiring joint use by both the aparthotel and Hotel occupiers. It is also noted that the site is an edge of town centre location which is situated within close proximity of existing public car parks. The day to day convenience facilities are available within walking distance and public means of transport is also readily available, including the Luton-Dunstable Guided Busway. It is therefore considered that the proposed development would not result in additional demand for off-street parking which could not be met on site or by the existing facilities nearby. The proposed access improvements would improve the safety of road users and pedestrians. Overall, subject to the conditions recommended by the Highways officer, the development would not be prejudicial to Highway safety.

5. Other considerations

Representations

The objections from some of the local residents including views expressed by petitioners are noted and can only be material to the determination of the application in so far as they are considered relevant. As discussed comprehensively in the response by the English Heritage and the Archaeologist,

the former Norman King building was destroyed beyond repair and the proposed demolition of its remains including the re-development of the site within the setting of the existing heritage assets would enhance or better reveal their significance. Overall, the English Heritage is supportive of the proposal. Furthermore, the Conservation Officer and Archaeological Officer do not object to the application subject to conditions. The representations do not, therefore, provide an overriding reason to resist the application. The suggestion to restore the Norman King building is not an option that the applicant has considered as viable and as such, the Local Planning Authority is required to make a decision on the basis of the acceptability or otherwise of the current application.

Human Rights issues

The application raises no significant human rights issues.

Equality Act 2010

An informative drawing the applicant's attention to their responsibility under The Equality Act 2010 with particular regard to access arrangements for the disabled is included as part of the permission.

Recommendation

That Planning Permission be **GRANTED** subject to the following:

RECOMMENDED CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The aparthotel building hereby approved shall only be used in association with the Old Palace Lodge Hotel and for no other independent residential use (including any other purpose falling within Classes C3 and C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To exclude the provisions of the said Use Classes Order and thereby ensure the Local Planning Authority retains full control of the future use of the land and building having in view of the combined parking provision with the hotel and in recognition of no requirement for planning obligations. (Policies 43 & 45, DSCB)

- 3 The carport building and parking spaces hereby approved shall only be used for the parking of vehicles in connection with the occupation of the aparthotel rooms and the Old Palace Lodge Hotel.

Reason: To ensure that adequate off street parking provision is made for the approved development. (Policies 27 & 43, DSCB)

- 4 The carport shall be erected in accordance with the details hereby approved and completed to the Local Planning Authority's satisfaction prior to the first occupation of the aparthotel rooms and thereafter permanently retained as such.

Reason : To ensure that the development reflects some of the characteristic features of the former Norman King Public House in the interests of preserving and enhancing the appearance of the Conservation Area.

(Policies BE8 S.B.L.P.R and 43 & 45 DSCB)

- 5 **Notwithstanding the details submitted with the application no development shall take place until samples of external materials comprising wall brick, chimney brick, stone detailing, roof tile, carport framing and weatherboard cladding, RWG (gutter, down pipe and hopperhead) proposed to be used in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.**

Reason: To control the appearance of the development in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area.

(Policies BE8, S.B.L.P.R and 43 & 45 DSCB)

- 6 **Notwithstanding the details submitted with the application no development shall take place until an external materials and finishes schedule comprising a written schedule of external materials and finishes proposed to be used in the development hereby approved, including colour schemes expressed as RAL Nos. or demonstrated by clearly labelled swatches, have been submitted to and approved in writing by the Local Planning Authority and the approved development shall thereafter be undertaken strictly in accordance with the approved details**

Reason: To control the appearance of the development in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area.

(Policies BE8, S.B.L.P.R and 43 & 45 DSCB)

- 7 **Notwithstanding the details submitted with the application, the face brickwork of the development hereby approved shall be constructed in English Bond in a lime-based mortar, written details of the mix constituents and proportions of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved development shall thereafter be undertaken strictly in accordance with the approved details.**

Reason: To control the appearance of the development in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area.

(Policies BE8, S.B.L.P.R and 43 & 45 DSCB)

- 8 Notwithstanding the details submitted with the application, no development shall take place until a sample panel of face brickwork, demonstrating brick type, brick bond, mortar mix and mortar jointwork finish have been constructed and retained on site for the inspection and agreement in writing by the Local Planning Authority and the approved development shall thereafter be undertaken strictly in accordance with the approved details

Reason: To control the appearance of the development in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area.
(Policies BE8, S.B.L.P.R and 43 & 45 DSCB)

- 9 Notwithstanding the details submitted with the application no works of demolition and development shall take place until drawn details in elevation and section, 'as existing' and 'as proposed', and at an appropriate scale between 1:10 and 1:20, as appropriate, which show in detail the proposed integration *in situ* of existing clunch stone walling in the front elevation of the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority and the required wall protection together with the approved development shall thereafter be undertaken strictly in accordance with the approved details

Reason: To control the appearance of the development in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area.
(Policies BE8, S.B.L.P.R and 43 & 45 DSCB)

- 10 Notwithstanding the details submitted with the application and prior to the commencement of the approved development on site the thatched roof cover proposed to be installed as part of the development hereby approved shall be constructed using long straw and shall be given a plain flush ridge and hips in accordance with conservation good practice and as set out in the specifications of The East Anglian Master Thatchers Association, June 2009, and the roof cover so formed shall be maintained as such thereafter in perpetuity.

Reason: To control the appearance of the development in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area.
(Policies BE8, S.B.L.P.R and 43 & 45 DSCB)

- 11 Notwithstanding the details submitted with the application and prior to the commencement of the approved development on site the windows proposed to be installed in the development hereby approved shall be of painted timber and expressly exclude trickle venting, unless otherwise agreed in writing by the Local Planning Authority and shall incorporate structural glazing bar elements and not applied or planted 'decorative' glazing bar elements, and shall be maintained as such thereafter in perpetuity.

Reason: To control the appearance of the development in the interests of preserving and enhancing the character and appearance of the

**Listed Buildings and Conservation Area.
(Policies BE8, S.B.L.P.R and 43 & 45 DSCB)**

- 12 **Notwithstanding the details submitted with the application and prior to the commencement of the approved development on site details in elevation and section of the external doors and windows proposed to be installed in the development hereby approved, drawn at an appropriate scale between 1:10 and 1:20, as appropriate and including glazing bar profiles at a scale of 1:1, shall be submitted to and approved in writing by the Local Planning Authority and the approved development shall thereafter be undertaken strictly in accordance with the approved details.**

**Reason: To control the appearance of the development in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area.
(Policies BE8, S.B.L.P.R and 43 & 45 DSCB)**

- 13 **Notwithstanding the details submitted with the application and prior to the commencement of the approved development on site rainwater goods (including gutter sections, downpipes and hopperheads) to be installed as part of the development hereby approved shall be of black-painted cast aluminium 'heritage range' type, samples and details of which shall be submitted to and approved in writing by the Local Planning Authority, and shall be maintained on the property as such thereafter in perpetuity.**

**Reason: To control the appearance of the development in the interests of preserving and enhancing the character and appearance of the Listed Buildings and Conservation Area.
(Policies BE8, S.B.L.P.R and 43 & 45 DSCB)**

- 14 **Notwithstanding the details submitted with the application following the dismantling of the remains of the former Public House, no part of the extant structural timber framing shall be removed from site or destroyed until inspected by an appropriate Officer of the Local Planning Authority, and appropriate disposal of the framing sections confirmed by the Local Planning Authority thereafter in writing. Full provision for the appropriate and safe storage of such structural items, and notification arrangements inviting Local Planning Authority inspection shall be confirmed in writing to, and approved by, the Local Planning Authority prior to the commencement of works of demolition on site, and the approved works of demolition shall thereafter be implemented strictly in accordance with the approved details.
Reason: To ensure the adequate recording and appropriate disposal of particular architectural details surviving in the extant building in accordance with paragraph 141 of the NPPF.**

- 15 **Notwithstanding the details submitted with the application, no works of demolition shall take place until a written method statement has been submitted to and approved in writing by the Local Planning Authority confirming arrangements for the complete protection, during and after the works of demolition hereby approved, of the extant stone frontage walling to be retained and incorporated in situ within any new building**

on the site. The approved works of demolition shall thereafter be implemented strictly in accordance with the approved details.

Reason: To control the appearance of the development in the interests of preserving and enhancing the character and appearance of the Conservation Area.

(Policies BE8, S.B.L.P.R and 43 & 45 DSCB)

- 16 **No demolition or development shall take place until a method statement for a laser buildings survey has been submitted to and approved in writing by the Local Planning Authority. The results of the laser building survey shall also be submitted to and approved in writing by the Local Planning Authority before any demolition or development takes place.**

Reason: To record and advance the understanding of the significance of the former designated heritage asset before it is lost in accordance paragraph 141 of the NPPF;

(Policies 43 & 45 DSCB)

- 17 **No demolition or development shall take place until a written scheme of archaeological investigation, which reflects the final foundation design, has been submitted to and approved in writing by the Local Planning Authority.**

The written scheme shall include details of the following components:

- **A method statement for the investigation of any archaeological remains present at the site;**
- **A method statement for the preservation in situ of any significant archaeological remains present at the site;**
- **An outline strategy for post-excavation assessment, analysis and publication;**
- **A programme of community engagement**

The said development shall only be implemented in full accordance with the approved archaeological scheme and this condition shall only be fully discharged when the following components have been completed to the satisfaction of the Local Planning Authority:

- **The completion of the archaeological investigation, which shall be monitored by the Local Planning Authority;**
- **The implementation of a programme of preservation in situ of any significant archaeological remains present at the site.**
- **The submission within six months of the completion of the archaeological investigation (unless otherwise agreed in advance in writing by the Local Planning Authority) of a Post Excavation Assessment and an Updated Project Design, which shall be approved in writing by the Local Planning Authority.**
- **The completion within two years of the conclusion of the archaeological investigation (unless otherwise agreed in advance in writing by the Planning Authority) of the post-excavation analysis as specified in the approved Updated Project Design; preparation of site archive ready for deposition at a store approved by the Local Planning Authority, completion**

- of an archive report, and submission of a publication report;
- The implementation within one year of the approval of the publication report (unless otherwise agreed in writing by the Local Planning Authority) of the programme of community engagement.

Reason: To record and advance the understanding of the significance of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to make the record of this work publicly available in accordance with paragraph 141 of the National Planning Policy Framework and to give due consideration to the significance of the heritage assets with archaeological interest and ensure that any impact on the archaeological resource which takes place as a result of the development is appropriately mitigated.
(Policies 43 & 45 DSCB)

- 18 **Development shall not begin until details of the junction of the proposed vehicular access with Kingsway have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.**

Reason

In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.
(Policy 43 DSCB).

- 19 **Development shall not begin until the improvements to the junction of the vehicular access with Church Street have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.**

Reason

In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.
(Policy 43 DSCB).

- 20 **Visibility splays shall be provided from both accesses to the site. This vision splay shall be provided on each side of the access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the footway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.**

Reason

To provide adequate visibility and make the accesses safe and convenient for the traffic which is likely to use them.
(Policy 43 DSCB).

- 21 Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

Reason

To provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.

(Policy 43 DSCB).

- 22 The maximum gradient of the vehicular access shall be 10% (1 in 10).

Reason

In the interests of the safety of persons using the access and users of the highway.

(Policy 43 DSCB).

- 23 Any gates provided shall open away from the highway and be set back a distance of at least 5.0m from the nearside edge of the carriageway of the adjoining highway.

Reason

To enable vehicles to draw off the highway before the gates are opened.

(Policy 43 DSCB).

- 24 Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason

In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

(Policy 43 DSCB).

- 25 **Development shall not begin until details of a refuse storage area and collection point have been approved by the Local Planning Authority and the apartotel rooms shall not be occupied until the said storage and collection points have been constructed in accordance with the approved details.**

Reason

To ensure the refuse collection bins do not cause a hazard or obstruction to the highway or parking area.

(Policy 43 DSCB).

- 26 **Development shall not begin until details of secure cycle storage for residents and cycle parking for visitors have been approved by the Local Planning Authority and the apartotel rooms shall not be**

occupied until the said storage and parking have been constructed in accordance with the approved details.

Reason

In order to promote sustainable modes of transport.
(Policies 24 and 43 DSCB).

- 27 No development shall commence until details of the method statement of preventing site debris from being deposited on the public highway have been submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be implemented throughout the construction period and until the completion of the development.

Reason

In the interests of highway safety and to prevent the deposit of mud or other extraneous material on the highway during the construction period.
(Policies BE8 S.B.L.P.R and 43 DSCB).

- 28 Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason

To ensure adequate off street parking during construction in the interests of road safety.
(Policy 43 DSCB).

- 29 No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
- A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.
 - Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.

- 30 No occupation of the permitted aparthotel rooms shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
- Where shown to be necessary by any Phase 2 Desk Study found to be necessary, a Phase 3 detailed remediation scheme and measures to be taken to mitigate any risks to human health, groundwater and the wider environment. Any works which form part of the Phase 3 scheme approved by the Local Planning

Authority shall be completed in full before any permitted building is occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

- 31 **Prior to the commencement of the development and thereafter, all tree protection measures for all trees marked for retention shall be implemented in strict accordance with the Arboricultural Method Statement, produced by RGS Arboricultural Consultants (Ref CB/14/01924/FULL) dated July 2014 and any subsequent amendments.**

REASON

To ensure satisfactory tree protection measures so as to secure the health and anchorage of all retained trees in order to maintain the visual amenity of the area.

(Policies BE8, S.B.L.P.R and 43 DSCB)

- 32 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers DRW SK10, DRW REF SK11, DRW REF SK12 Rev. B, DRW REF SK14, DRW REF SK15, DRW REF SK16, DRW REF SK20, DRW REF WD1, DRW REF WD2, DRW REF WD3, DRW REF WD4, DRW REF WD5, DRW REF WD6, DRW REF WD7, DRW REF WD8, DRW REF WD10 & DRW REF WD11 Rev A.

Reason: To identify the approved plans and to avoid doubt.

Notes to Applicant

1. 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 South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. 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.
3. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved

plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Bedfordshire Highways, Streetworks Co-ordination Unit, County Hall, Cauldwell Street, Bedford MK42 9AP.
5. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
6. **The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.**
7. **There is a duty to assess for Asbestos Containing Materials (ACM) during development and measures undertaken during removal and disposal should protect site workers and future users, while meeting the requirements of the HSE.**
8. **Applicants are reminded that, should groundwater or surface water courses be at risk of contamination before, during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission in order to protect human health and the environment.**
9. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial

- disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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